

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

DATE: September 2, 2021

SUBJECT: **Project Name: SGI Oxnard, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP);** Planning and Zoning Permit No. 21-516-01 (Retail); Located at 2343 North Oxnard Boulevard (APN: 139-0-270-045).

1) Recommendation: That the Planning Commission (“**Commission**”)

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-516-01 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

2) Project Description and Applicant: A request to permit the operation of a commercial cannabis retail facility within an existing 2,925 square-foot commercial suite of a 60,798 square-foot multi-tenant commercial building on a 5.47-acre site located at 2343 North Oxnard Boulevard (APN: 139-0-270-045) within the General Commercial Planned Development (C-2PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, and relocation of a loading service door (Attachments A and B). Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. For the purposes of this Staff Report, the foregoing project description shall be referred to as the “**Project**”. Filed by Eric Lightman (“**Applicant**”), 728 East Commercial Street, Los Angeles, CA 90012, on behalf of SGI Oxnard, LLC.

3) Existing & Surrounding Land Uses: The 5.47-acre property is developed with a 60,798 square-foot commercial building (Building 1), a 7,299 square-foot commercial building (Building 2) and 283 associated parking spaces. The project will be located within the 60,798 multi tenant commercial building located at 2343 North Oxnard Boulevard. The nearest established sensitive use is Orchard Public Park, located approximately 603 feet southeast 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	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Commercial shopping center
North	Residential Medium High (RMH)	High Rise Residential Planned Development (R-4-PD)	Apartment Complex
South	CG	C-2-PD	Two restaurants and a gasoline service station
East	CG	C-2-PD	A commercial building
West	RMH	R-4-PD	Apartment Complex

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, the City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis. On October 1, 2019, the City Council 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, the City Council adopted Ord. 2972 establishing regulations for retail cannabis (dispensary) uses. On September 15, 2020, the City Council adopted Ord. No. 2985 to permit cannabis retail dispensaries in the downtown zones ("Downtown-Core" and "Downtown-General"), and updated the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the OCC). On October 20, 2020, the City Council adopted a cannabis local equity program.

On December 1, 2020, the 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 made a number of other nonsubstantive updates to the existing cannabis regulations. The 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 7, 1987, the Planning Commission approved Planned Development Permit No. 443 for the construction of two commercial buildings with a combined gross floor area of 68,097 square feet (Building 1: 60,798 Building 2: 7,299).

On November 9, 1993, the Planning Commission approved Major Modification to Planned Development Permit No. 443 to allow a sign program which included the installation of two freestanding signs.

On November 19, 1999, the Planning and Environmental Services Manager approved minor modification PD No. 443 to allow the commercial buildings to be repainted and to reface the existing building awnings.

On June 2, 2004, the Planning and Environmental Services Managers approved Minor Modification No. 04-140-25 to allow changes to the commercial facade which included 1. Stone veneer, 2. Parapet height changes 3. New paint colors and awning materials.

Commercial Cannabis Retail License Selection

On January 5, 2021, SGI Oxnard, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a 2,720 square-foot cannabis retail facility.

On March 1, 2021, SGI Oxnard, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail (Attachment D). In order to successfully commence and inaugurate the Commercial Cannabis Business Permit SGI Oxnard, LLC. is required to receive approval of a SUP 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 for retailing of cannabis products within an existing commercial building, 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 recommends that the Planning Commission find the Project is Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) (Attachment E).

6) Analysis:

a) General Discussion:

As discussed below, the Project has been found to be consistent with the General Plan, General Commercial zone, and the OCC.

In accordance with OCC Section 11-473(A) and 11-473(B), permitted uses within the General Commercial zone, includes a commercial cannabis business retail of cannabis, provided that the owner has first obtained a commercial cannabis business permit per discretionary cannabis use pursuant to Article XVI, Chapter 11 of the OCC (SUP for retail). The site will be secure at all times by the use of proper security measures as reviewed by the Police Department.

In addition, the Applicant is requesting a 7.5% increase in the gross floor area of the cannabis retail facility. The result of the increase allows the retailer to increase the size of the facility from 2,720 square feet to 2,925 square feet. In accordance with the City of Oxnard's Planning Divisions established Policies & Procedures Item 2.7 - Minor Modifications (Attachment F) the Community Development Director may approve increases or decreases of no more than 10% for use of an area for projects approved by the Planning Commission. The Applicant's request to increase gross floor area of the cannabis retail use can be approved by the Planning Commission as part of this action as it falls below the 10% established maximum deviation as measured from the conditional Commercial Cannabis Business Permit for cannabis retail awarded to SGI Oxnard, LLC on March 1, 2021.

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

General Plan:

The City's 2030 General Plan land use designation for the subject site is Commercial General (CG), which allows for retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/live and mixed uses. The proposed Project is consistent with the 2030 General Plan and the property's land use designation (Attachment G).

Zoning Consistency:

The Project is within the General Commercial Planned Development (C-2-PD) zone. The C-2-PD is intended to provide a wide range of commercial uses including retail. As demonstrated within the table of Attachment H, the Project is in compliance with the General Commercial Planned Development zone.

Location and Design of Cannabis Business Requirements:

In accordance with OCC Section 11-473 (Location and Design of Cannabis Business), the retail sale of cannabis products is a conceptually permitted use on the property subject to relevant requirements. As demonstrated in the table of Attachment I, the Project has been found to be in compliance with Section 11-473.

As demonstrated within the referenced table attachments, this Project is consistent with the City's General Plan, General Commercial Planned Development zone, 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.

c) Circulation and Parking:

Vehicular access to the site will occur via two existing drive aprons off North Oxnard Boulevard (approximately 35 and 30 feet wide) and two drive aisles off West Vineyard Avenue (approximately 30 feet wide). The project will utilize an existing loading zone along the west side of the buildings accessed by a service door to the tenant space. Required parking is provided as follows:

USE TYPE & SQUARE FOOTAGE	PARKING STANDARD	PARKING REQUIRED	PROPOSED	COMPLIES?
Shopping Center - Community	Vehicles: 1 per 250 square feet of area Bicycles: 1 space per 33 automobile parking spaces	Vehicles: 272 Bicycles: 9	- 208 Standard spaces - 70 compact spaces - 5 ADA - 14 motorcycle - 10 Bicycle spaces	Yes
		272 Parking Spaces	297 Parking Spaces	
		Total: 9 Bicycle Spaces	10 Bicycle Spaces	

d) Police Department Review:

With implementation of the recommended operating conditions, the Police Department anticipates the retail 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 resolutions of approval (Attachments J) 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) Cannabis Review Committee:

The Project was reviewed by the Cannabis Review Committee (CRC) on May 4, 2021. Conditions of approval from CRC are included in the attached Resolution.

8) Community Workshop and Public Input:

The project site is located within the Southbank Neighborhood. On July 9, 2021, the site was posted with Project details and Community Workshop information, and the Developer mailed out 2,700 meeting agenda notices to the residents of the Orchard Park, Rio Lindo, and Southbank Neighborhoods. On July 19, 2021, the project was presented to the public during a Community Workshop meeting. The meeting was attended by approximately 52 members of the public and persons had an opportunity to ask questions. Staff did not receive any public comments during the meeting. To date, staff has not received any public comments regarding this Project.

9) Appeal Procedure:

In accordance with OCC Section 16-545, the Planning Commission's action on Planning and Zoning Permit No. 21-516-01 (Commercial Cannabis Retail- Special Use permit) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be deemed final.

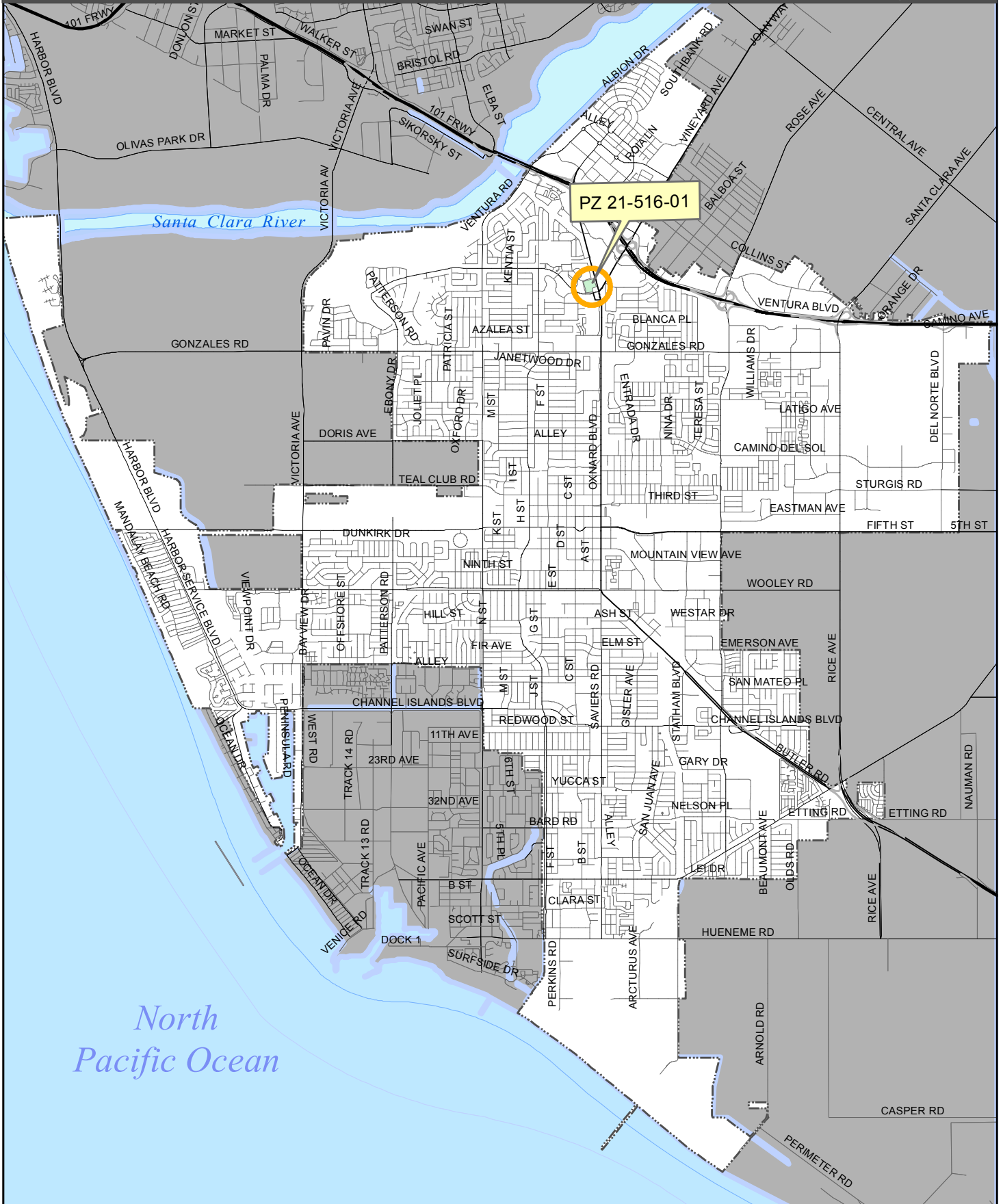
Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Cannabis Ordinance No. 2994
- D. SGI Oxnard, LLC. Conditional Commercial Cannabis Business Permit
- E. Notice of Exemption
- F. Planning Division Policies & Procedures Item 2.7 - Minor Modifications
- G. 2030 General Plan Consistency Chart
- H. Zoning Consistency Chart
- I. Location and Design of Cannabis Business Consistency Chart
- J. Draft Resolution of Approval for Commercial Cannabis Retail
- K. Staff Presentation

A.

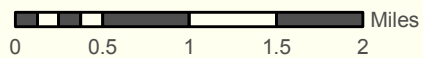
Maps (Vicinity, General Plan, Zoning, Aerial)

Vicinity Map



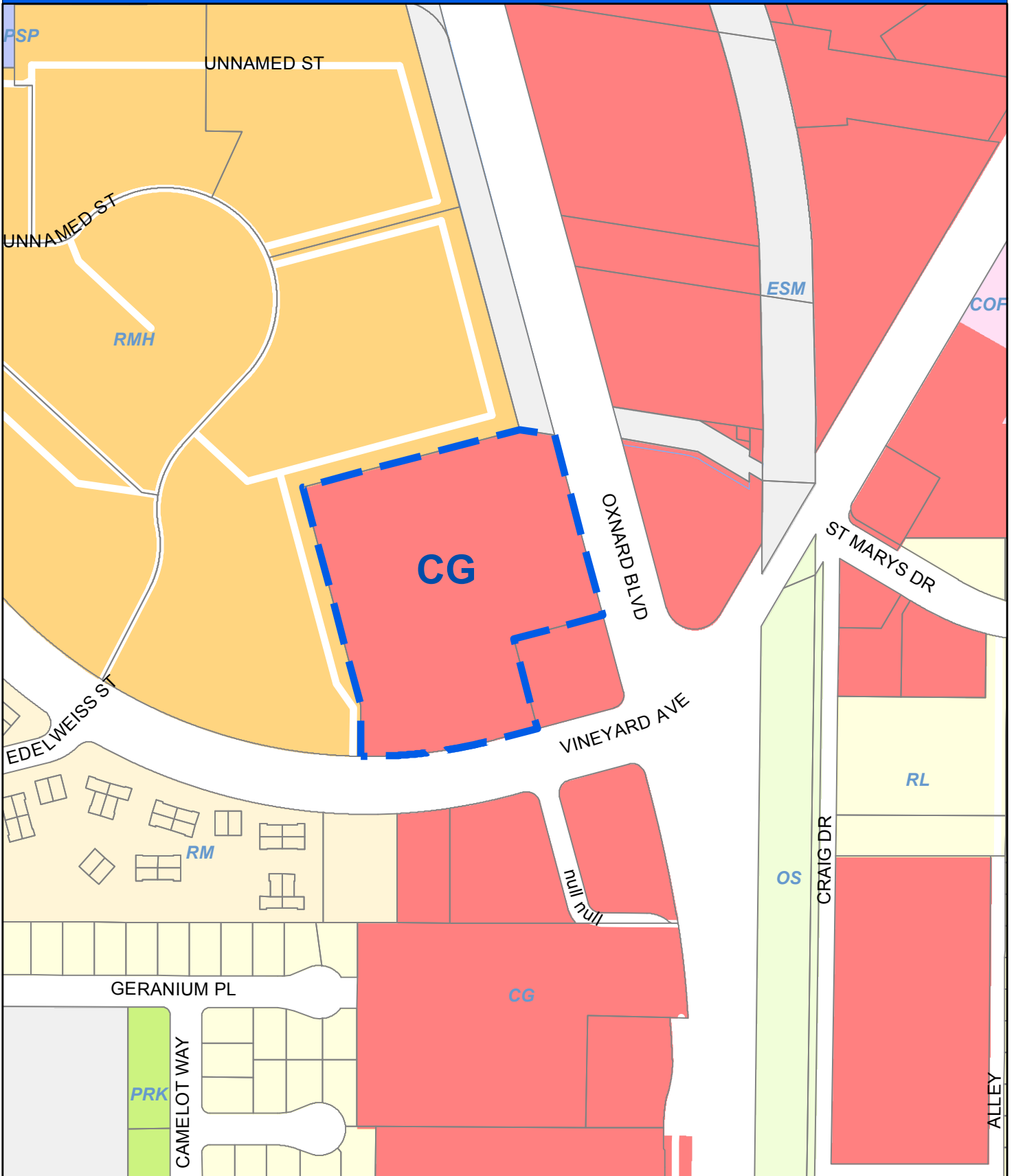
PZ 21-516-01
Location: 2343 N Oxnard Bl
APN: 1390270045
SGI Oxnard LLC

Vicinity Map



1:70,000

2030 General Plan Land Use Map



Oxnard Planning
August 13, 2021

PZ 21-516-01
Location: 2343 N Oxnard Bl
APN: 1390270045
SGI Oxnard LLC

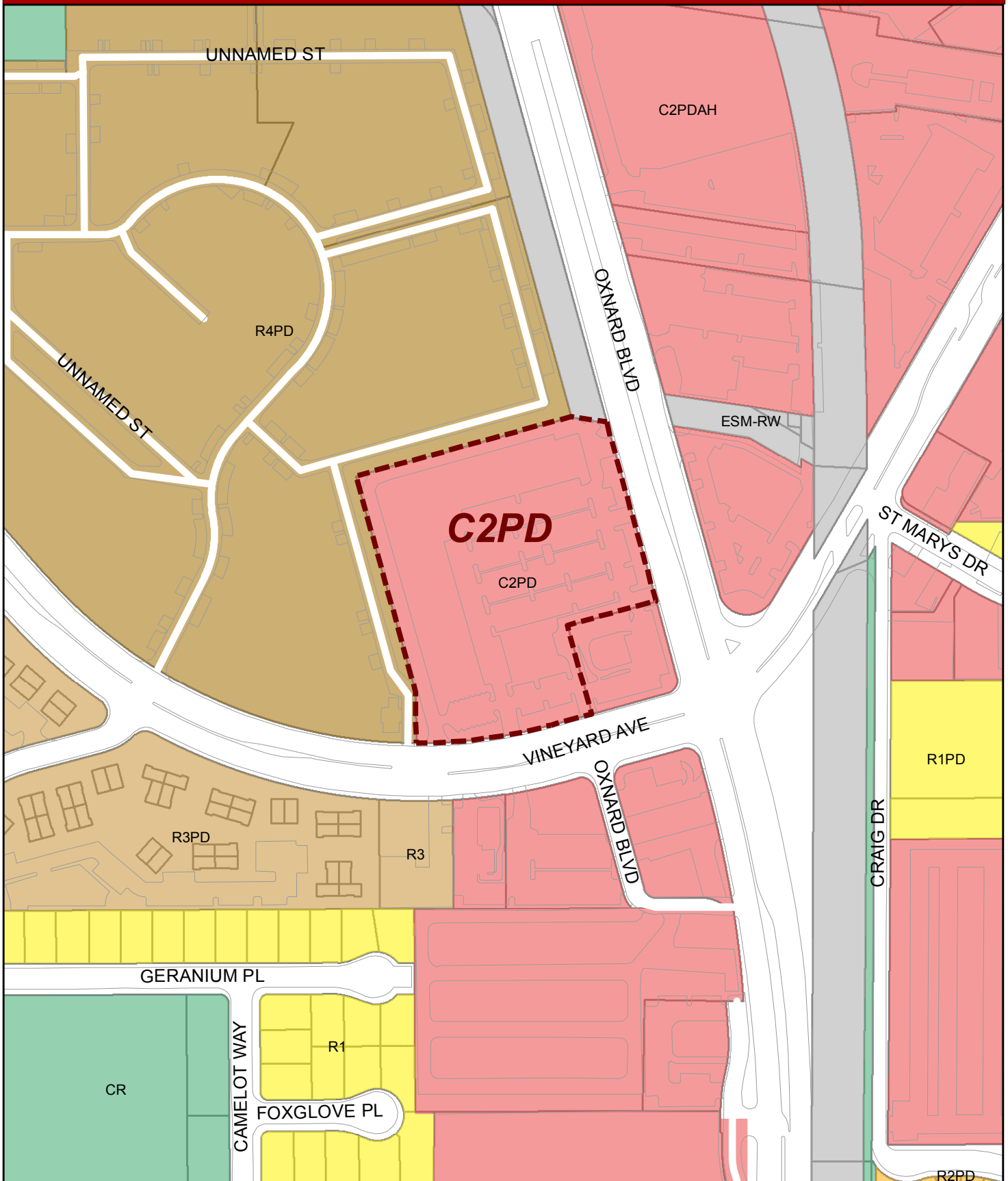
0 75 150 300 Feet

2030 General Plan Land Use Map



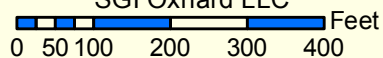
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Zoning/Specific Plan Map



Oxnard Planning
August 13, 2021

PZ 21-516-01
Location: 2343 N Oxnard Bl
APN: 1390270045
SGI Oxnard LLC



Zoning/Specific Plan Map

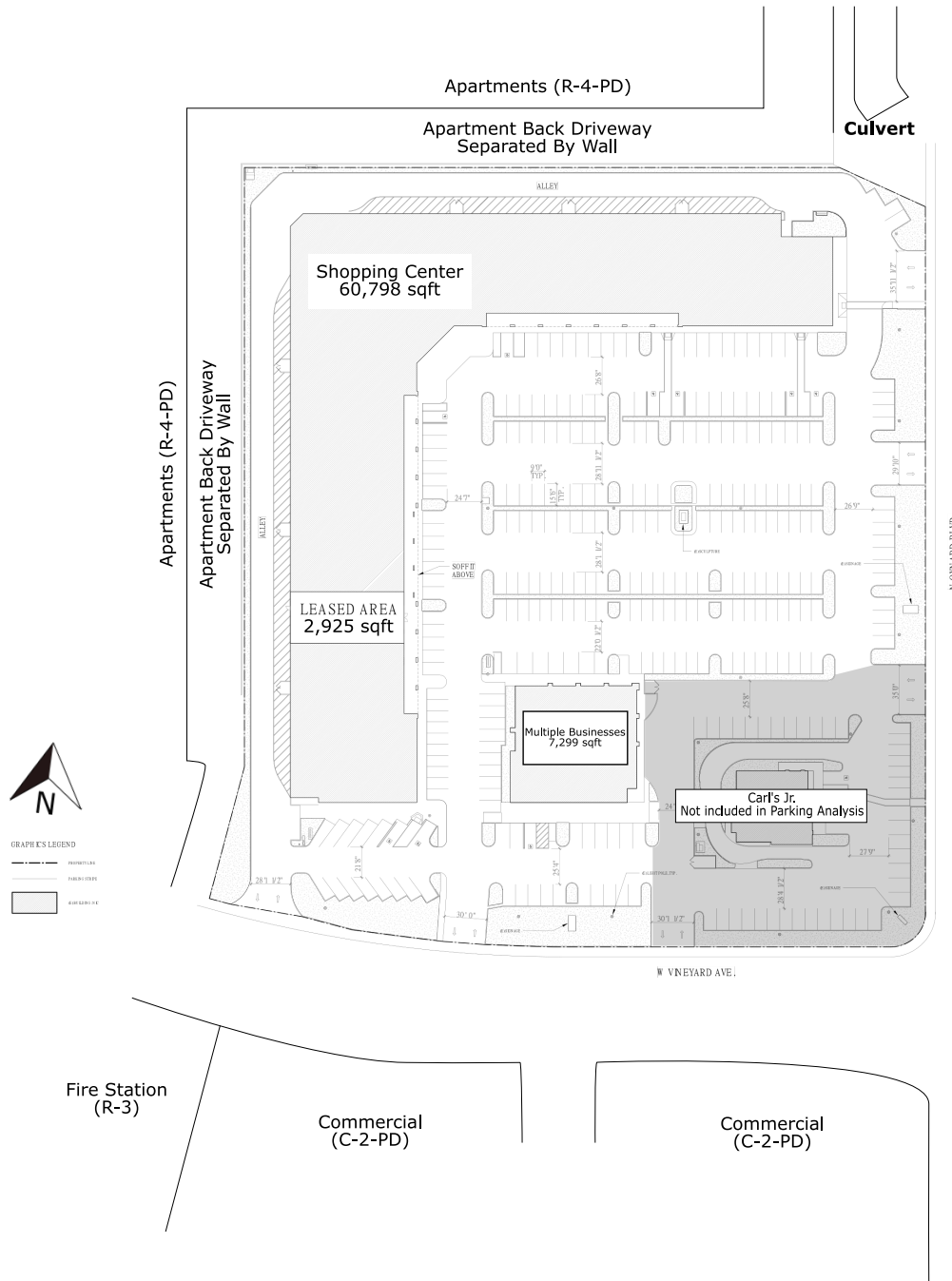


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B.

Reduced Project Plans



SGI Oxnard LLC PZ 21-516-01 Site Plan

Occupancy Code	M
Zoning Designation	C-2-PD
APN	139-0-270-045

Total Parking Spots in Center			283
Business	Square Footage	Parking Multiplier	Required Parking
SGI Oxnard LLC	2,925	1/250	12
Shopping Center	57,873	1/250	231
Multiple Businesses	7,299	1/250	29
Total Parking Spots Required			272
Parking Type			
Regular		208	283
Compact		70	
ADA		5	
Bicycle		10	24*
Motorcycle		14	

* Not Included in Total
Parking Center Parking Count

Project Description:

The proposed project is a cannabis retail location situated within an existing shopping center. The scope of work is comprised of tenant improvements to the unit. Improvements include: security upgrades required by the Oxnard Police Department, new signage over the front entrance, coverings to the existing trash enclosures to the right and left of building back entrance, and the sealing of an existing back of house entrance to be replaced by an upgraded security door. There will be no expansion of the existing building's footprint.

Note 1: For required parking calculations, square footage total of the Shopping Center is less the square footage total of SGI Oxnard LLC.

Note 2: Updates to trash enclosures (roof covers) located to the North and South of back entrance will be implemented during the building permit process.

PZ 21-516-01

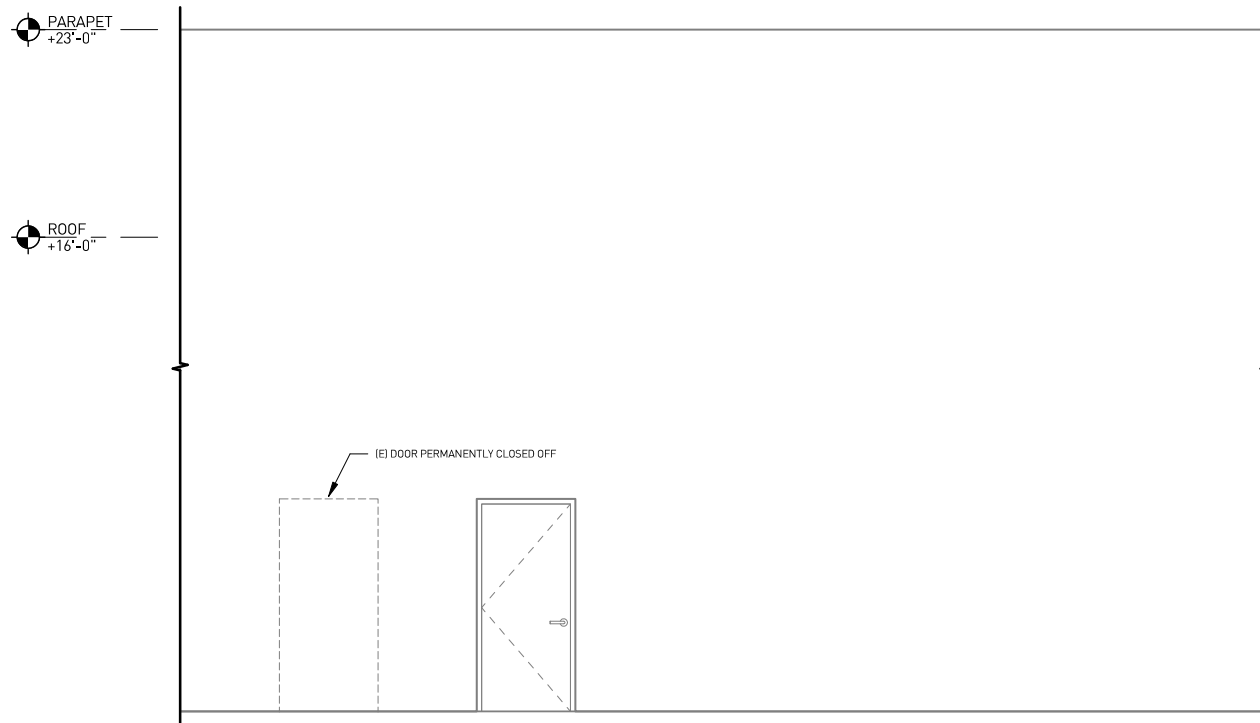
Elevation Plan (Front)



EXTERIOR ELEVATION - EAST | 1

1/4" = 1'-0"

PZ 21-516-01 Elevation Plan (Back)



Note: Exterior patching will match the existing commercial building in color, style, and texture

EXTERIOR ELEVATION - WEST | 1

1/4" = 1'-0"

C.

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.

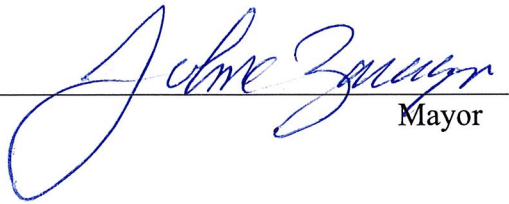
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

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.

S&I Oxnard, LLC. Conditional Commercial Cannabis Business Permit

Kathleen Mallory
Planning and Sustainability Manager
Community Development Department
214 South C Street
Oxnard, CA 93030
(805) 385-8370
kathleen.mallory@oxnard.org



SGI Oxnard LLC dba Authentic Oxnard
Brian Mitchell
728 E. Commercial Street
Los Angeles, CA 90012
(Via Email and First Class Mail)

March 1, 2021

Subject: City of Oxnard - Selection of Top Thirteen (13) Retail Cannabis Applicants

Dear Selected Retail Cannabis Applicant:

Congratulations! The City has concluded Phases 2 and 3 of the retail cannabis application review process and you have been selected as one of the thirteen (13) retail applicants to apply for a Special Use Permit. The final rankings are attached.

In accordance with the Retail Cannabis Application Procedures Guideline and Oxnard City Code Section 11-457, the City Manager has reviewed the City Selection Committee's evaluation and accepted the final determination.

The City will be issuing thirteen (13) retail cannabis permits once the process outlined below is completed. Based upon the approved rankings, the top retail applicants are:

1. SGI Oxnard, LLC - 2343 North Oxnard Boulevard
2. TAT OXN LLC dba The Artist Tree - 600 North A Street
3. Haven #8, LLC dba Haven - 220 South A Street
4. TD Enterprises LLC dba Oxnard Holistics - 1013-1015 Harbor Boulevard
5. Blue Enterprises Oxnard LLC dba Cookies Oxnard - 2655 North Vineyard Avenue
6. EEL Oxnard LLC dba Catalyst-Oxnard - 4749 South Rose Avenue
7. Harbor Management Group LLC dba Safeport - 2150 Trabajo Drive
8. Blooming Organics LLC dba Elevate Oxnard - 2731 East Vineyard Avenue
9. Boxnard, LLC - 1970 North Ventura Road
10. Blooming Organics dba Elevate Downtown Oxnard - 156 South A Street
11. Kind Lifestyle Market LLC - dba Kind Lifestyle Market - 911 South Oxnard Boulevard
12. Yuma Way CA, LLC dba Releaf On Vine - 2544 East Vineyard Avenue
13. HPC of Oxnard LLC - 360 West Esplanade Drive

The next step in the retail cannabis application process is for the selected applicants to submit an application for a Special Use Permit (SUP). Retail cannabis applicants will be required to secure approval of an SUP within 12 months of receiving notification that they have been selected to apply for an SUP. Please note that the Commercial Cannabis Business Permit (retail) will not be issued until you obtain an SUP.

To obtain information on how to apply for the SUP and the process to advance your retail permit, please contact Jose Coyotl (805) 385-7863 or Jose.Coyotl@oxnard.org who will instruct you through the next steps in the permitting process.

Congratulations on your successful advancement.

A handwritten signature in cursive script that reads "Kathleen Mallory".

Kathleen M. Mallory
Planning & Sustainability Manager

c: Alexander Nguyen, City Manager
Ashley Golden, Assistant City Manager
Kenneth Rozell, Chief Assistant City Attorney
Matt Eaton, HdL
Vyto Adomaitis, Director, Community Development
Jose Coyotl, Associate Planner
Project file

Attachment: Final Retail Cannabis Ranking - February 26, 2021

Final Retail Cannabis Applicants - February 26, 2021									
13 Selected Retail Cannabis Applicants									
3 Selected Local Equity Applicants									
Tracking #	Applicant Name	Address	Local Equity	Phase 2 Score (out of 1,200)	Phase 2 Percentage	Phase 3 Score (out of 1,800)	Phase 3 percentage	Total Ranking Based upon Phase 2 and 3	
1	CCB 2021-03	SGI Oxnard LLC	No	1,196	99.67%	1,800	100.00%	2,996	
2	CCB 2021-28	TAT OXN LLC dba The Artist Tree	No	1,195	99.58%	1,798	99.89%	2,993	
3	CCB 2021-23	Haven #8 LLC dba Haven	No	1,196	99.67%	1,792	99.56%	2,988	
4	CCB 2021-26	TD Enterprises LLC dba Oxnard Holistics	No	1,179	98.25%	1,792	99.56%	2,971	
5	CCB 2021-27	Blue Enterprises Oxnard LLC dba Cookies Oxnard	No	1,187	98.92%	1,783	99.06%	2,970	
6	CCB 2021-32	EEL Oxnard LLC dba Catalyst-Oxnard	No	1,173	97.75%	1,792	99.56%	2,965	
7	CCB 2021-24	Harbor Management Group LLC dba Safeport	No	1,187	98.92%	1,775	98.61%	2,962	
8	CCB 2021-15	Blooming Organics LLC dba Elevate Oxnard	No	1,151	95.92%	1,763	97.94%	2,914	
9	CCB 2021-31	Boxnard LLC	No	1,191	99.25%	1,722	95.67%	2,913	
10	CCB 2021-14	Blooming Organics LLC dba Elevate Downtown Oxnard	No	1,148	95.67%	1,763	97.94%	2,911	
11	CCB 2021-13	Kind Lifestyle Market LLC dba Kind Lifestyle Market	No	1,187	98.92%	1,705	94.72%	2,892	
12	CCB 2021-10	Yuma Way CA LLC dba Releaf on Vine	No	1,191	99.25%	1,678	93.22%	2,869	
13	CCB 2021-43	HPC of Oxnard LLC	No	1,136	96.33%	1,883	93.50%	2,839	
14	CCB 2021-19	Advocate Society LLC dba Advocate Society	YES	1,196	99.67%	1,642	91.22%	2,838	
15	CCB 2021-07	Vineyard Retail LLC dba Legendary Organics Oxnard	YES	1,160	96.67%	1,668	92.67%	2,828	
16	CCB 2021-34	Canna Connect Corp dba Culture Cannabis Club	No	1,175	97.92%	1,633	90.72%	2,808	
17	CCB 2021-44	South Oxnard Investment dba Traditional Oxnard	No	1,178	98.17%	1,617	89.83%	2,795	
18	CCB 2021-38	FGH Retail Services LLC	YES	1,187	98.92%	1,567	87.06%	2,754	
19	CCB 2021-45	99 High Tide - La Sirena	YES	1,176	98.00%	1,567	87.06%	2,743	
20	CCB 2021-37	The Set Oxnard LLC dba The Set	No	1,177	98.08%	1,555	86.39%	2,732	
21	CCB 2021-36	Hempathy LLC dba Oxnard Healing Center	Yes	1,157	96.42%	1,567	87.06%	2,724	
22	CCB 2021-02	Pure CA LLC	No	1,187	98.92%	1,533	85.17%	2,720	
23	CCB 2021-16	California Endurite Ventures dba HerbNJoy	No	1,185	98.75%	1,533	85.17%	2,718	
24	CCB 2021-25	JC Oxnard Ventures LLC dba Beyond Hello	No	1,143	95.25%	1,533	85.17%	2,676	
25	CCB 2021-47	Hijole Friole dba Wheelhouse/Station 320	Yes	1,120	93.33%	1,542	85.67%	2,662	
26	CCB 2021-20	Sweet Flower Oxnard LLC	No	1,192	99.33%	1,458	81.00%	2,650	
27	CCB 2021-04	Authentic Oxnard LLC	No	1,196	99.67%	1,450	80.56%	2,646	
28	CCB 2021-48	E7 Oxnard LLC	No	1,187	98.92%	1,442	80.11%	2,629	
29	CCB 2021-12	High Farma Inc dba High Farma	Yes	1,159	96.58%	1,450	80.56%	2,609	
30	CCB 2021-49	Sol Natural Inc dba Kindly	Yes	1,170	97.50%	1,433	79.61%	2,603	
31	CCB 2021-50	MED Enterprise Inc	Yes	1,174	97.83%	1,422	79.00%	2,596	
32	CCB 2021-29	JBIA Inc dba The High Class (THC)	Yes	1,143	95.25%	1,433	79.61%	2,576	
33	CCB 2021-51	TeraGreen LLC	Yes	1,187	98.92%	1,388	77.11%	2,575	
34	CCB 2021-33	Coastal Retail Oxnard LLC dba Coastal	No	1,187	98.92%	1,380	76.67%	2,567	
35	CCB 2021-11	Yuma Way CA LLC dba Releaf on Saviers	No	1,186	98.83%	1,367	75.94%	2,553	
36	CCB 2021-01	Urban Leaf LLC	No	1,137	94.75%	1,400	77.78%	2,537	
37	CCB 2021-17	Adam Knopf dba Golden State Greens	Yes	1,091	90.92%	1,425	79.17%	2,516	
38	CCB 2021-40	Blazzin Hydroponics Inc dba Oxnard Greens (156 S. A St)	Yes	1,175	97.92%	1,317	73.17%	2,492	
39	CCB 2021-18	Ash's Third LLC dba UpNorth	No	1,187	98.92%	1,288	71.56%	2,475	
40	CCB 2021-46	99 HT/GSG LLC dba 99 High Tide	Yes	1,092	91.00%	1,375	76.39%	2,467	
41	CCB 2021-35	DBO Investments OX LLC dba From the Earth	No	1,159	96.58%	1,292	71.78%	2,451	
42	CCB 2021-30	Armory Oxnard LLC dba Armory Oxnard	No	1,191	99.25%	1,202	66.78%	2,393	
43	CCB 2021-39	PCH Retail Partners VII LLC dba Emjay	No	1,078	89.83%	1,292	71.78%	2,370	
44	CCB 2021-41	Blazzin Hydroponics Inc dba Oxnard Greens (3700 W. Fifth)	Yes	1,175	97.92%	1,167	64.83%	2,342	
45	CCB 2021-05	323 Cooper Road LLC dba Neighborhood	Yes	1,102	91.83%	1,192	66.22%	2,294	
46	CCB 2021-08	Inland Empire Consulting LLC dba Vibe By California - Oxnard	No	1,166	97.17%	1,075	59.72%	2,241	
47	CCB 2021-09	S&S Financial Group Inc	No	1,018	84.83%	1,105	61.39%	2,123	
48	CCB 2021-21	C.I.D. Pacific LLC dba Channel Islands Dispensary	Yes	1,061	88.42%	1,025	56.94%	2,086	
49	CCB 2021-08	Green Dragon Collective	No	1,018	84.83%	917	50.94%	1,935	
50	CCB 2021-22	Progrow Group Inc dba Red-Heye	No	1,187	98.92%	683	37.94%	1,870	
51	CCB 2021-42	J&J Holdings Investments LLC dba First on A	Yes	978	81.50%	600	33.33%	1,578	

E.

Notice of Exemption

NOTICE OF EXEMPTION

SGI Oxnard, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP); PLANNING AND ZONING PERMIT NO. 21-516-01 (Retail): A request to permit the operation of a commercial cannabis retail facility within an existing 2,925 square-foot commercial suite of a 60,798 square-foot multi-tenant commercial building on a 5.47-acre site within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, and relocation of a loading service door. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Eric Lightman on behalf of SGI Oxnard, LLC.

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 retail cannabis products within an existing industrial building, 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 Planning Commission 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 Planning Commission 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.

Planning Division Policies & Procedures Item 2.7 - Minor Modifications



**CITY OF OXNARD
PLANNING DIVISION
POLICIES & PROCEDURES**

SUBJECT: Minor Modifications

EFFECTIVE DATE: September 15, 1988

LAST REVISED: February 8, 2006

APPROVED BY: Susan L. Martin, AICP

The following are the guidelines for minor modification requests to projects approved by the City Council and/or the Planning Commission:

1. The Development Services Director does not have the authority to allow variances or deviations from City Code requirements, except as may be specifically allowed by the Code.
2. The Development Services Director may approve increase or decreases of the following elements on approved plans, by no more than 10 percent:
 - Building height
 - Setback distance
 - Landscape area
 - Building areaIn no case may the increase or decrease be below the minimum or exceed maximum standards established by the City Code.
3. Increases and decreases in building size may be permitted, provided that all Code requirements are met for parking, landscaping, and other development standards.
4. Modifications to building elevations may be considered, subject to the review and recommendation by the City's Development Advisory Committee. Changes to elevations must be in substantial compliance with the originally approved project.
5. The Development Services Director reserves the right to deny applications for minor modifications. Appeals of a denial by the Development Services Director may be made by filing a major modification application for consideration by the Planning Commission.
6. The Development Services Director may delegate the authority to approve or disapprove minor modifications to the Planning Manager, subject to the Planning Manager advising the Development Services Director of his/her actions.

Attachment G

General Plan Consistency Chart

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-4.1	<i>Mitigate Land Use Conflicts</i> Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	X		The Project proposes to locate within an established commercial shopping center which allows for retailing of cannabis products. The proposed site would operate with other businesses that engage in similar retail business practices therefore the Project would be compatible. Furthermore, the Project was reviewed for neighborhood compatibility, architectural design compatibility, security, and overall community benefits.
Policy CD-4.2	<i>Commercial Revitalization and Redevelopment</i> Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.	X		
Policy CD-4.4	<i>Commercial Area Aesthetics</i> Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities.	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		X	The Project will provide an opportunity for new careers in cannabis retail.

	who have completed higher education.			
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 requirements of the General Commercial Planned Development zone which includes architectural and landscape standards suitable for 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> Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.	X		
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		The Project has been reviewed and will be conditioned to maintain and store hazardous material in compliance to local, state and federal standards.

H.

Zoning Consistency Chart

ATTACHMENT H

Zoning Consistency with The General Commercial Planned Development

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Maximum Building Height OCC Sec. 16-137	35 feet	23 feet No Change	YES
Front Yard Setback OCC Sec. 16-139	30 feet on Oxnard Boulevard Scenic Corridor	65 feet No Change	YES
Side Yard Setback OCC 16-140	5 feet, 0 feet when a lot is zoned general commercial abuts another lot so zoned, and 30 feet on Vineyard Avenue Scenic Corridor.	30 feet No Change	YES
Rear Yard Setback OCC Sec. 16-141	15 feet for buildings over 16 feet in height.	30 feet No Change	YES
Vehicle Parking Requirements for Limited Industrial Manufacturing OCC Sec. 16-622	<u>Shopping Center - Community</u> One space per 250 square feet of gross floor area. Total Required: 260 Parking Spaces <u>Cannabis Retail</u> One parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study. 2,925 square-foot space Total Required: 12 Parking Space Total required parking for the entire center = 272	283 Parking Spaces	YES
Bicycle Parking Requirements Industrial OCC Sec. 16-623	Bicycles: 1 space per 33 automobile parking spaces 9 bicycle spaces	10 spaces	YES
Motorcycle Parking Requirements Industrial OCC Sec. 16-624	Uses with more than 100 automobile parking spaces shall provide motorcycle parking areas at the rate of three motorcycle parking spaces for	14 spaces	YES

	every 100 automobile parking spaces required. Required Motorcycle Parking: 8		
Outdoor Loading and Storage Areas OCC Sec. 16-644	3 loading space per 40,000-90,000 square feet of commercial 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. Required Loading Spaces: 3	Legal non conforming loading areas will be utilized along the north side of the building. The loading zone is accessible through a service door from the tenant space rear floor area.	YES, AS CONDITIONED

I.

Location and Design of Cannabis Business Consistency Chart

Attachment I

Location and Design of Cannabis Business Requirements Consistency Chart

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 that 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.	N/A	N/A
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 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.	The location is within General Commercial Planned Development (C-2-PD).	YES
Letter of Support from the Specific Plan Management Company or Association	Compliance with any specific plan requirements, including a letter of support from the specific plan management	The project is in compliance with the C-2-PD zone (see Attachment G). The	YES

Sec. 11-473(C)	company or association	property is not located within a specific plan management company or association area.	
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 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.	The nearest youth center is approximately 603 feet away from the project site.	YES
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 C-2-PD zone (see Attachment G and H).	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 C-2-PD zone district and other pertinent sections of the OCC (see Attachment G and H).	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 Attachment H).	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
Cannabis Retail Operating Requirement - Limited Access Areas Sec. 11-485(K)	A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas.	The project is designed with a check in lobby area and a staff click to enter feature to enter the cannabis retail sale floor area. The project has been conditioned to comply with limited access area requirements.	YES, AS CONDITIONED
Cannabis Retail Operating Hour Requirements Sec. 11-485(L)	Operating hours of the storefront retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or reduced as stipulated through the discretionary land use permit.	The project will operate within the hours of 9:00 a.m. and 9:00 p.m. The project has been conditioned to restrict store retail hours based on the operating hour requirements.	YES, AS CONDITIONED
Cannabis Retail Parking Requirements Sec. 11-485(M)	Parking requirements shall be in accordance with chapter 16, article X of the Oxnard City Code - 1 parking space per 250	The project meets the parking requirements.	YES, AS CONDITIONED

	square feet or as stipulated in a city traffic engineer approved sparking study.		
Cannabis Retail Storefront/ Retail Security Requirements Sec. 11-485(N)	All security measures required by section 11-477 (operating standards) are directly applicable to and binding on all commercial cannabis businesses, including all retailers.	The project is conditioned to provide security as specified by the Security Plan approved by the Chief of Police.	YES, AS CONDITIONED

J.

Draft Resolution of Approval for Commercial Cannabis Retail

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-516-01 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A 2,925 SQUARE-FOOT CANNABIS RETAIL FACILITY WITHIN AN EXISTING 68,798 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 5.47-ACRE SITE (APN: 139-0-270-045) LOCATED AT 2343 NORTH OXNARD BOULEVARD, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on September 2, 2021, the Planning Commission of the City of Oxnard (**“Planning Commission”**) has conducted a duly noticed public hearing and considered an application for Planning and Zoning Permit No. 21-516-01 filed by Eric Lightman on behalf of SGI Oxnard, LLC. in accordance with Section 16-530 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 Commercial General and the zoning is General Commercial Planned Development (C-2-PD). The Project is surrounded by commercial buildings and garden multi-family apartments. 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 retail facility is consistent with the 2030 General Plan, and the Oxnard City Code and is compatible with the scale and character of other commercial development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan and the Oxnard City

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 retail 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 commercial and residential uses of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by an established 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 as confirmed by staff on August 18, 2021.

- (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 PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission 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 retail facility is an allowable use within the General Commercial Planned Development (C-2-PD) zone, subject to approval of a Special Use Permit. Therefore, the proposed cannabis retail use is in conformance with the 2030 General Plan, Oxnard City Code, 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 retail within an existing commercial multi-tenant 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 General Commercial Planned Development (C-2-PD) zone 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 5.47 acre lot. Pursuant to the C-2-PD zone, the Project will be located within an existing building designed to be consistent with the development and design standards included within the C-2-PD zone, 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 Oxnard Boulevard and Vineyard Avenue. Proposed interior tenant improvements to the site will be reviewed for compliance with C-2-PD 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 Oxnard Boulevard and Vineyard Avenue, which indirectly connects to Highway 101. The proposed cannabis retailer is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed retail 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 a minimum of 272 vehicles as required by the Oxnard City Code. The project proposes to provide 283 total parking spaces, including 5 accessible parking spaces, 208 standard parking spaces, and 70 compact parking spaces, and 14 motorcycle parking spaces. Based on the configuration of the proposed cannabis retail facility the site requires 1 loading space. Legal non conforming loading areas will be utilized along the north side of the building. The loading zone is accessible through a service door from the tenant space rear floor area. The project is consistent with City parking requirements. The project has been conditioned to install adequate motorcycle and 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 commercial 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 Planning Commission, 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 retail cannabis products within an existing commercial building, 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 Planning Commission 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 Planning Commission hereby approves Planning and Zoning Permit No. 21-516-01 (Commercial Cannabis Business Retail Special Use Permit), subject to the attached conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning and Zoning Permit No. 21-516-01 (Commercial Cannabis Business Retail Special Use Permit), subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of §16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	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 September 2, 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

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. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
30. 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)

31. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
32. Applicant shall restripe 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

33. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.
34. In accordance with Oxnard City Code Section 16-637, parking facilities for 9 bicycles shall be provided, the configuration and location of which shall be as review and approved of the City Planning Division. The project plans shall be revised to identify bicycle racks, with a minimum of 9 bicycle spaces, to be provided on site near the front entrances of the building located at 2327-2391 North Oxnard Boulevard. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the bicycle rack has been provided and is not in conflict with the applicable development standards for building in the General Commercial Planned Development (C-2-PD) zone district.

The applicant shall submit a bicycle parking plan to be reviewed and approved by the Community Development Director or his/her designee(s). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space and shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.

35. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.
36. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

Automatic Expiration

37. The Commercial Cannabis Business Permits 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 Special Use Permit (SUP) pursuant to the Oxnard City Code Section 11-459.

Renewal

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

Appeals

39. 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

40. 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.
41. 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

42. 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.
43. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently \$134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-01. Additional funds will be required as deposits are depleted to less than the equivalent of 10 hours of the Planning Hourly Fee or as additional funds are needed as determined by the Community Development Director.
44. All operators are subject to all penalties as outlined in Oxnard City Code.

Property Owner Authorization

45. 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

46. 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

47. 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
48. 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
49. 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.
50. 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

51. 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.
52. 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

53. Sales of cannabis may only occur between the hours of 9:00 A.M. and 9:00 P.M. daily.
54. 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, or eighteen (18) years with a medical marijuana card, 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 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.
55. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.
56. No outdoor storage of cannabis or cannabis products is permitted at any time.

Operational Requirements for Retailers

57. Sales and service of cannabis or cannabis products is limited to only the customer service area, which consists of approximately 2,925 square feet inside the building as identified on PZ No. 21-516-01 floor plans presented at the Planning Commission public hearing on September 2, 2021 and incorporated herein.
58. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.
59. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

60. 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

61. 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

62. 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:
63. Retail
 - a. One time payment of \$250,000
 - 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

64. 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.
65. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.
66. 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 certificate 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

67. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.
68. 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.
69. 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.
70. 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.
71. 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.
72. 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

73. 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.
74. 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.
75. 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.
76. 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

77. 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

78. 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

79. 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 CONDITIONS

Security Measures

80. 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.
81. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider.
82. 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.
83. 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.
84. 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.

85. 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.
86. 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).
87. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.
88. 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.
89. 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.
90. 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
91. 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.

92. 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.
93. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
94. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
95. 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.
96. 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.
97. 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.

98. 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.
99. 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.
100. 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.
101. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
102. 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.
103. 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.
104. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.
105. 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).

106. Inbound and outbound shipping of product and/or cash shall only occur during daylight hours. Deliveries and departure times of product and/or cash shall be irregular and maintained as a confidential matter known only to those persons who have a need to know.
107. No signage, graphic or symbol displayed visible outside the building shall show that the site is a cannabis business unless the specific sign, graphic or symbol is jointly approved by the Planning Manager and the Chief of Police or their designees.

Exterior Lighting

108. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline 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.
 - a. 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:
 - b. 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.
 - c. 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 to keep light from shining directly up.
 - d. 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.
109. 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.
110. All exterior lighting shall operate from dusk to dawn.
111. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

112. 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.
113. 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.
114. 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 any walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.
115. Safe Room construction shall consist of the below minimum features:
 - a. Concrete or CMU wall or walls and/or
 - b. Wood or steel stud constructed walls and ceiling wrapped with a metal mesh enveloped under drywall surfacing. Metal mesh shall have a minimum weight of .45 lbs. per sq. ft. and be opened spaced no more than 76%.
 - c. Other than doors, openings in the metal mesh walls shall not be larger than 12-inches square to provide HVAC ventilation and similar mechanical access.
 - d. Each door and window shall have callouts on plans identifying their size and design features.
 - e. Any service windows shall be constructed with a securable metal door or plate and have a vertical opening no taller than 12-inches.
116. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

Operations and Inspections

117. The permittee is authorized to operate the commercial cannabis retail business license between the hours of 9:00 a.m. to 9:00 p.m, subject to lighting requirements of Conditions 27-32.
118. Cash handling procedures shall be approved by the police chief or his/her designee.
119. 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.

120. 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.
121. The 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.
122. 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.
123. 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.
124. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
125. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
126. Scheduled and unscheduled inspections of the site may occur during the business' authorized hours of operation, or under the below listed circumstances:
 - a. At a time while the business is closed that is mutually agreed to by the business' management and the Police Department
 - b. During any criminal investigation at the business.
127. 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.
128. 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.

129. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
130. 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.
131. 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).

Retail Cannabis Conditions

132. Each customer entering the business shall present a valid form of government issued photo identification. A staff member or licensed security professional shall use an approved “identification card scanner” which verifies the age of the customer. The security officer will also visually confirm that the person presenting the identification card by matching the person with the card’s photo and confirming other data on the card.
133. The permittee shall acquire an “identification card scanner” for use by security officers to screen all customers as they enter the business. These scanners shall have these features:
 - a. Determine that the person is legal age to enter the premises.
 - b. Records the data from the presented identification including name, address, and date of birth and the time and date of the scan.

Security Camera System

134. A security camera system shall be installed and operated 24-hours a day 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.
- m. Height gauges are required on the interior frame of each exterior door.

Access Control Systems

135. 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's 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 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. Access to interior "safe rooms" where product and cash are stored shall require keypad and pass card to enter.
 - e. Those persons authorized to utilize keypad entry locations will have two passcodes unique for their use. One passcode for normal entry and one for "distress" entry. The "distress" entry shall be used if the cardholder is entering under distress such as a robbery, kidnap or threat of harm. Permittee shall coordinate with the alarm service provider for this function.
 - f. An access card providing universal access to the site shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

136. Intrusion/burglar alarms shall be “dual” technology and have the capability to differentiate between human and non-human motion. The burglary alarm system shall have sensors mounted throughout the premises and specifically include: Lobby, Retail, Product Storage, Vault, Vestibule (rear entry) and the Roof.
137. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery.

Security Site Plan

138. A Security Site Plan in a pdf format shall be submitted to the Chief of Police or his or her designee 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.
139. The Security Plan includes all matters relating to the security camera system, access control system, alarm system, security officer post orders, security site plan and other documents related to the safe and secure operation regulated under this permit. An updated Security 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.
140. 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.
141. 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.
 - f. A copy of the current approved version of the Post Orders shall be available on-site for review by any security officer assigned at the site or any representative of the City of Oxnard visiting the site.

Notifications

142. 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.
143. 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.

- 144. Bollards or similar barriers shall be placed in front of all windows that the bottom sill is lower than 30-inches above grade and the windows are in close proximity to a vehicle driving surface. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.
- 145. All applications of window tinting shall be identified on submitted security site plans. “Black-out” tinting will not be allowed. Tinting that provides for clear outward viewing but blocks viewing from the outside is allowable.
- 146. Windows shall be protected by either of the following technologies:
 - a. Interior mounted security screens that are 50% see through which allows the interior of the business to be seen during hours where the screen is secured.
 - b. A transparent material that can withstand the impact of a sledge hammer or similar impact tool without breaching the window sufficiently to create a puncture hole of any size.
- 147. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

Cannabis Deliveries

- 148. All deliveries of cannabis shall require the following:
 - a. The persons making the delivery shall be a minimum of 21-years of age.
 - b. Cannabis products for delivery shall be locked in the truck of the vehicle or secured in a non-portable box or storage unit in the passenger compartment during transport.
 - c. Each driver making a cannabis delivery shall check the identification of the person depicted on the identification is of age and is the person receiving the delivery. The driver shall ensure the recipient of the cannabis product is 21-years of age, or 18 years of age and possess a cannabis medical card. The driver shall photograph or scan the identification using an identification scanner to record and verify the age of the person taking record of the delivery.
 - d. The permittee shall provide information on any website menu that clearly states that all deliveries that include cannabis will require the recipient of the cannabis products to present their government photo identification as proof of age. Recommended language for on-line menus: “ The City of Oxnard required the delivery driver to photograph and

- scan a government issued photo identification of the recipient of all deliveries of cannabis products.
- e. The permittee shall require that staff members taking phone orders for delivery of cannabis products shall advise customers of the requirements under subsection “(c)” of this condition.
 - f. On-line orders for delivery which include cannabis products shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.

Police Special Conditions

- 149. The unit’s address “2341” shall be painted on the exterior of the rear door in numerals that are 3-inches in height.
- 150. The unit’s address “2341” shall be painted on the roof of the building above the unit in numerals that are 3-feet in height.
- 151. The property shall have and maintain at each vehicle entrance signs posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.
- 152. One parking at the rear of the business shall be dedicated to applicant’s use for delivery vehicle parking only. The stall shall be in close proximity to the rear door of the business and shall be clearly marked with a sign posted on the wall. The sign shall be no less than 17-inches by 22-inches and the lettering shall be not less than one inch in height. The sign shall state: “Authorized Delivery Vehicle Parking Only All Others Subject To Tow Away. 22658(a) CVC”.
- 153. Bollards and enhanced security features are required for the storefront windows pursuant to general Police Conditions.

FIRE DEPARTMENT STANDARD CONDITIONS

- 154. 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)
- 155. 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)
- 156. 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)

157. 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)
158. 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)
159. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
160. 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)
161. 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)
162. 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/DP, F-9)
163. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
164. 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)
165. 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)
166. 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)

167. 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)
168. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)
169. 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)
170. 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.
171. 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.
172. 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.
173. 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.

ENVIRONMENTAL RESOURCES DIVISION

174. 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.
175. 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

176. 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)
177. 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)
178. 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)
179. Applicant shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
180. Applicant shall be responsible for all project related actions of Applicant's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
181. Applicant shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

182. Developer shall verify that the existing sanitary sewer and water services are adequately sized to serve the proposed improvements and provide the information on the improvement plans. (DS)
183. Existing water services and meters serving the project not meeting City standards shall be upgraded. (DS)
184. Show all applicable existing and proposed utilities (sewer, water, storm, gas, elect.) affected by the proposed improvement on the site engineering plan. (DS)

185. The project shall comply with the latest California Building Code disabled access requirements. (DS)
186. Developer shall identify the existing trash enclosure that is assigned to the project. The existing trash enclosure, if accepted by the Environmental Resources Division, shall be retrofitted with a roof and shall include architectural screen mesh between the top of wall and roof to prevent unauthorized access and be sprinklered if required by the Fire Department. (DS)
187. Developer shall reconstruct the existing trash enclosure necessary to store all of the required bins if ordered by the Environmental Resources Division. The new trash enclosure must be covered with a roof and designed with the features included in the City's standard plates. This includes, but is not limited to, door arrangements, inside curb, dimensions, overhead clearance, and a 15-ft reinforced concrete apron for the full width of the enclosure. The enclosure shall be sized with sufficient room to store trash, recycle, and organic bins as required by the Environmental Resources Division. (DS)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of September 2021.

Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 2nd day of September 2021, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

K.

Staff Presentation

PZ 21-516-01
SGI Oxnard, LLC. -
Commercial Cannabis Business
Retail
Special Use Permit (SUP)
2343 North Oxnard Boulevard

Planning Commission Hearing
By: Jose Coyotl, Associate Planner

September 2, 2021



Project Description

- A request to permit the operation of a commercial cannabis retail facility within an existing 2,925 square-foot commercial suite of a 60,798 square-foot multi-tenant commercial building on a 5.47-acre site
- As part of the project there will be a tenant improvement consisting of
 - the installation of new partition walls
 - security upgrades to the existing building
 - minor plumbing upgrades
 - upgrades to an existing fire alarm system
 - installation of secure doors/windows
 - relocation of a loading service door
- Cannabis retail operations will be conducted between 9:00 AM to 9:00 PM daily.
- Application filed by Eric Lightman

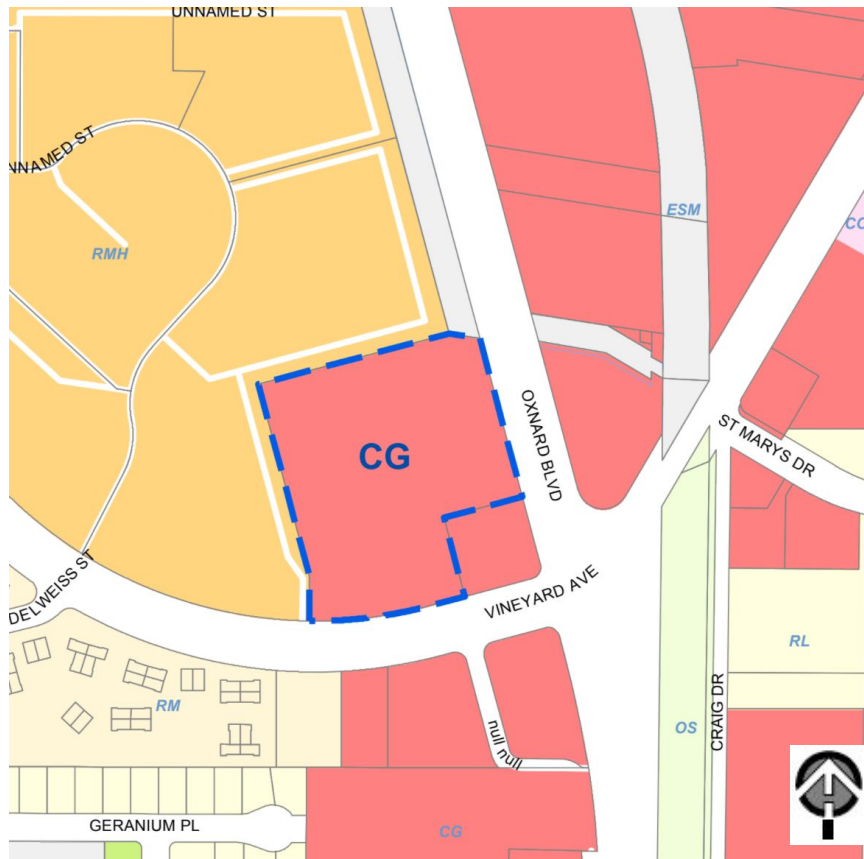
Project Location

Subject Site: 2343 North Oxnard Boulevard



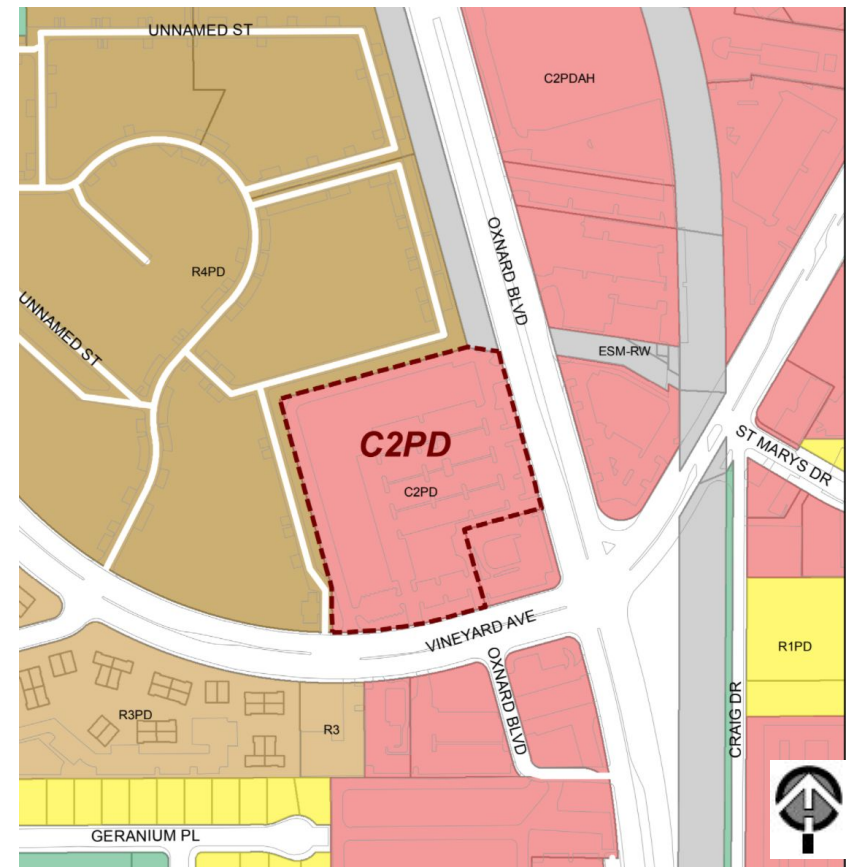
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



General Commercial Planned Development
(C-2-PD)

Existing Site

Subject Site: 2343 N. Oxnard Blvd.

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Commercial shopping center.
North	Residential Medium High (RMH)	High Rise Residential Planned Development (R-4-PD)	Apartment Complex
South	CG	C-2-PD	Two restaurants and a gasoline service station.
East	CG	C-2-PD	A commercial building.
West	RMH	R-4-PD	Apartment Complex

Existing Conditions

Street view looking west.



Background: Development History

- On May 7, 1987, the Planning Commission approved Planned Development Permit No. 443 for the construction of two commercial buildings with a combined gross floor area of 68,097 square feet (Building 1: 60,798 Building 2: 7,299).
- On November 9, 1993, the Planning Commission approved Major Modification to Planned Development Permit No. 443 to allow a sign program which included the installation of two freestanding signs.
- On November 19, 1999, the Planning and Environmental Services Manager approved minor modification PD No. 443 to allow the commercial buildings to be repainted and to reface the existing building awnings.

Background: Development History Cont.

- On June 2, 2004, the Planning and Environmental Services Managers approved Minor Modification No. 04-140-25 to allow changes to the commercial facade which included 1. Stone veneer, 2. Parapet height changes 3. New paint colors and awning materials.

Background: Cannabis Resulations

- On 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 September 15, 2020, City Council adopted Ord. No. 2985 to update the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the Oxnard City Code (OCC)).

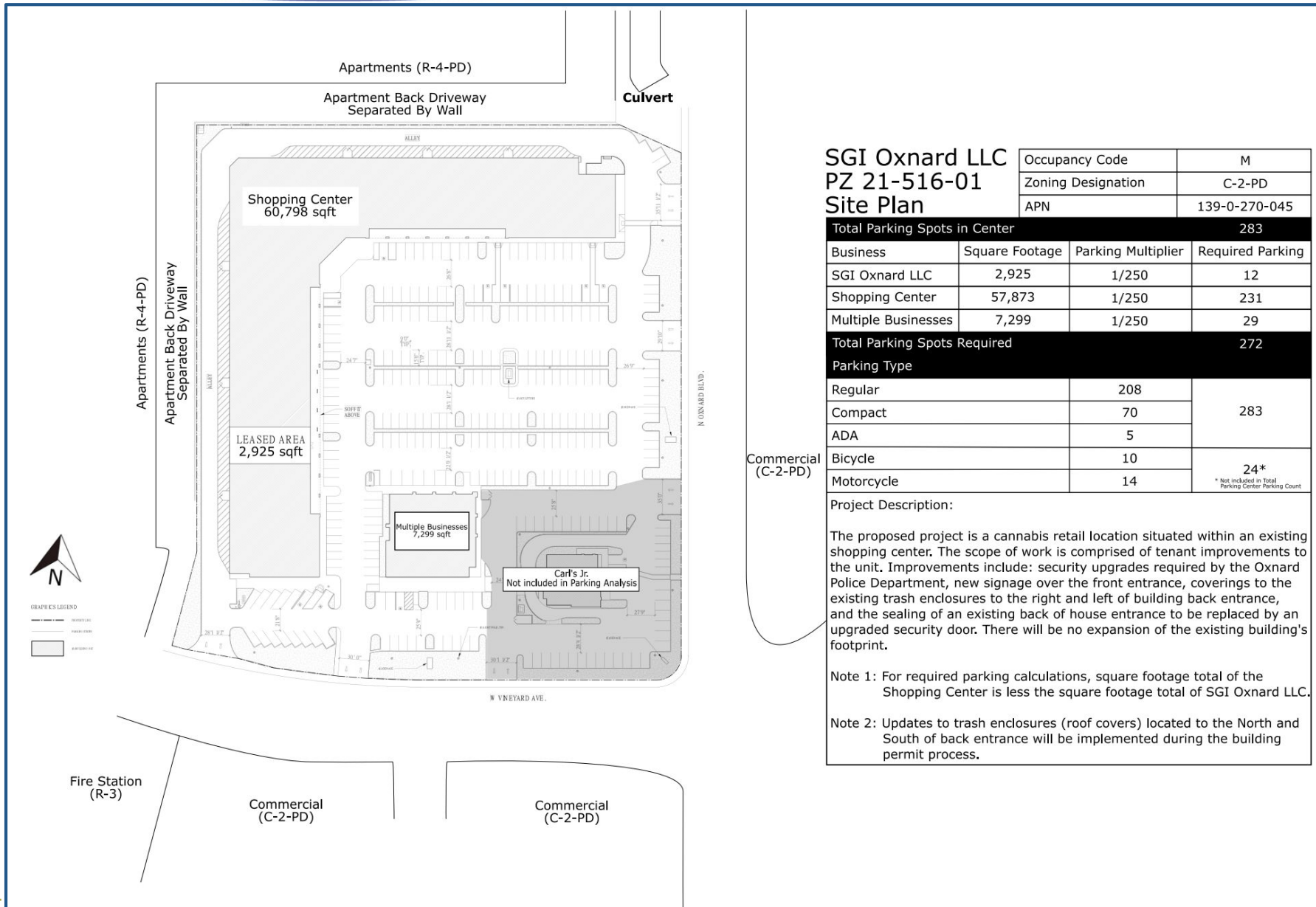
Background: Cannabis Regulations (cont.)

- On December 1, 2020, City Council adopted Ord. No. 2994 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").

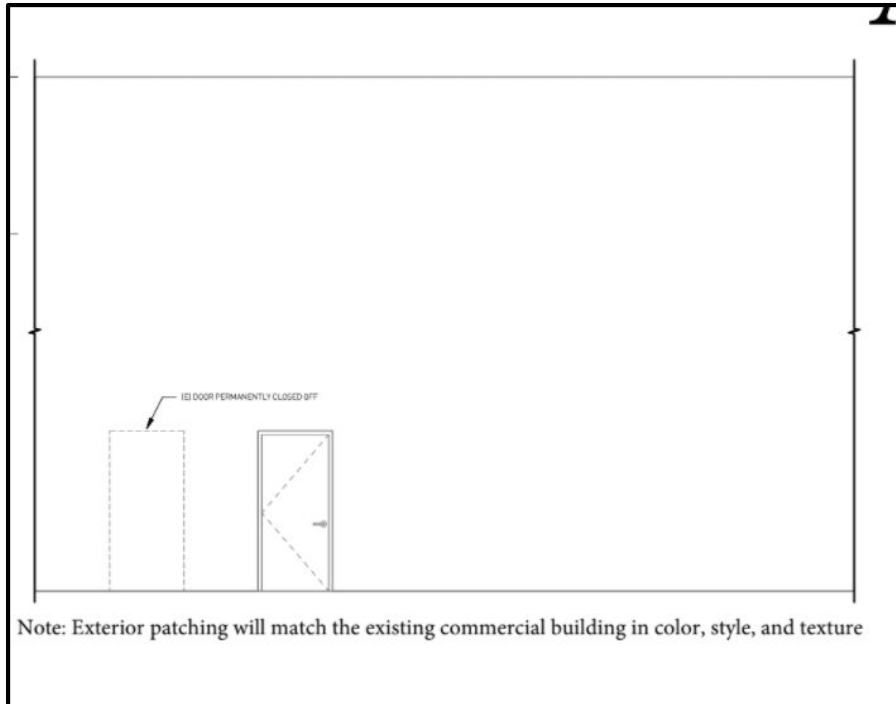
Commercial Cannabis License Selection

- On January 5, 2021, SGI Oxnard, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a 2,720 square foot cannabis retail facility.
- On March 1, 2021, SGI Oxnard, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit SGI Oxnard, LLC. is required to receive approval of a SUP as specified within OCC Section 11-457.

Site Plan



Elevations



West



East

Floor Plan / Security Plan

- The applicant provided a security plan with a detailed floor plan which was reviewed and conditionally approved by the Police Department.
- Security measures include:
 - Private Security is required at the property.
 - Security cameras will be installed.
 - Adequate lighting will be provided onsite.
 - Cannabis products will be monitored, tracked, and placed in secure storage.

Public Comments

- The project site is located within the Southbank Neighborhood.
- On July 19, 2021, the project was presented to the public during a Community Workshop meeting.
- On July 9, 2021, the site was posted with Project details and Community Workshop information and the Developer mailed out 2,700 meeting agenda notices to the residents of the Orchard Park, Rio Lindo, and Southbank Neighborhoods.
- The meeting was attended by approximately 52 members of the public and persons had an opportunity to ask questions.
- Staff did not receive any public comments during the meeting.
- To date, staff has not received any public comments regarding this Project.

Key Conditions of Approval

- **Conditions # 14, 40, 41:** Abide by City of Oxnard and State of California rules and regulations related to this business.
- **Conditions # 37:** 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 SUP pursuant to the Oxnard City Code Section 11-459.

Retail Operating Conditions

- **Conditions # 57-59,132-133:** Provide regulatory action of cannabis retail procedures to allow only eligible members of the community to purchase product and allow for a secure selling environment.

Police Conditions

- **Conditions # 80-153:** Security features will be implemented as required by adopted cannabis Ordinance.

Key Conditions of Approval (Cont.)

Fire Department Conditions

- **Conditions #154-173:** This broad range of numbers indicates that the system is to be designed to be a safe facility.

Community Benefits / Community Relations

- **Condition #47-50, 62-63:** The project is conditioned to be a good neighbor / member of the community.

Taxes and Inventory Tracking

- **Condition #51-52, 64-72:** These set of conditions help the operator be responsible corporate citizen.

Environmental Review

- 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 includes:
 - A request for to operate a cannabis retail facility within an existing individual building.
 - The Project will not increase the square footage of the existing building
- No substantial evidence the project will have a significant effect on environment.
- A Notice of Exemption will be filed.

Staff Recommendation

That the Planning Commission

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-516-01 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

End of Presentation

Planning Commission Hearing: September 2 , 2021





PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

DATE: September 2, 2021

SUBJECT: **Project Name: Blue Enterprises Oxnard I, LLC. dba Cookies Oxnard - Commercial Cannabis Business Retail Special Use Permit (SUP);** Planning and Zoning Permit No. 21-516-25 (Retail); Located at 2655 North Vineyard Avenue (APN: 132-0-042-200).

1) Recommendation: That the Planning Commission (“**Commission**”)

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-516-25 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

2) Project Description and Applicant: A request to permit the operation of a commercial cannabis retail facility within an existing 2,856 square-foot commercial suite of a 16,890 square-foot multi-tenant commercial building on a 1.1-acre site located at 2655 North Vineyard Avenue (APN: 132-0-042-200) within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, relocation of a loading service door, and parking lot improvements (Attachments A and B). Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. For the purposes of this Staff Report, the foregoing project description shall be referred to as the “**Project**”. Filed by Anna Mendoza (“**Applicant**”), 4675 Macarthur Court, Suite 1500, Newport Beach, CA 92660, on behalf of Blue Enterprises Oxnard I, LLC dba Cookies Oxnard.

3) Existing & Surrounding Land Uses: The 1.1-acre property is developed with a 16,890 square-foot multi-tenant commercial building, and 59 associated parking spaces. The project will be located within the 16,890 square-foot multi-tenant commercial building located at 2655 North Vineyard Avenue. The nearest youth center is Vineyards Park, located approximately 775 feet northwest of the project site which is outside 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	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Commercial shopping center.
North	CG	C-2-PD	Residential home and commercial buildings.
South	CG	C-2-PD	Multi-Family residences.
East	Existing: School City Approved / Pending LAFCo Approval: CG	Existing: County (CNTY) City Approved / Pending LAFCo Approval: C-2-PD	Existing: Permanently closed public school. City Approved / Pending LAFCo Approval: Multi-Family residences and offices
West	Residential Low (RL)	Single-Family Planned Development (R-1-PD)	Single family residences.

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, the City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis. On October 1, 2019, the City Council 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, the City Council adopted Ord. 2972 establishing regulations for retail cannabis (dispensary) uses. On September 15, 2020, the City Council adopted Ord. No. 2985 to permit cannabis retail dispensaries in the downtown zones ("Downtown-Core" and "Downtown-General"), and updated the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the OCC). On October 20, 2020, the City Council adopted a cannabis local equity program.

On December 1, 2020, the 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 made a number of other nonsubstantive updates to the existing cannabis regulations. The 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 November 5, 1987, the Planning Commission approved Planned Development Permit No. 447 to allow the construction of a 16,890 square-foot general commercial building.

On March 29, 2004, the Planning and Environmental Services Manager approved Minor Modification No. 04-140-08 to allow the construction of a roll-up door to the backside of 2631 North Vineyard Avenue in order to allow the installation of automotive aftermarket equipment for the current automotive retail shop.

On December 12, 2006, the Planning and Environmental Services Manager approved Minor Modification No. 05-140-01 to allow the establishment of a new master sign program. The new master sign program included the removal of an existing monument sign and the addition of a new 18-foot high free standing sign.

Commercial Cannabis Retail License Selection

On January 7, 2021, Blue Enterprises Oxnard I, LLC. dba Oxnard Cookies filed for a request to obtain a Commercial Cannabis Business Permit for a 2,856 square-foot cannabis retail facility.

On March 1, 2021, Blue Enterprises Oxnard I, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail (Attachment D). In order to successfully commence and inaugurate the Commercial Cannabis Business Permit Blue Enterprises Oxnard I, LLC. dba Oxnard Cookies is required to receive approval of a SUP 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 for retailing of cannabis products within an existing commercial building, 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 recommends that the Planning Commission find the Project is Categorically Exempt from environmental

review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) (Attachment E).

6) Analysis:

a) General Discussion:

As discussed below, the Project has been found to be consistent with the General Plan, General Commercial zone, and the OCC.

In accordance with OCC Section 11-473(A) and 11-473(B), permitted uses within the General Commercial zone, includes a commercial cannabis business retail of cannabis, provided that the owner has first obtained a commercial cannabis business permit per discretionary cannabis use pursuant to Article XVI, Chapter 11 of the OCC (SUP for retail). 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:

General Plan:

The City's 2030 General Plan land use designation for the subject site is Commercial General (CG), which allows for retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/livem and mixed uses. The proposed Project is consistent with the 2030 General Plan and the property's land use designation (Attachment F).

Zoning Consistency:

The Project is within the General Commercial Planned Development (C-2-PD) zone. The C-2-PD is intended to provide a wide range of commercial uses including retail. As demonstrated within the table of Attachment G, the Project is in compliance with the General Commercial Planned Development zone.

Location and Design of Cannabis Business Requirements:

In accordance with OCC Section 11-473 (Location and Design of Cannabis Business), the retail sale of cannabis products is a conceptually permitted use on the property subject to relevant requirements. As demonstrated in the table of Attachment H, the Project has been found to be in compliance with Section 11-473.

As demonstrated within the referenced table attachments, this Project is consistent with the City's General Plan, General Commercial Planned Development zone, 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.

c) Circulation and Parking:

Vehicular access to the site will occur via one existing approximately 25-foot drive aisles off Vineyard Avenue, one approximately 25-foot drive aisles off Sycamore Street, and along an approximately 20 foot public alleyway along the northeast property line. In order to minimize security issues unloading of cannabis products, the project will utilize a legal non conforming loading zone along the west side of the buildings accessed by a service door to the tenant space. In order to comply with parking requirements for the proposed cannabis retail use the applicant will be making modifications to the existing parking configuration resulting in 59 parking spaces which includes: 2 ADA, 43 standard, 13 compact, and 1 motorcycle parking stalls. Required parking is provided as follows:

USE TYPE & SQUARE FOOTAGE	PARKING STANDARD	PARKING REQUIRED	PROPOSED	COMPLIES?
Shopping Center - Neighborhood (Legal Non-Conforming) 14,034 square feet	1 per 300 square feet of area	47	59	Yes
2,856 square feet	1 per 250 square feet of area	11		Yes

Total Provided
Parking: :

59 Parking Spaces

d) Police Department Review:

With implementation of the recommended operating conditions, the Police Department anticipates the retail 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 resolutions of approval (Attachments I) 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) Cannabis Review Committee:

The Project was reviewed by the Cannabis Review Committee (CRC) on April 20, 2021. Conditions of approval from CRC are included in the attached Resolution.

8) Community Workshop and Public Input:

The project site is located within the El Rio West Neighborhood. On July 9, 2021, the site was posted with Project details and Community Workshop information, and the Developer mailed out 1,411 meeting agenda notices to the residents of El Rio West, El Rio, and Riverpark. On July 19, 2021, the project was presented to the public during a Community Workshop meeting. There were 52 members that participated at the Community Workshop for this item. Staff received two comments regarding the cannabis retail facility. The first

comment mentioned the project to be located too close to a public school, potential issues with circulation and parking issues. The second comment was in support of the project due to tax generation, and operators past reputation. An anonymous resident has since submitted a letter outlining their concern, and associated newspaper articles, about the proposed Cookies dispensary. The letter is provided as Attachment J. To date, staff has not received any additional public comments regarding this Project.

9) Appeal Procedure:

In accordance with OCC Section 16-545, the Planning Commission's action on Planning and Zoning Permit No. 21-516-25 (Commercial Cannabis Retail- Special Use permit) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be deemed final.

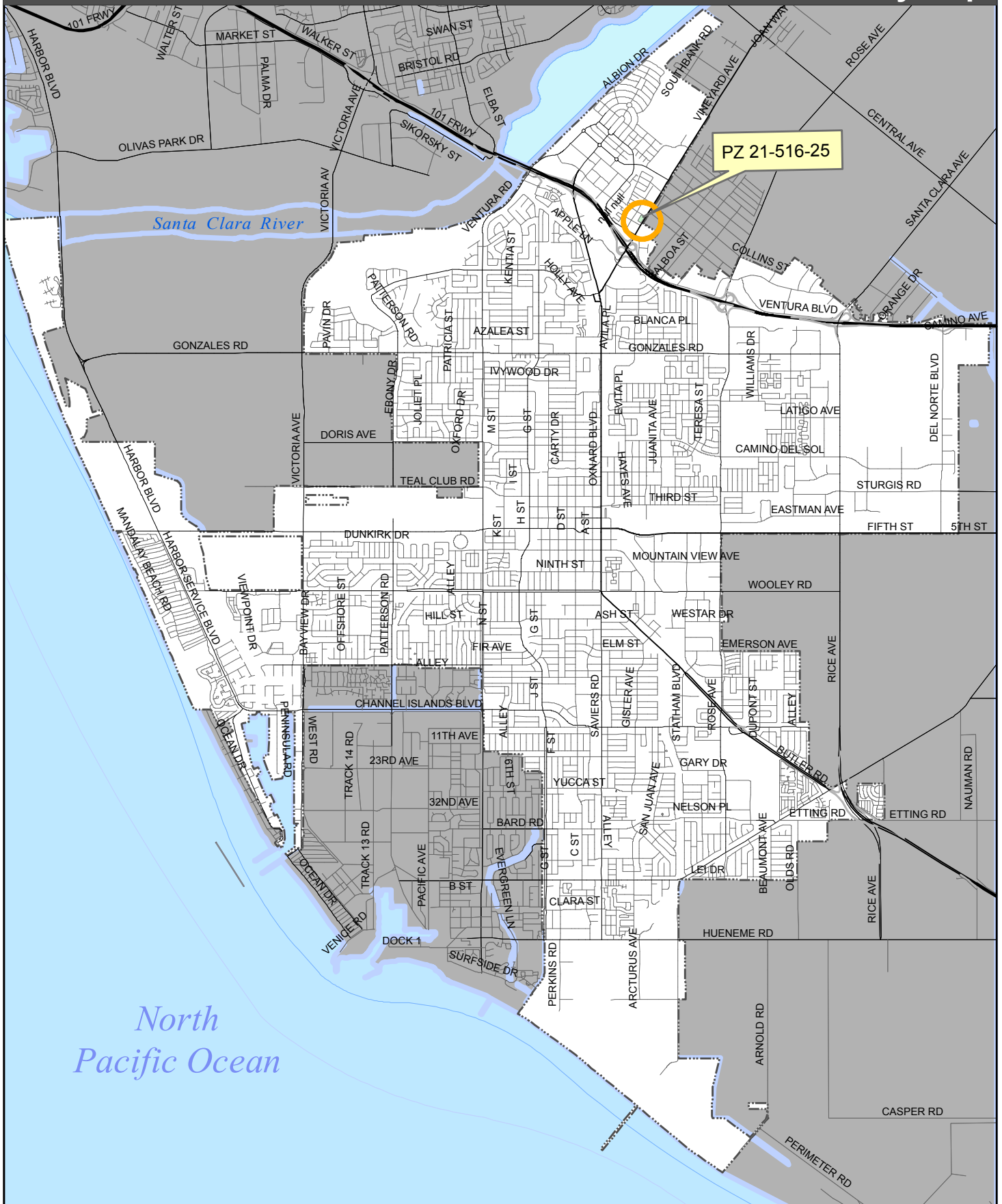
Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Cannabis Ordinance No. 2994
- D. Blue Enterprises Oxnard I, LLC. Conditional Commercial Cannabis Business Permit
- E. Notice of Exemption
- F. 2030 General Plan Consistency Chart
- G. Zoning Consistency Chart
- H. Location and Design of Cannabis Business Consistency Chart
- I. Draft Resolution of Approval for Commercial Cannabis Retail
- J. Anonymous Resident Letter Dated August 25, 2021
- K. Staff Presentation

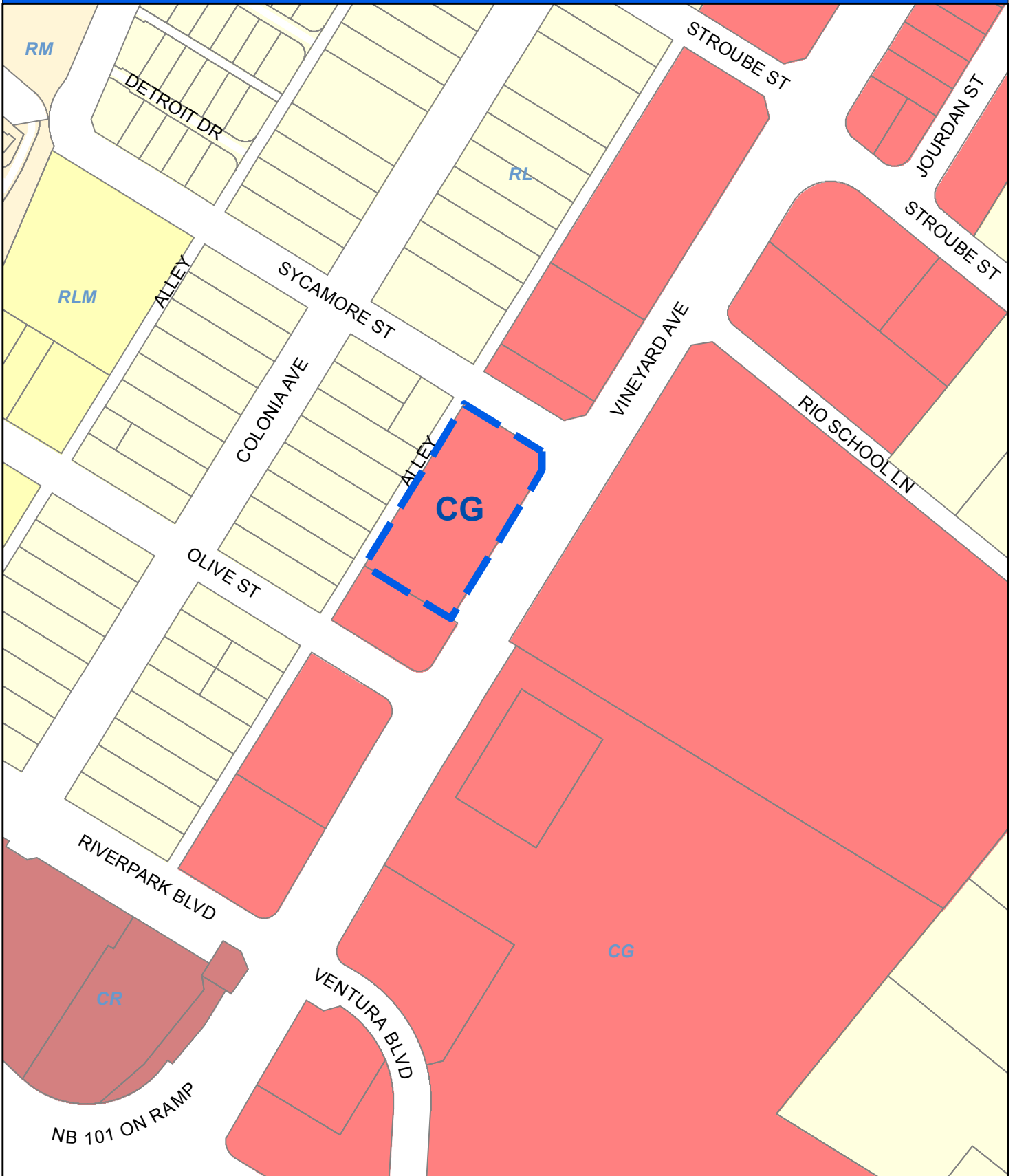
A.

Maps (Vicinity, General Plan, Zoning, Aerial)

Vicinity Map



2030 General Plan Land Use Map



Oxnard Planning
August 11, 2021

PZ 21-516-25
Location: 2655 N Vineyard Ave
APN: 132042200
Blue Enterprises Oxnard

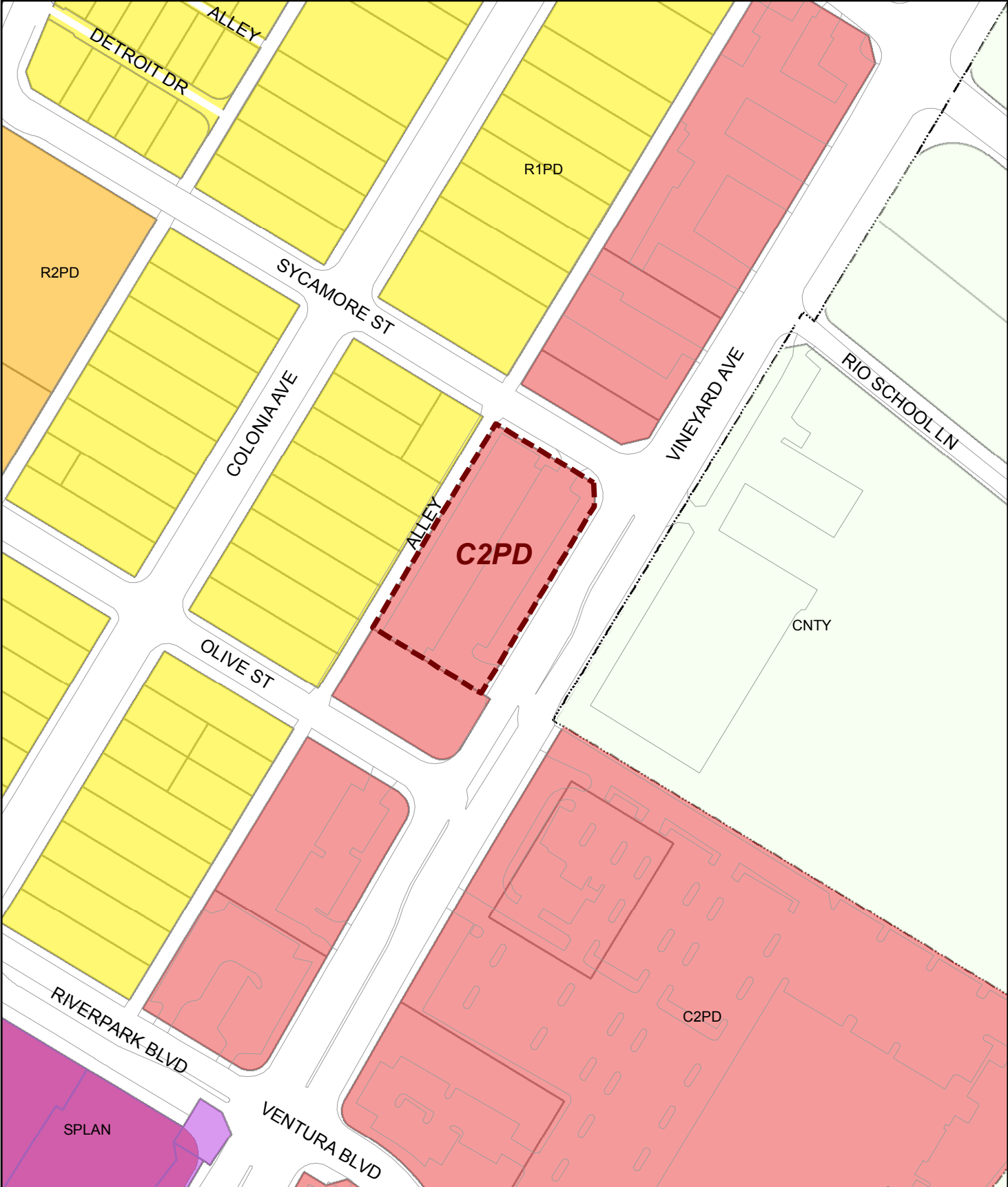
0 62.5 125 250 Feet

2030 General Plan Land Use Map



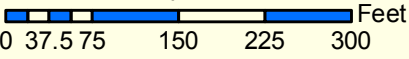
1:2,500

Zoning/Specific Plan Map



Oxnard Planning
August 11, 2021

PZ 21-516-25
Location: 2655 N Vineyard Ave
APN: 132042200
Blue Enterprises Oxnard



Zoning/Specific Plan Map



1:2,000



B.

Reduced Project Plans



VICINITY PLAN

A3.01

SUP PACKAGE: 08/16/2021

C.

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.

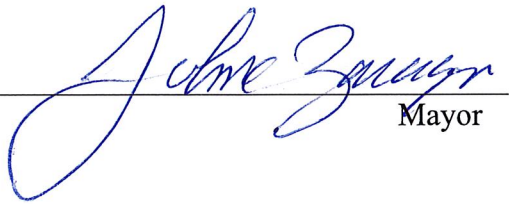
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

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

NOES: None.

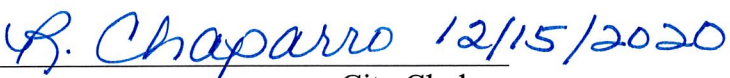
ABSTAIN: None.

ABSENT: None.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

D.

Blue Enterprises Oxnard I, LLC. Conditional Commercial Cannabis Business Permit

Kathleen Mallory
Planning and Sustainability Manager
Community Development Department
214 South C Street
Oxnard, CA 93030
(805) 385-8370
kathleen.mallory@oxnard.org



Blue Enterprises Oxnard, LLC dba Cookies Oxnard
C. Marcus Vik
4675 MacArthur Court, Suite 1500
Newport Beach, CA 92660
(Via Email and First Class Mail)

March 1, 2021

Subject: City of Oxnard - Selection of Top Thirteen (13) Retail Cannabis Applicants

Dear Selected Retail Cannabis Applicant:

Congratulations! The City has concluded Phases 2 and 3 of the retail cannabis application review process and you have been selected as one of the thirteen (13) retail applicants to apply for a Special Use Permit. The final rankings are attached.

In accordance with the Retail Cannabis Application Procedures Guideline and Oxnard City Code Section 11-457, the City Manager has reviewed the City Selection Committee's evaluation and accepted the final determination.

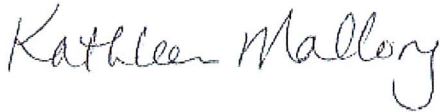
The City will be issuing thirteen (13) retail cannabis permits once the process outlined below is completed. Based upon the approved rankings, the top retail applicants are:

1. SGI Oxnard, LLC - 2343 North Oxnard Boulevard
2. TAT OXN LLC dba The Artist Tree - 600 North A Street
3. Haven #8, LLC dba Haven - 220 South A Street
4. TD Enterprises LLC dba Oxnard Holistics - 1013-1015 Harbor Boulevard
5. Blue Enterprises Oxnard LLC dba Cookies Oxnard - 2655 North Vineyard Avenue
6. EEL Oxnard LLC dba Catalyst-Oxnard - 4749 South Rose Avenue
7. Harbor Management Group LLC dba Safeport - 2150 Trabajo Drive
8. Blooming Organics LLC dba Elevate Oxnard - 2731 East Vineyard Avenue
9. Boxnard, LLC - 1970 North Ventura Road
10. Blooming Organics dba Elevate Downtown Oxnard - 156 South A Street
11. Kind Lifestyle Market LLC - dba Kind Lifestyle Market - 911 South Oxnard Boulevard
12. Yuma Way CA, LLC dba Releaf On Vine - 2544 East Vineyard Avenue
13. HPC of Oxnard LLC - 360 West Esplanade Drive

The next step in the retail cannabis application process is for the selected applicants to submit an application for a Special Use Permit (SUP). Retail cannabis applicants will be required to secure approval of an SUP within 12 months of receiving notification that they have been selected to apply for an SUP. Please note that the Commercial Cannabis Business Permit (retail) will not be issued until you obtain an SUP.

To obtain information on how to apply for the SUP and the process to advance your retail permit, please contact Jose Coyotl (805) 385-7863 or Jose.Coyotl@oxnard.org who will instruct you through the next steps in the permitting process.

Congratulations on your successful advancement.

A handwritten signature in cursive script that reads "Kathleen Mallory".

Kathleen M. Mallory
Planning & Sustainability Manager

c: Alexander Nguyen, City Manager
Ashley Golden, Assistant City Manager
Kenneth Rozell, Chief Assistant City Attorney
Matt Eaton, HdL
Vyto Adomaitis, Director, Community Development
Jose Coyotl, Associate Planner
Project file

Attachment: Final Retail Cannabis Ranking - February 26, 2021

Final Retail Cannabis Applicants - February 26, 2021

13 Selected Retail Cannabis Applicants									
3 Selected Local Equity Applicants									
Tracking #	Applicant Name	Address	Local Equity	Phase 2 Score (out of 1,200)	Phase 2 Percentage	Phase 3 Score (out of 1,800)	Phase 3 percentage	Total Ranking Based upon Phase 2 and 3	
1	CCB 2021-03	SGI Oxnard LLC	No	1,196	99.67%	1,800	100.00%	2,996	
2	CCB 2021-23	TAT OXN LLC dba The Artist Tree	No	1,195	99.58%	1,798	99.56%	2,993	
3	CCB 2021-28	Haven #8 LLC dba Haven	No	1,196	99.67%	1,792	99.56%	2,988	
4	CCB 2021-26	TD Enterprises LLC dba Oxnard Holistics	No	1,187	98.92%	1,783	98.06%	2,971	
5	CCB 2021-27	Blue Enterprises Oxnard LLC dba Cookies Oxnard	No	1,173	97.75%	1,792	99.56%	2,965	
6	CCB 2021-27	EEL Oxnard LLC dba Catalyst-Oxnard	No	1,187	98.92%	1,775	98.61%	2,962	
7	CCB 2021-24	Harbor Management Group LLC dba Safeport	No	1,151	95.92%	1,763	97.94%	2,914	
8	CCB 2021-15	Blooming Organics LLC dba Elevate Oxnard	No	1,191	99.25%	1,722	95.67%	2,913	
9	CCB 2021-31	Boxnard LLC	No	1,148	95.67%	1,763	97.94%	2,911	
10	CCB 2021-14	Blooming Organics LLC dba Elevate Downtown Oxnard	No	1,187	98.92%	1,705	94.72%	2,892	
11	CCB 2021-13	Kind Lifestyle Market LLC dba Kind Lifestyle Market	No	1,191	99.25%	1,678	93.22%	2,869	
12	CCB 2021-10	Yuma Way CA LLC dba Releaf on Vine	No	1,156	96.33%	1,683	93.50%	2,839	
13	CCB 2021-43	HPC of Oxnard LLC	YES	1,196	99.67%	1,642	91.22%	2,838	
14	CCB 2021-19	Advocate Society LLC dba Advocate Society	No	1,160	96.67%	1,668	92.67%	2,828	
15	CCB 2021-07	Vineyard Retail LLC dba Legendary Organics Oxnard	No	1,175	97.92%	1,633	90.72%	2,808	
16	CCB 2021-34	Canna Connect Corp dba Culture Cannabis Club	No	1,178	98.17%	1,617	89.83%	2,795	
17	CCB 2021-44	South Oxnard Investment dba Traditional Oxnard	YES	1,187	98.92%	1,567	87.06%	2,754	
18	CCB 2021-38	FGH Retail Services LLC	YES	1,176	98.00%	1,567	87.06%	2,743	
19	CCB 2021-45	99 High Tide - La Sirena	No	1,177	98.08%	1,555	86.39%	2,732	
20	CCB 2021-37	The Set Oxnard LLC dba The Set	Yes	1,157	96.42%	1,567	87.06%	2,724	
21	CCB 2021-36	Hempathy LLC dba Oxnard Healing Center	No	1,187	98.92%	1,533	85.17%	2,720	
22	CCB 2021-02	Pure CA LLC	No	1,185	98.75%	1,533	85.17%	2,718	
23	CCB 2021-16	California Endrite Ventures dba HerbNJoy	No	1,143	95.25%	1,533	85.17%	2,676	
24	CCB 2021-25	JC Oxnard Ventures LLC dba Beyond Hello	Yes	1,120	93.33%	1,542	85.67%	2,662	
25	CCB 2021-47	Hijole Friole dba Wheelhouse/Station 320	No	1,192	99.33%	1,458	81.00%	2,650	
26	CCB 2021-20	Sweet Flower Oxnard LLC	No	1,196	99.67%	1,450	80.56%	2,646	
27	CCB 2021-04	Authentic Oxnard LLC	No	1,187	98.92%	1,442	80.11%	2,629	
28	CCB 2021-48	E7 Oxnard LLC	Yes	1,159	96.58%	1,450	80.56%	2,609	
29	CCB 2021-12	High Farma Inc dba High Farma	Yes	1,170	97.50%	1,433	79.61%	2,603	
30	CCB 2021-49	Sol Natural Inc dba Kindly	Yes	1,174	97.83%	1,422	79.00%	2,596	
31	CCB 2021-50	MED Enterprise Inc	Yes	1,143	95.25%	1,433	79.61%	2,576	
32	CCB 2021-29	JBIA Inc dba The High Class (THC)	Yes	1,187	98.92%	1,388	77.11%	2,575	
33	CCB 2021-51	TeraGreen LLC	No	1,187	98.92%	1,380	76.67%	2,567	
34	CCB 2021-33	Coastal Retail Oxnard LLC dba Coastal	No	1,186	98.83%	1,367	75.94%	2,553	
35	CCB 2021-11	Yuma Way CA LLC dba Releaf on Saviers	No	1,137	94.75%	1,400	77.78%	2,537	
36	CCB 2021-01	Urban Leaf LLC	Yes	1,091	90.92%	1,425	79.17%	2,516	
37	CCB 2021-17	Adam Knopf dba Golden State Greens	Yes	1,175	97.92%	1,317	73.17%	2,492	
38	CCB 2021-40	Blaazin Hydroponics Inc dba Oxnard Greens (156 S. A St)	No	1,187	98.92%	1,288	71.56%	2,475	
39	CCB 2021-18	Ash's Third LLC dba UpNorth	Yes	1,092	91.00%	1,375	76.39%	2,467	
40	CCB 2021-46	99 HT/GSG LLC dba 99 High Tide	No	1,159	96.58%	1,292	71.78%	2,451	
41	CCB 2021-35	DBO Investments OX LLC dba From the Earth	No	1,191	99.25%	1,202	66.78%	2,393	
42	CCB 2021-30	Amory Oxnard LLC dba Amory Oxnard	No	1,078	89.83%	1,292	71.78%	2,370	
43	CCB 2021-39	PCH Retail Partners VII LLC dba EmJay	Yes	1,175	97.92%	1,167	64.83%	2,342	
44	CCB 2021-41	Blaazin Hydroponics Inc dba Oxnard Greens (3700 W. Fifth)	Yes	1,102	91.83%	1,192	66.22%	2,294	
45	CCB 2021-05	323 Cooper Road LLC dba Neighborhood	No	1,166	97.17%	1,075	59.72%	2,241	
46	CCB 2021-06	Inland Empire Consulting LLC dba Vibe By California - Oxnard	No	1,018	84.83%	1,105	61.39%	2,123	
47	CCB 2021-09	S&S Financial Group Inc	Yes	1,061	88.42%	1,025	56.94%	2,086	
48	CCB 2021-21	C.I.D. Pacific LLC dba Channel Islands Dispensary	No	1,018	84.83%	917	50.94%	1,935	
49	CCB 2021-08	Green Dragon Collective	No	1,187	98.92%	683	37.94%	1,870	
50	CCB 2021-22	Progrow Group Inc dba RedHive	Yes	978	81.50%	600	33.33%	1,578	
51	CCB 2021-42	J&J Holdings Investments LLC dba First on A	Yes						

Final Retail Cannabis Applicants - February 26, 2021									
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3 Selected Local Equity Applicants									
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3	CCB 2021-23	Haven #8 LLC dba Haven	No	1,196	99.67%	1,792	99.56%	2,988	
4	CCB 2021-26	TD Enterprises LLC dba Oxnard Holistics	No	1,179	98.25%	1,792	99.56%	2,971	
5	CCB 2021-27	Blue Enterprises Oxnard LLC dba Cookies Oxnard	No	1,187	98.92%	1,783	99.06%	2,970	
6	CCB 2021-32	EEL Oxnard LLC dba Catalyst-Oxnard	No	1,173	97.75%	1,792	99.56%	2,965	
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12	CCB 2021-10	Yuma Way CA LLC dba Releaf on Vine	No	1,191	99.25%	1,678	93.22%	2,869	
13	CCB 2021-43	HPC of Oxnard LLC	No	1,136	96.33%	1,883	93.50%	2,839	
14	CCB 2021-19	Advocate Society LLC dba Advocate Society	YES	1,196	99.67%	1,642	91.22%	2,838	
15	CCB 2021-07	Vineyard Retail LLC dba Legendary Organics Oxnard	YES	1,160	96.67%	1,668	92.67%	2,828	
16	CCB 2021-34	Canna Connect Corp dba Culture Cannabis Club	No	1,175	97.92%	1,633	90.72%	2,808	
17	CCB 2021-44	South Oxnard Investment dba Traditional Oxnard	No	1,178	98.17%	1,617	89.83%	2,795	
18	CCB 2021-38	FGH Retail Services LLC	YES	1,187	98.92%	1,567	87.06%	2,754	
19	CCB 2021-45	99 High Tide - La Sirena	YES	1,176	98.00%	1,567	87.06%	2,743	
20	CCB 2021-37	The Set Oxnard LLC dba The Set	No	1,177	98.08%	1,555	86.39%	2,732	
21	CCB 2021-36	Hempathy LLC dba Oxnard Healing Center	Yes	1,157	96.42%	1,567	87.06%	2,724	
22	CCB 2021-02	Pure CA LLC	No	1,187	98.92%	1,533	85.17%	2,720	
23	CCB 2021-16	California Endurite Ventures dba HerbNJoy	No	1,185	98.75%	1,533	85.17%	2,718	
24	CCB 2021-25	JC Oxnard Ventures LLC dba Beyond Hello	No	1,143	95.25%	1,533	85.17%	2,676	
25	CCB 2021-47	Hijole Friole dba Wheelhouse/Station 320	Yes	1,120	93.33%	1,542	85.67%	2,662	
26	CCB 2021-20	Sweet Flower Oxnard LLC	No	1,192	99.33%	1,458	81.00%	2,650	
27	CCB 2021-04	Authentic Oxnard LLC	No	1,196	99.67%	1,450	80.56%	2,646	
28	CCB 2021-48	E7 Oxnard LLC	No	1,187	98.92%	1,442	80.11%	2,629	
29	CCB 2021-12	High Farma Inc dba High Farma	Yes	1,159	96.58%	1,450	80.56%	2,609	
30	CCB 2021-49	Sol Natural Inc dba Kindly	Yes	1,170	97.50%	1,433	79.61%	2,603	
31	CCB 2021-50	MED Enterprise Inc	Yes	1,174	97.83%	1,422	79.00%	2,596	
32	CCB 2021-29	JBIA Inc dba The High Class (THC)	Yes	1,143	95.25%	1,433	79.61%	2,576	
33	CCB 2021-51	TeraGreen LLC	Yes	1,187	98.92%	1,388	77.11%	2,575	
34	CCB 2021-33	Coastal Retail Oxnard LLC dba Coastal	No	1,187	98.92%	1,380	76.67%	2,567	
35	CCB 2021-11	Yuma Way CA LLC dba Releaf on Saviers	No	1,186	98.83%	1,367	75.94%	2,553	
36	CCB 2021-01	Urban Leaf LLC	No	1,137	94.75%	1,400	77.78%	2,537	
37	CCB 2021-17	Adam Knopf dba Golden State Greens	Yes	1,091	90.92%	1,425	79.17%	2,516	
38	CCB 2021-40	Blazzin Hydroponics Inc dba Oxnard Greens (156 S. A St)	Yes	1,175	97.92%	1,317	73.17%	2,492	
39	CCB 2021-18	Ash's Third LLC dba UpNorth	No	1,187	98.92%	1,288	71.56%	2,475	
40	CCB 2021-46	99 HT/GSG LLC dba 99 High Tide	Yes	1,092	91.00%	1,375	76.39%	2,467	
41	CCB 2021-35	DBO Investments OX LLC dba From the Earth	No	1,159	96.58%	1,292	71.78%	2,451	
42	CCB 2021-30	Armory Oxnard LLC dba Armory Oxnard	No	1,191	99.25%	1,202	66.78%	2,393	
43	CCB 2021-39	PCH Retail Partners VII LLC dba Emjay	No	1,078	89.83%	1,292	71.78%	2,370	
44	CCB 2021-41	Blazzin Hydroponics Inc dba Oxnard Greens (3700 W. Fifth)	Yes	1,175	97.92%	1,167	64.83%	2,342	
45	CCB 2021-05	323 Cooper Road LLC dba Neighborhood	Yes	1,102	91.83%	1,192	66.22%	2,294	
46	CCB 2021-08	Inland Empire Consulting LLC dba Vibe By California - Oxnard	No	1,166	97.17%	1,075	59.72%	2,241	
47	CCB 2021-09	S&S Financial Group Inc	No	1,018	84.83%	1,105	61.39%	2,123	
48	CCB 2021-21	C.I.D. Pacific LLC dba Channel Islands Dispensary	Yes	1,061	88.42%	1,025	56.94%	2,086	
49	CCB 2021-08	Green Dragon Collective	No	1,018	84.83%	917	50.94%	1,935	
50	CCB 2021-22	Progrow Group Inc dba Red-Heye	No	1,187	98.92%	683	37.94%	1,870	
51	CCB 2021-42	J&J Holdings Investments LLC dba First on A	Yes	978	81.50%	600	33.33%	1,578	

E.

Notice of Exemption

NOTICE OF EXEMPTION

Blue Enterprises Oxnard I, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP); PLANNING AND ZONING PERMIT NO. 21-516-25 (Retail): A request to permit the operation of a commercial cannabis retail facility within an existing 2,856 square-foot commercial suite of a 16,890 square-foot multi-tenant commercial building on a 1.1-acre site within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, relocation of a loading service door, and parking lot improvements. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Anna Mendoza on behalf of Blue Enterprises Oxnard I, LLC. dba Cookies Oxnard.

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 retail cannabis products within an existing industrial building, 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 Planning Commission 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 Planning Commission 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.

2030 General Plan Consistency Chart

Attachment F

General Plan Consistency Chart

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-4.1	<i>Mitigate Land Use Conflicts</i> Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	X		The Project proposes to locate within an established commercial shopping center which allows for retailing of cannabis products. The proposed site would operate with other businesses that engage in similar retail business practices therefore the Project would be compatible. Furthermore, the Project was reviewed for neighborhood compatibility, architectural design compatibility, security, and overall community benefits.
Policy CD-4.2	<i>Commercial Revitalization and Redevelopment</i> Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.	X		
Policy CD-4.4	<i>Commercial Area Aesthetics</i> Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities.	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		X	The Project will provide an opportunity for new careers in cannabis retail.

	who have completed higher education.			
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 requirements of the General Commercial Planned Development zone which includes architectural and landscape standards suitable for 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> Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.	X		
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		The Project has been reviewed and will be conditioned to maintain and store hazardous material in compliance to local, state and federal standards.

G.

Zoning Consistency Chart

ATTACHMENT G
Zoning Consistency with
The General Commercial Planned Development

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Maximum Building Height OCC Sec. 16-137	35 feet	22 feet No Change	YES
Front Yard Setback OCC Sec. 16-139	30 feet on Vineyard Avenue Scenic Corridor	69 feet No Change	YES
Side Yard Setback OCC 16-140	5 feet, 0 feet when a lot is zoned general commercial abuts another lot so zoned.	10 feet No Change	YES
Rear Yard Setback OCC Sec. 16-141	15 feet for buildings over 16 feet in height.	14 feet (legal non conforming) No Change	YES
Vehicle Parking Requirements for Limited Industrial Manufacturing OCC Sec. 16-622	<u>Shopping Center - Neighborhood</u> One space per 300 square feet of gross floor area (legal nonconforming). Total Required: 47 Parking Spaces <u>Cannabis Retail</u> One parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study. Total Required: 11 Parking Space Total Parking Required: 58	59 Parking Spaces	YES
Bicycle Parking Requirements Industrial OCC Sec. 16-623	Not required for shopping centers less than 50,000 square feet.	10 spaces	YES
Motorcycle Parking Requirements Industrial OCC Sec. 16-624	Uses with more than 25 automobile parking spaces shall provide one designated space for use by motorcycles, Required Motorcycle Parking: 1	1 spaces	YES

Outdoor Loading and Storage Areas OCC Sec. 16-644	2 loading spaces per 15,001 - 40,000 square feet of commercial 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. Required Loading Spaces: 2	Legal non conforming loading areas will be utilized along the west side of the building. The loading zone is accessible through a service door from the tenant space rear floor area.	YES, AS CONDITIONED
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H.

Location and Design of Cannabis Business Consistency Chart

Attachment H

Location and Design of Cannabis Business Requirements Consistency Chart

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 that 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.	N/A	N/A
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 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.	The location is within General Commercial Planned Development (C-2-PD).	YES
Letter of Support from the Specific Plan Management Company or Association	Compliance with any specific plan requirements, including a letter of support from the specific plan management	The project is in compliance with the C-2-PD zone (see Attachment G). The	YES

Sec. 11-473(C)	company or association	property is not located within a specific plan management company or association area.	
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 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.	The nearest youth center (Vineyards Park) is approximately 775 feet away from the project site.	YES
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 C-2-PD zone (see Attachment F and G).	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 C-2-PD zone district and other pertinent sections of the OCC (see Attachment F and G).	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 Attachment G).	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
Cannabis Retail Operating Requirement - Limited Access Areas Sec. 11-485(K)	A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas.	The project is designed with a check in lobby area and a staff click to enter feature to enter the cannabis retail sale floor area. The project has been conditioned to comply with limited access area requirements.	YES, AS CONDITIONED
Cannabis Retail Operating Hour Requirements Sec. 11-485(L)	Operating hours of the storefront retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or reduced as stipulated through the discretionary land use permit.	The project will operate within the hours of 9:00 a.m. and 9:00 p.m. The project has been conditioned to restrict store retail hours based on the operating hour requirements.	YES, AS CONDITIONED
Cannabis Retail Parking Requirements Sec. 11-485(M)	Parking requirements shall be in accordance with chapter 16, article X of the Oxnard City Code - 1 parking space per 250	The project meets the parking requirements.	YES, AS CONDITIONED

	square feet or as stipulated in a city traffic engineer approved sparking study.		
Cannabis Retail Storefront/ Retail Security Requirements Sec. 11-485(N)	All security measures required by section 11-477 (operating standards) are directly applicable to and binding on all commercial cannabis businesses, including all retailers.	The project is conditioned to provide security as specified by the Security Plan approved by the Chief of Police.	YES, AS CONDITIONED

I.

Draft Resolution of Approval for Commercial Cannabis Retail

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-516-25 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A 2,856 SQUARE-FOOT CANNABIS RETAIL FACILITY WITHIN AN EXISTING 16,890 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 1.1-ACRE SITE (APN: 132-0-0-042-200) LOCATED AT 2655 NORTH VINEYARD AVENUE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on September 2, 2021, the Planning Commission of the City of Oxnard (“**Planning Commission**”) has conducted a duly noticed public hearing and considered an application for Planning and Zoning Permit No. 21-516-25 filed by Anna Mendoza on behalf of Blue Enterprises Oxnard I, LLC. dba Cookies Oxnard in accordance with Section 16-530 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 Commercial General and the zoning is General Commercial Planned Development (C-2-PD). The Project is surrounded by commercial buildings and residential homes. 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 retail facility is consistent with the 2030 General Plan, and the Oxnard City Code and is compatible with the scale and character of other commercial development in the project area. Any projects requiring discretionary

approval would be analyzed with the 2030 General Plan and the Oxnard City 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 retail 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 commercial and residential uses of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by an established 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 as confirmed by staff on August 18, 2021.

- (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 PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission 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 retail facility is an allowable use within the General Commercial Planned Development (C-2-PD) zone, subject to approval of a Special Use Permit. Therefore, the proposed cannabis retail use is in conformance with the 2030 General Plan, Oxnard City Code, 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 retail within an existing commercial multi tenant 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 Commercial Planned Development (C-2-PD) zone 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 1.1-acre lot. Pursuant to the C-2-PD zone, the Project will be located within an existing building designed to be consistent with the development and design standards included within the C-2-PD zone, 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 Sycamore Street and North Vineyard Avenue. Proposed interior tenant improvements to the site will be reviewed for compliance with C-2-PD 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 Sycamore Street and North Vineyard Avenue, which indirectly connects to Highway 101. The proposed cannabis retailer is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed retail 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 a minimum of 59 vehicles, including 2 accessible parking spaces, 43 standard parking spaces, 13 compact parking spaces, and 1 motorcycle parking space. Based on the configuration of the proposed cannabis retail facility the entire project site requires 2 loading spaces. The project will utilize a legal non conforming loading zone along the west side of the building. The loading zone is accessible through a service door from the tenant space rear floor area. The project is consistent with City parking requirements. The project proposes to include motorcycle and bicycle parking spaces, and the project has been conditioned to design motorcycle and bicycle space during the building permit process and provide these spaces prior to a Certificate of Occupancy being issued. 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 commercial 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 Planning Commission, 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 retail cannabis products within an existing commercial building, 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 Planning Commission 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 Planning Commission hereby approves Planning and Zoning Permit No. 21-516-25 (Commercial Cannabis Business Retail Special Use Permit), subject to the attached conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning and Zoning Permit No. 21-516-25 (Commercial Cannabis Business Retail Special Use Permit), subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of §16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	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 September 2, 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

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. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
30. 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)

31. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
32. Applicant shall restripe 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

33. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.
34. In accordance with the proposed plans, parking facilities for 10 bicycles shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. The project plans shall be revised to identify bicycle racks, with a minimum of 10 bicycle spaces, to be provided on site near the main front entrance of the building located at 2631-2675 North Vineyard Avenue. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the bicycle rack has been provided and is not in conflict with the applicable development standards for building in the General Commercial Planned Development (C-2-PD) zone district.

The applicant shall submit a bicycle parking plan to be reviewed and approved by the Community Development Director or his/her designee(s). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space and shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.

35. In accordance with Oxnard City Code Section 16-638, parking facilities for 1 motorcycle space shall be provided, the configuration and location of which shall be as review and approved of the City Planning Division. Staff shall review all construction documents prior to building permit issuance to assure that the motorcycle space has been provided and is not in conflict with the applicable development standards for building in the General Commercial Planned Development (C-2-PD) zone district.

36. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.
37. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

Automatic Expiration

38. The Commercial Cannabis Business Permits 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 Special Use Permit (SUP) pursuant to the Oxnard City Code Section 11-459.

Renewal

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

Appeals

40. 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 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 permittee shall pay the designated appeal fee, established by Resolution of the City Council from time to time.

Revocations of Commercial Cannabis Business Permits

41. 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.

42. 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

43. 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.
44. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently \$134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-25. Additional funds will be required as deposits are depleted to less than the equivalent of 10 hours of the Planning Hourly Fee or as additional funds are needed as determined by the Community Development Director.
45. All operators are subject to all penalties as outlined in Oxnard City Code.

Property Owner Authorization

46. 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

47. 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

48. 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
49. 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
50. 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.
51. 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

52. 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.

53. 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

54. Sales of cannabis may only occur between the hours of 9:00 A.M. and 9:00 P.M. daily.
55. 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, or eighteen (18) years with a medical marijuana card, 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 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.
56. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.
57. No outdoor storage of cannabis or cannabis products is permitted at any time.

Operational Requirements for Retailers

58. Sales and service of cannabis or cannabis products is limited to only the customer service area, which consists of approximately 2,856 square feet inside the building as identified on PZ No. 21-516-25 floor plans presented at the Planning Commission public hearing on September 2, 2021 and incorporated herein.
59. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.
60. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

61. 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

62. 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

63. 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:
64. Retail
 - a. One time payment of \$250,000
 - 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

65. 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.
66. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.
67. 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 certificate 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

68. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.
69. 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.
70. 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.
71. 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.
72. 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.
73. 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

74. 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.
75. 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.
76. 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.
77. 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

78. 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

79. 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

80. 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 CONDITIONS

Security Measures

81. 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.
82. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider. The burglar alarm system shall utilize dual technology sensors and be able to differentiate between human and non-human motion. These sensors shall be mounted throughout the premises and specifically include: Secured Lobby, Retail Area, Service Counter, Secured Storage Vault, Intake Area, Employee Break Area, Manager's Office, Corridor and the Roof.
83. 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.
84. 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.
85. 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.

86. 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.
87. 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).
88. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.
89. 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.
90. 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.
91. 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

92. 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.
93. 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.
94. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
95. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
96. 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.
97. 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.

98. 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.
99. 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.
100. 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.
101. 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.
102. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
103. 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.
104. 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.
105. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.

106. 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).
107. Inbound and outbound shipping of product and/or cash shall only occur during daylight hours. Deliveries and departure times of product and/or cash shall be irregular and maintained as a confidential matter known only to those persons who have a need to know.
108. No signage, graphic or symbol displayed visible outside the building shall show that the site is a cannabis business unless the specific sign, graphic or symbol is jointly approved by the Planning Manager and the Chief of Police or their designees.

Exterior Lighting

109. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline 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.
 - a. 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:
 - b. 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.
 - c. 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 to keep light from shining directly up.
 - d. 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.
110. 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.
111. All exterior lighting shall operate from dusk to dawn.

112. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
113. 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.
114. 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.
115. 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 any walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.
116. Safe Room construction shall consist of the below minimum features:
 - a. Concrete or CMU wall or walls and/or
 - b. Wood or steel stud constructed walls and ceiling wrapped with a metal mesh enveloped under drywall surfacing. Metal mesh shall have a minimum weight of .45 lbs. per sq. ft. and be opened spaced no more than 76%.
 - c. Other than doors, openings in the metal mesh walls shall not be larger than 12-inches square to provide HVAC ventilation and similar mechanical access.
 - d. Each door and window shall have callouts on plans identifying their size and design features.
 - e. Any service windows shall be constructed with a securable metal door or plate and have a vertical opening no taller than 12-inches.
117. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

Operations and Inspections

118. The permittee is authorized to operate the commercial cannabis retail business license between the hours of 9:00 a.m. to 9:00 p.m, subject to lighting requirements of Conditions 27-32.
119. Cash handling procedures shall be approved by the police chief or his/her designee.

120. 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.
121. 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.
122. The 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.
123. 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.
124. 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.
125. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
126. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
127. Scheduled and unscheduled inspections of the site may occur during the business' authorized hours of operation, or under the below listed circumstances:
 - a. At a time while the business is closed that is mutually agreed to by the business' management and the Police Department
 - b. During any criminal investigation at the business.
128. 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.

129. 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.
130. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
131. 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.
132. 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).

Retail Cannabis Conditions

133. Each customer entering the business shall present a valid form of government issued photo identification. A staff member or licensed security professional shall use an approved “identification card scanner” which verifies the age of the customer. The security officer will also visually confirm that the person presenting the identification card by matching the person with the card’s photo and confirming other data on the card.
134. The permittee shall acquire an “identification card scanner” for use by security officers to screen all customers as they enter the business. These scanners shall have these features:
 - a. Determine that the person is legal age to enter the premises.
 - b. Records the data from the presented identification including name, address, and date of birth and the time and date of the scan.

Security Camera System

135. A security camera system shall be installed and operated 24-hours a day 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.
- m. Height gauges are required on the interior frame of each exterior door

Access Control Systems

136. 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's 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 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. Access to interior "safe rooms" where product and cash are stored shall require keypad and pass card to enter.
 - e. Those persons authorized to utilize keypad entry locations will have two passcodes unique for their use. One passcode for normal entry and one for "distress" entry. The "distress" entry shall be used if the cardholder is entering under distress such as a robbery, kidnap or threat of harm. Permittee shall coordinate with the alarm service provider for this function.

- f. An access card providing universal access to the site shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

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

Security Site Plan

- 139. A Security Site Plan in a pdf format shall be submitted to the Chief of Police or his or her designee 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.
- 140. The Security Plan includes all matters relating to the security camera system, access control system, alarm system, security officer post orders, security site plan and other documents related to the safe and secure operation regulated under this permit. An updated Security 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.
- 141. 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.

142. 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.
 - f. A copy of the current approved version of the Post Orders shall be available on-site for review by any security officer assigned at the site or any representative of the City of Oxnard visiting the site.

Notifications

143. 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.
144. 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.
145. Bollards or similar barriers shall be placed in front of all windows that the bottom sill is lower than 30-inches above grade and the windows are in close proximity to a vehicle driving surface. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.
146. All applications of window tinting shall be identified on submitted security site plans. "Black-out" tinting will not be allowed. Tinting that provides for clear outward viewing but blocks viewing from the outside is allowable.
147. Windows shall be protected by either of the following technologies:
- a. Interior mounted security screens that are 50% see through which allows the interior of the business to be seen during hours where the screen is secured.
 - b. A transparent material that can withstand the impact of a sledge hammer or similar impact tool without breaching the window sufficiently to create a puncture hole of any size.
148. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

Cannabis Deliveries

149. All deliveries of cannabis shall require the following:
- a. The persons making the delivery shall be a minimum of 21-years of age.
 - b. Cannabis products for delivery shall be locked in the truck of the vehicle or secured in a non-portable box or storage unit in the passenger compartment during transport.
 - c. Each driver making a cannabis delivery shall check the identification of the person depicted on the identification is of age and is the person receiving the delivery. The driver shall ensure the recipient of the cannabis product is 21-years of age, or 18 years of age and possess a cannabis medical card. The driver shall photograph or scan the identification using an identification scanner to record and verify the age of the person taking record of the delivery.
 - d. The permittee shall provide information on any website menu that clearly states that all deliveries that include cannabis will require the recipient of the cannabis products to present their government photo identification as proof of age. Recommended language

for on-line menus: “ The City of Oxnard required the delivery driver to photograph and scan a government issued photo identification of the recipient of all deliveries of cannabis products.

- e. The permittee shall require that staff members taking phone orders for delivery of cannabis products shall advise customers of the requirements under subsection “(c)” of this condition.
- f. On-line orders for delivery which include cannabis products shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.

Police Special Conditions

- 150. The unit’s address “2655” shall be painted on the exterior of the rear door in numerals that are 3-inches in height.
- 151. The unit’s address “2655” shall be painted on the roof of the building above the unit in numerals that are 3-feet in height.
- 152. At both entrances to the customer parking lot and at the north and south ends of the property adjacent to the public alley, signs shall be posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.
- 153. A parking stall on the alley side of the business shall be dedicated to applicant’s use for delivery vehicle parking only. The stall shall be in close proximity to the rear door of the business and shall be clearly marked with a sign posted on the wall. The sign shall be no less than 17-inches by 22-inches and the lettering shall be not less than one inch in height. The sign shall state: “Authorized Delivery Vehicle Parking Only All Others Subject To Tow Away. 22658(a) CVC”.
- 154. Bollards and enhanced security features are required for the storefront windows pursuant to general Police Conditions.

FIRE DEPARTMENT STANDARD CONDITIONS

- 155. 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)
- 156. 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)
- 157. 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)

158. 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)
159. 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)
160. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
161. 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)
162. 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)
163. 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)
164. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
165. 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)
166. 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)
167. 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)

168. 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)
169. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)
170. 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)
171. 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.
172. 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.
173. 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.
174. 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.

ENVIRONMENTAL RESOURCES DIVISION

175. 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.
176. 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

177. 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)
178. 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)
179. 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)
180. Applicant shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
181. Applicant shall be responsible for all project related actions of Applicant's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
182. Applicant shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

183. Developer shall verify that the existing sanitary sewer and water services are adequately sized to serve the proposed improvements and provide the information on the improvement plans. (DS)
184. Existing water services and meters not meeting City standards shall be upgraded. (DS)
185. Show all applicable existing and proposed utilities (sewer, water, storm, gas, elect.) affected by the proposed improvement on the site engineering plan. (DS)

186. The existing trash enclosure shall be reconstructed with a covered roof and with the features meeting the City's standard plates. This includes, but is not limited to, door arrangements, inside curb, dimensions, overhead clearance, and a 15-foot reinforced concrete apron for the full width of the enclosure. The enclosure shall be sized with sufficient room to store trash, recycle, and organic bins as required by the Environmental Resources Division. (DS)
187. Trash enclosure shall be designed to a) not require the bins to be shuffled around, b) include architectural screen mesh between the top of wall and roof to prevent unauthorized access, and c) sprinklered if required by the Fire Department. (DS)
188. The project shall comply with the latest California Building Code disabled access requirements. (DS)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 2nd day of September 2021.

Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 2nd day of September 2021, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

J.

Anonymous Resident Letter Dated August 25, 2021

Dear Planning Commission Chair,

As a concerned resident I wanted to inform you that the City of Oxnard has approved a very concerning business to open in Oxnard. I have learned that the City is allowing Cookies to open a dispensary in the city.

I previously lived in Los Angeles near their other location, and it was a nightmare. The customers, security and staff of Cookies had no respect for their neighbors. There was constantly litter, loitering, noise and traffic that Cookies had no interest in controlling. The neighborhood became more dangerous because of them.

The issue became so bad that West Hollywood requested that LA revoke their license. I have included three articles that should be of interest to you.

While I am deeply concerned, I am also uncomfortable letting my identity be known due to the fear of retribution.

I hope you will consider these valid concerns and protect the citizens of Oxnard.

Resident

City Manager Paul Arevalo Asks Los Angeles to Revoke Cookies' Cannabis License

Wednesday - October 28, 2020 by Henry E. (Hank) Scott
(<https://wehoville.com/author/henry-scott/>) | 49 Comments



Cookies at 8360 Melrose Ave.

The City of West Hollywood is officially requesting that the City of Los Angeles revoke the temporary operating license it has granted to the Cookies Cannabis Dispensary on Melrose Avenue and deny Cookies a permanent license.

In a letter to LA Deputy City Attorney Taylor Wagniere, West Hollywood City Manager Paul Arevalo cites complaints from West Hollywood residents who live near the store, which is located outside the City of West Hollywood. The store is within the L.A. City Council's 5th District, which is represented by Paul Koretz, who also has expressed concerns about Cookies.

Noting that West Hollywood is devoting significant resources to the COVID-19 pandemic, Arevalo wrote "In a time of a global health pandemic where city resources are strained and residents are urged to stay home to prevent the spread of COVID-19, it is unacceptable that one business should be permitted to cause such disruptions and havoc to the city and its residents at home on a near daily basis."

Arevalo said that customers of Cookies have ignored parking regulations in adjacent residential areas within West Hollywood, have been seen jaywalking into traffic and speeding down residential streets. He also noted that residents have complained of public consumption of alcohol and cannabis and urinating in public and have said some Cookies' customers have threatened residents if they report those violations.

"The armed (but lax) business security create more fear in the residents than a sense of protection, and the security has been seen engaging in questionable and disruptive behavior with the customers," Arevalo says in his letter. "Additionally, residents frequently report that customers and employees of the business do not wear masks or engage in social distancing, despite the ongoing health orders resulting from the COVID-19 pandemic."

Arevalo said the city has increased deputy patrols in the area and cited an incident on Sept. 11 where Sheriff's deputies responded to gun shots in front of the RtA Melrose clothing store at 8600 Melrose Ave. and found a Cookies shopping bag in the car of one of those arrested in the shooting incident. Three Black men were arrested in that incident.

"There is a direct correlation to the business in that these impacts did not exist before the business opened and have continued uninterrupted since the business has been in operation," Arevalo said. "We have been good neighbors and partners on many issues, and our city council and residents expect the same respect for our local residents in return."

Cookies was founded in 2012 by hip hop artist Berner (aka Gilbert Milam Jr.) ([https://en.wikipedia.org/wiki/Berner_\(rapper\)](https://en.wikipedia.org/wiki/Berner_(rapper))) and his partner Jai "Jigga" Chang, a Bay Area cannabis cultivator and breeder. The two cultivated and marketed new brands of cannabis and also created a streetwear company under the Cookies brand. It sells apparel and accessories products for both men and women as well smoking supplies. The Melrose store and one on Maywood in Los Angeles are the brand's flagship stores. There are many more across the United States.

Cookies has attracted a lot of Black customers who stand out in and near a city like West Hollywood, where only 4% of the population is Black. The controversy over Cookies has sparked another conversation about racism in West Hollywood. Several of those who commented on WEHOville's story about the incident in front of RtA, which included a photo of a Black man being arrested, made overtly racist statements.

"It is due to Cookies and all that trash that goes there," said one commenter. "Due to the BLM marches and local morons who walked with them. This has shown those people how nice our neighborhood is so now they want to hang out here. If this continues this place will end up like Compton." Compton is a working-class city south of downtown Los Angeles that is known for its large Black and Latin populations and a high rate of violent crime.

Lt. Moulder: Cookies 'needs to move out of the area'

Tuesday - May 11, 2021 by [Brandon Garcia](#)
(<https://wehoville.com/author/brandongarcia/>) | 94 Comments



At Monday night's Public Safety Commission meeting, Lt. William Moulder from the Los Angeles Sheriff's Department expressed his thoughts on marijuana dispensary Cookies.

"It does indeed need to move out of the area," he told the Commission.

Commissioner Tod Hallman agreed: "It would be in everyone's best interest if they relocated."

Cookies sits just outside of the city limits (and jurisdiction) of West Hollywood, at 8360 Melrose in Los Angeles, but the shop's clientele has been causing a headache for WeHo residents and law enforcements since at least last fall.

Moulder cited recent complaints from residents about Cookies customers parking illegally on Kings Road, loitering, smoking marijuana and causing disturbances around the premises. He also noted that Cookies' own security team is no longer monitoring the area.

Last year, the City of West Hollywood officially requested that the City of Los Angeles revoke its temporary operating license and deny them a permanent license.

"The ball is in the City of L.A.'s court," Moulder said, emphasizing that the Sheriff's Department is coordinating with the City of L.A. and the L.A. City Attorney's office to try and resolve the matter with the California Department of Cannabis. A meeting with Cookies' security team is also in the works, he said.

Tags: [cookies](https://wehoville.com/tag/cookies/) (<https://wehoville.com/tag/cookies/>), [crime](https://wehoville.com/tag/crime/) (<https://wehoville.com/tag/crime/>), [marijuana](https://wehoville.com/tag/marijuana/) (<https://wehoville.com/tag/marijuana/>), [WeHo](https://wehoville.com/tag/weho/) (<https://wehoville.com/tag/weho/>)

Sheriff gives updates on Cookies, mailbox thefts, crime stats

Tuesday - July 13, 2021 by [Brandon Garcia](https://wehoville.com/author/brandongarcia/)
(<https://wehoville.com/author/brandongarcia/>) | 15 Comments

Lt. William Moulder of the LA County Sheriff's Department gave the Public Safety Commission a wide-ranging update on recent crime events and statistics in West Hollywood at their meeting Monday night.

He first addressed the spate of recent mailbox thefts that has plagued West Hollywood West this summer.

The department recently met with the postmaster about the problem, and Moulder revealed that the alleged thief or thieves do have backdoor access to the mailboxes, as neighbors had reported.

"People committing these crimes actually have keys," Moulder said, "which is very problematic."

He offered some practical suggestions for residents while the investigation proceeds.

"Make sure the building is secure and also pick up mail as quickly as possible and packages as quickly as possible," he said.

He then turned his attention to Cookies, the controversial L.A. cannabis dispensary that neighbors say is bringing a criminal element to WeHo city limits.

There were few improvements to be reported.

"We are still getting complaints from neighbors in the area about vehicles illegally parked, people smoking marijuana on the streets and causing disturbances," he said. "Just a week and a half ago, I was over in the neighborhood and talked to two people that live there and they expressed the same concerns that it is an ongoing issue."

Moulder said deputies are monitoring the area but because the store is in Los Angeles there's a limit to what can be done.

"There's been a lot of things to try to mitigate the problem but at the end of day, is that a good idea? We just try to keep mitigating problems and leave it that way rather than finding the problem."

Commissioner Robert B. Oliver noted that even increased law enforcement presence has affected the neighborhood.

"They say even with all this private security, it feels like living in a war zone," he said.

Commissioner Kerri Balbone relayed an encounter that many West Hollywood residents may find familiar: the naked homeless person engaged in lewd conduct in public. She wondered why dispatch told her to remain in place until law enforcement arrived.

K.

Staff Presentation

PZ 21-516-25
Blue Enterprises Oxnard I, LLC. - DBA Cookies
Oxnard
Commercial Cannabis Business Retail
Special Use Permit (SUP)
2655 North Vineyard Avenue

Planning Commission Hearing
By: Jose Coyotl, Associate Planner

September 2 , 2021



Project Description

- A request to permit the operation of a commercial cannabis retail facility within an existing 2,856 square-foot commercial suite of a 16,890 square-foot multi-tenant commercial building on a 1.1-acre site.
- As part of the project there will be a tenant improvement consisting of
 - the installation of new partition walls
 - security upgrades to the existing building
 - minor plumbing upgrades
 - upgrades to an existing fire alarm system
 - installation of secure doors/windows
 - relocation of a loading service door
- Cannabis retail operations will be conducted between 9:00 AM to 9:00 PM daily.
- Application filed by Anna Mendoza

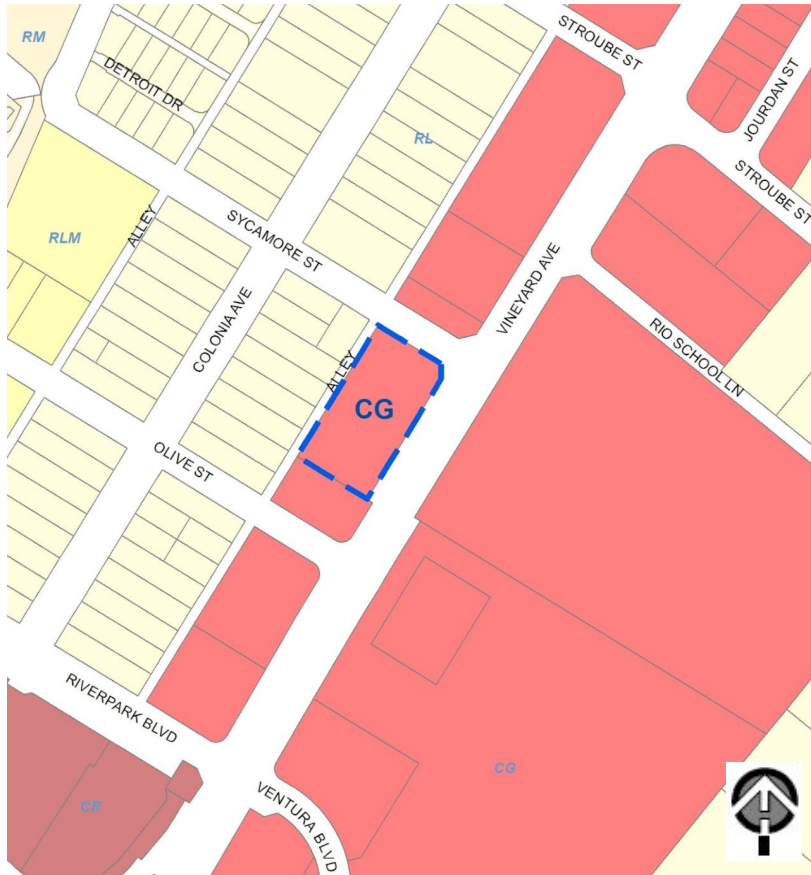
Project Location

Subject Site: 2655 N. Vineyard Avenue



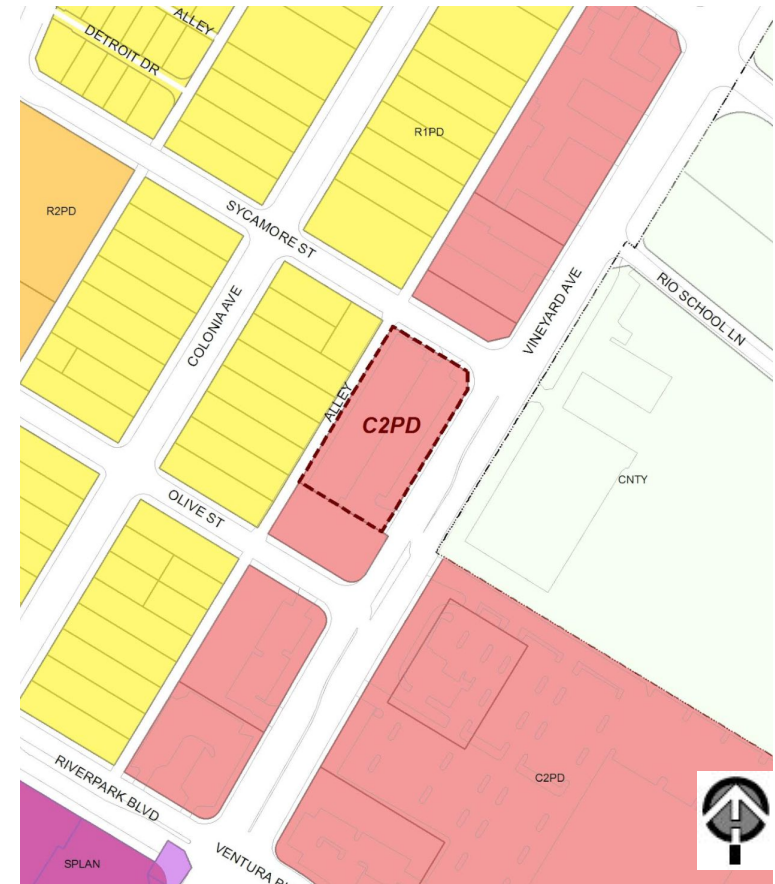
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



General Commercial Planned Development
(C-2-PD)

Existing Site

Subject Site: 2655 North Vineyard Avenue

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Commercial shopping center.
North	CG	C-2-PD	Residential home and commercial buildings.
South	CG	C-2-PD	Multi-Family residences.
East	Existing: School City Approved / Pending LAFCo Approval: CG	Existing: County (CNTY) City Approved / Pending LAFCo Approval: C-2-PD	Existing: Permanently closed public school. City Approved / Pending LAFCo Approval: Multi-Family residences and offices
West	Residential Low (RL)	Single-Family Planned Development (R-1-PD)	Single family residences.

Existing Conditions

Street view looking west.



Background: Development History

- On November 5, 1987, the Planning Commission approved Planned Development Permit No. 447 to allow the construction of a 17,280 square-foot general commercial building.
- On March 29, 2004, the Planning and Environmental Services Manager approved Minor Modification No. 04-140-08 to allow the construction of a roll-up door to the backside of 2631 N. Vineyard Avenue in order to allow the installation of automotive aftermarket equipment for the current automotive retail shop.
- On December 12, 2006, the Planning and Environmental Services Manager approved Minor Modification No. 05-140-1 to allow the establishment of a new master sign program. The new master sign program included the removal of an existing monument sign and the addition of a new 18 foot high free standing sign.

Background: Cannabis Resulations

- On 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 September 15, 2020, City Council adopted Ord. No. 2985 to update the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the Oxnard City Code (OCC)).

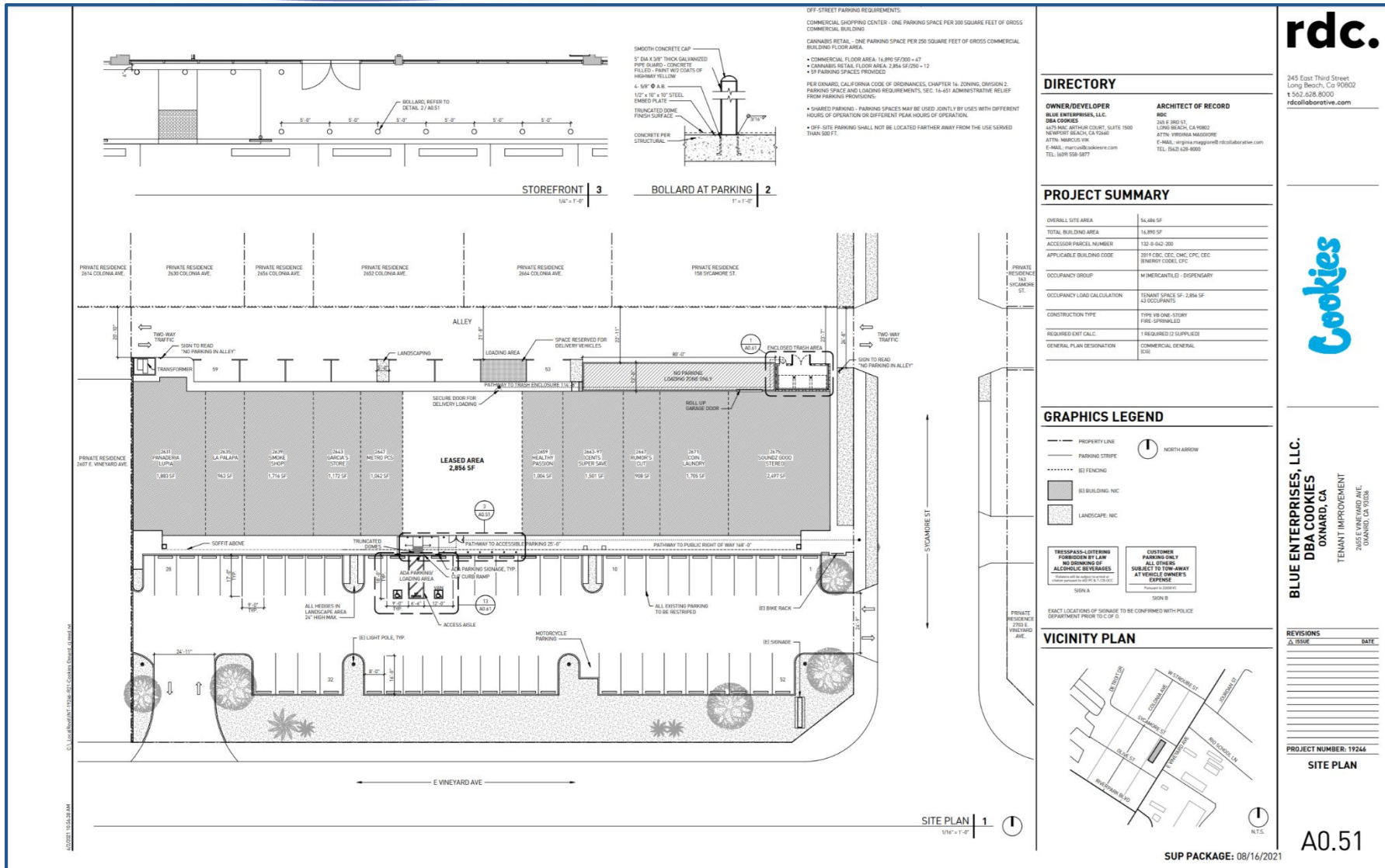
Background: Cannabis Regulations (cont.)

- On December 1, 2020, City Council adopted Ord. No. 2994 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").

Commercial Cannabis License Selection

- On January 7, 2021, Blue Enterprises Oxnard I, LLC. DBA Cookies Oxnard filed for a request to obtain a Commercial Cannabis Business Permit for a 2,856 square foot cannabis retail facility.
- On March 1, 2021, Blue Enterprises Oxnard I, LLC. DBA Cookies Oxnard was awarded a conditional Commercial Cannabis Business Permit for cannabis retail. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit Blue Enterprises Oxnard I, LLC. DBA Cookies Oxnard is required to receive approval of a SUP as specified within OCC Section 11-457.

Site Plan



rdc.

345 East Third Street
Long Beach, CA 90802
t 562.628.8000
rdcollaborative.com

Cookies

BLUE ENTERPRISES, LLC.
DBA COOKIES
OXNARD, CA
TENANT IMPROVEMENT
2455 E VINYARD AVE.
OXNARD, CA 93030

REVISIONS

A	ISSUE	DATE

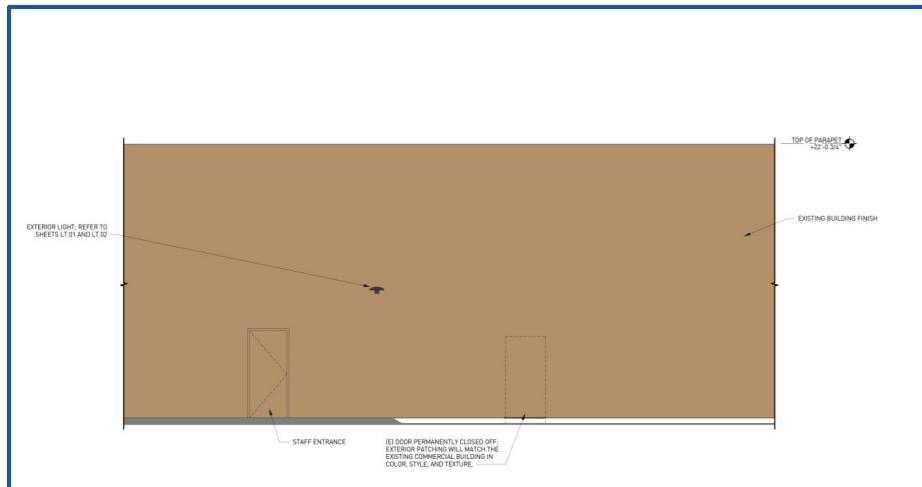
PROJECT NUMBER: 19246

SITE PLAN

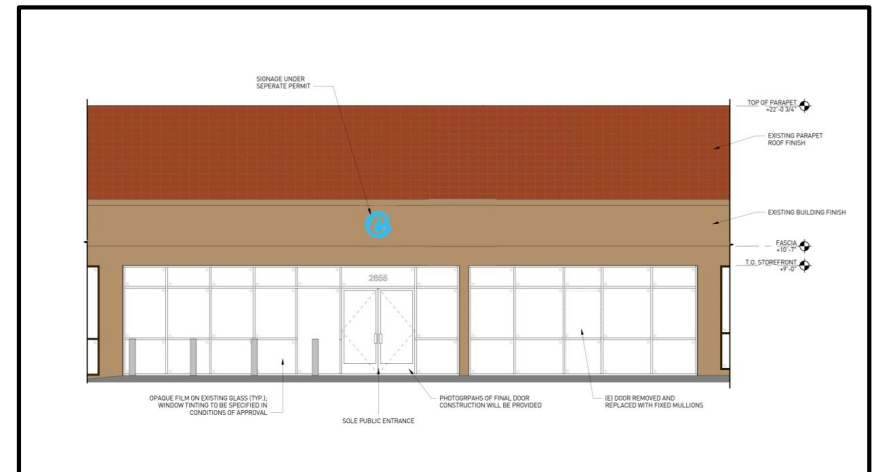
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Elevations



West



East

Floor Plan / Security Plan

- The applicant provided a security plan with a detailed floor plan which was reviewed and conditionally approved by the Police Department.
- Security measures include:
 - Private Security is required at the property.
 - Security cameras will be installed.
 - Adequate lighting will be provided onsite.
 - Cannabis products will be monitored, tracked, and placed in secure storage.

Public Comments

- The project site is located within the El Rio West Neighborhood.
- On July 19, 2021, the project was presented to the public during a Community Workshop meeting.
- On July 9, 2021, the site was posted with Project details and Community Workshop information and the Developer mailed out 1,411 meeting agenda notices to the residents of the El Rio West, El Rio and Riverpark Neighborhoods.
- The meeting was attended by approximately 52 members of the public and persons had an opportunity to ask questions.

Public Comments

- Staff received two comments:
 1. The project is located too close school, potential issues with circulation, and parking.
 2. Support of the project due to tax generation and the perspective operator having a good reputation.
- An anonymous resident has since submitted a letter outlining their concern, and associated newspaper articles, about the proposed Cookies dispensary.
- To date, staff has not received any public comments regarding this Project.

Key Conditions of Approval

- **Conditions # 14, 41, 42:** Abide by City of Oxnard and State of California rules and regulations related to this business.
- **Conditions # 38:** 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 SUP pursuant to the Oxnard City Code Section 11-459.

Retail Operating Conditions

- **Conditions # 58-60,133-134:** Provide regulatory action of cannabis retail procedures to allow only eligible members of the community to purchase product and allow for a secure selling environment.

Police Conditions

- **Conditions # 81-154:** Security features will be implemented as required by adopted cannabis Ordinance.

Key Conditions of Approval (Cont.)

Fire Department Conditions

- **Conditions #155-174:** This broad range of numbers indicates that the system is to be designed to be a safe facility.

Community Benefits / Community Relations

- **Condition #48-51, 63-64:** The project is conditioned to be a good neighbor / member of the community.

Taxes and Inventory Tracking

- **Condition #52-53, 65-73:** These set of conditions help the operator be responsible corporate citizen.

Environmental Review

- 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 includes:
 - A request for to operate a cannabis retail facility within an existing individual building.
 - The Project will not increase the square footage of the existing building
- No substantial evidence the project will have a significant effect on environment.
- A Notice of Exemption will be filed.

Staff Recommendation

That the Planning Commission

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-516-25 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

End of Presentation

Planning Commission Hearing: September 2 , 2021





PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning & Sustainability Manager
Heather Davis, Contract Planner

DATE: September 2, 2021

SUBJECT: Planning & Zoning (PZ) Permit No. 20-620-03, General Plan Amendment replacing in its entirety the current Chapter 8 (2013-2021 Housing Element) with the 2021-2029 Housing Element; 2.) PZ No. 21-620-02, update General Plan Land Use Element (Chapter 3) text by amending the General Commercial and Business Research Park land use descriptions to allow up to 30 dwelling units with 20% lower income units per acre when identified by a zoning suffix of “-AHP” (Affordable Housing Permitted) or “-AHD” (Affordable Housing Discretionary); 3.) PZ No. 21-620-03, amending the 2030 General Plan Land Use map to re-designate 13 parcels from Limited Manufacturing or Public/Semi Public to Business Research Park or General Commercial; 4.) PZ No. 21-580-03, amending Chapter 16 of the Oxnard City Code (OCC) to repeal the All-Affordable Housing Opportunity Program (AAHOP) and replace these regulations with newly created Affordable Housing, Permitted (-AHP) and Affordable Housing, Discretionary (-AHD) additive zone definitions, designations and regulations; and amending the text in the Business and Research Park (BRP) and General Commercial (C-2) zones to allow up to 30 dwelling units per acre with 20% lower income units on parcels with the “-AHP” or “-AHD” additive zone suffix; and 5.) PZ No. 21-580-04, making Zoning Map Amendments to change zoning designations on approximately 106 parcels consistent with Supplement 1 of the Final Housing Element.

1) Recommendation: That the Planning Commission:

- a) Receive a presentation on the 2021-2029 Final Housing Element (6th Cycle Housing Element); and
- b) Open the public hearing and receive public input; and
- c) Review and provide input on the 2021-2029 Final Housing Element (“Housing Element”); and
- d) Review and provide input on Staff’s recommended text and map changes to the General Plan Land Use Element; and
- e) Review and provide input on the Draft amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City’s Final Housing

Element; and

- f) Review and provide input on the recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element.

2) Background: The Housing Element is a State-mandated policy document within the Oxnard General Plan that provides direction for the implementation of various programs to meet existing and projected future housing needs for all income levels. The Housing Element provides policies, programs, and actions that accommodate growth, produce opportunities for the development of new housing units, preserve existing housing stock, and assists the existing population. Unlike other elements of the General Plan, the City must update the Housing Element on a mandated schedule, or “cycle.” To comply with State law, the City’s Housing Element must be updated to ensure the City’s policies and programs can accommodate estimated housing growth needs identified in the Southern California Association of Government’s Regional Housing Needs Assessment (RHNA) allocation for the 2021-2029 planning period. Staff, in coordination with the City’s consultant, PlaceWorks, Inc, has been working on this update since early 2020. The 2021-2029 Draft Housing Element was first published for public review on March 10, 2021. The City’s 6th Housing Element is required to be adopted by the City Council no later than October 15, 2021.

On April 1, 2021, the Planning Commission held a public meeting to review and comment on the 2021-2029 Draft Housing Element. Details regarding the Draft Housing Element, including programs, policies, 5th cycle status, and outreach and engagement are detailed within the Planning Commission staff report. The Planning Commission recommended that the City Council submit the Draft Housing Element to HCD, and recommended that the City Council consider four additional programs within the Housing Element: 1) Rent Stabilization ordinance; 2) Just Cause ordinance; 3) Participation in the County of Ventura Regional Farmworker Housing Study; and 4) Participation in the Ventura County Housing Trust Fund

This staff report focuses on changes made to the March 10th Draft Housing Element since the presentation of the Draft Housing Element to the Planning Commission on April 1st. The April 1st staff report is attached for reference (see Attachment 1).

Following Planning Commission consideration of the Draft Housing Element on April 1st, the following actions occurred to advance and submit the Draft Housing Element to the State of California, Department of Housing and Community Development (HCD):

- On April 13, 2021, the Community Services, Public Safety, Housing & Development (Committee) held a public meeting to review and comment on the 2021-2029 Draft Housing Element. The Committee recommended by a vote of 2 to 1 that the City Council submit the Draft Housing Element to HCD, and recommended that the City Council consider four additional programs within the Housing Element: 1) participation in a County of Ventura Regional Farmworker Housing Study; 2) participation in the Ventura County Housing Trust Fund program; 3) creation of an Annual Housing Element workshop; and 4) development of an Institutional Housing Program. The Rent Stabilization and Just Cause Ordinance was not recommended to Council because the

Housing Department was already in the process of preparing a work plan that includes consideration of Rent Stabilization and Just Cause ordinances. The Housing Department had met with the community organization, CAUSE several times to discuss the State's recent Rent Stabilization and Just Cause ordinances that became effective in 2020 (via State law), attended CAUSE organized virtual community meetings to listen to community input on the development of related ordinances, had provided CAUSE sample ordinances, and is meeting separately with Council Committee and Council to discuss Rent Stabilization and Just Cause efforts before the end of 2021.

- On April 29, 2021, the City Council held a public hearing on the 2021-2029 Draft Housing Element Update and concurred with the direction from the April 13th Committee meeting.
- On May 14, 2021, the updated 2021-2029 Draft Housing Element was submitted to HCD to begin a 60-day review period. The updated Draft Housing Element was also posted on the City's Housing Element Update webpage for Public review.
- On July 13, 2021, HCD provided written input (known as a "Findings Letter"), based upon their review of the May 14th Draft Housing Element (see Attachment 2). Staff prepared a summary document (excel table) that identified substantive changes (new and substantially revised programs) and non-substantive edits (technical updates) which are needed to address HCD's input. The summary document (Attachment 2) and Staff's input on needed revisions was addressed in the July 27th staff report (Attachment 3).
- On July 27, 2021, Staff requested input from the Committee on policy questions which would be reflected in amendments to the Draft Housing Element to address HCD Findings letter (see Attachment 3). The Committee provided direction to add language in Programs 2 (Citywide Homeowner Repair Program) and 19 (Affirmatively Furthering Fair Housing/AFFH), and to create a new Program (Program 44) to create an Accessory Dwelling Unit Affordability Incentive. The Committee also expressed support for staff to implement Programs 2 (see above) and 5 (Parcel Assemblage/Lot Consolidation Fee waiver) for affordable housing sites identified in Supplement 1 of the Housing Element that involve consolidation of parcels smaller than 0.5 acres. Program language was refined on Programs 41 (Farmworker Housing Study) and Program 42 (Housing Trust Fund Ventura County). The Committee also provided direction to add additional parcels where owner interest had been expressed. The Committee directed changes are reflected in the 2021-2029 Final Housing Element.

The 2021-2029 Final Housing Element reflects Committee and City Council direction on program and policy changes to respond to community input and HCD's written correspondence. This document was released for public review and comment on August 12, 2021, and it can be accessed here: <https://www.oxnard.org/housing-element-update/>. Changes between the Draft and Final Housing Element are captured in the attached summary of changes matrix (see Attachment 4 -Minor Updates to Background/Analysis Chapters A - F of Housing Element to address HCD's comments).

On August 18, 2021, staff conducted a community meeting to review the changes to the Housing Element since release of the Draft in May 2021. Five (5) people attended. No

significant new issues were raised and all issues/comments were addressed. Two comments were raised requesting that the City propose that April is Fair Housing Month and that the City add language to Program 19 (AFFH) promoting partnerships with local affordable housing advocacy groups. Program 19 already speaks to working with advocate groups. The Housing Department will take into consideration the prominence of April as National Fair Housing Month. A comment was also expressed in one-on-one meeting requesting the timing to implement Program 10 (Inclusionary Housing Ordinance) be moved up to early 2023 (instead of FY 2022-2023). Staff is in agreement with this change and will recommend changing this timing when presenting the Housing Element to the City Council.

Since the Planning Commission's review of the Draft Housing Element in April 2021, changes focus on the following topic areas. These modifications are the focus of this staff report and are discussed further in detail below:

- Updated Regional Housing Needs Assessment (RHNA; Table F-3) site capacity; accessory dwelling units now account for 490 lower income units and refinement of unit allocation by "areas" in the City. This reflects a moderate level of change;
- Site inventory – Removal and addition of lower income sites. This does not reflect a substantial change as the City can still meeting RHNA objectives; and
- Changes to Housing Element Program language due to City Council direction, and HCD feedback. In staff's opinion, this reflects the largest change from the Draft to the Final. [Minor edits to Background/Analysis Chapters A - F of Housing Element to address HCD's comments are not addressed in this report (see Attachment 4)].

3) Analysis:

The analysis section is focusing on changes made to the Draft Housing Element that was submitted to HCD and posted for public review on May 14, 2021, as reflected in the Final Housing Element posted on August 12th (see Section A, below). The analysis section also identifies necessary General Plan Land Use map/text, and Oxnard City Code (OCC) map/text changes to implement the Housing Element (see Section B, below). Discussions on community outreach and incorporation of community input are also provided below (see Section C, below).

A. Changes Since Release of the Draft Housing Element

1. Regional Housing Needs Assessment, Table F-3

To comply with State law, the City's Housing Element must be updated to accommodate the estimated housing growth needs identified in the Southern California Association of Government (SCAG) RHNA allocation for the 2021-2029 planning period. On March 4, 2021, SCAG approved the 6th cycle RHNA allocation for the region. The below allocation was listed for the City of Oxnard to meet its fair share of the State's housing needs, including 2,911 lower income units (very-low and low income units). State Housing Law

does not require the City to construct the allocated units within the planning period, but does require the City to maintain an inventory of housing sites to accommodate the RHNA allocation.

City of Oxnard RHNA Allocation - 2021-2029

<u>Income Categories</u>	<u>Final RHNA (Unit Count)</u>
Lower Income (Extremely-Low/Very-Low/Low) (< 30%,; 30%-50%; and 50%-80% of Area Median Income, respectively)	2,911
Moderate (80%-120% AMI)	1,538
Above-Moderate (>120% AMI)	4,100
Total 6th Cycle RHNA	8,549 units

HCD recommends that the City identify sites which can accommodate 15% more than the projected lower income housing unit allocation in the event sites do not develop as affordable housing sites over the 8-year window. With that in mind, the City has designated capacity for at least 3,348 lower income units (2,911 lower income RHNA units plus 437 buffer lower income units). As shown in the following table from the Final Housing Element, Oxnard has identified adequate sites to meet its 8,549-unit requirement over the 2021-2029 planning period. Since the planning period began on June 30, 2021, the first column in the table reflects remaining RHNA after issuance of seven building permits following that date.

Table F-3. Comparison of Site Capacity to 2021-2029 Regional Housing Needs Assessment

Income Group	Remaining RHNA Table D-3	Projected Accessory Dwelling Units	Vacant Sites Capacity [Suppl. 1]	Non-Vacant Sites Capacity [Suppl. 1]	Specific Plans [Suppl. 1]	Subtotal Remaining RHNA	Pending Annexations (Rio Urbana and Teal Club)¹	Total Units Addressed	Surplus RHNA
Extremely Low	1,835	490	1,010	1,456	224	0	165	3,350	+439
Very Low									
Low	1,071								
Moderate	1,538	0	141	504	706	187	285	1,636	+98
Above Moderate	4,098	0	610	2,273	625	590	707	4,169	+117
TOTAL	8,542	490	1,761	4,233	1,555	777	1,157	9,427	

1. Information about annexations that support these numbers in Sections F.8 and F.9.

Accessory Dwelling Units (ADU)

HCD allows part of the lower income RHNA allocation to be accommodated with projected ADUs. In 2019, a new State Law (AB 671) was adopted that requires jurisdictions to include a program in the Housing Element to incentivize and promote the creation of ADUs. Consistent with the new law, the City updated its ADU program in 2019, which became effective in 2020. The updated program simplified the ADU permitting process, revised development standards and waived ADU parking requirements under many circumstances. The updated program has proven to be very popular; in 2020, 123 ADUs were entitled, compared to an annual average of 27 ADUs in the prior 3 years. As of August 2021, approximately 85 ADU planning entitlements had been granted this year. Based upon historical ADU construction, success of the 2020 update, and potentially proposed City efforts to support ADU development, including affordability reporting and streamlined ADU template documents, and conversations at the time with HCD, the City's housing consultant and staff developed a rationale and justification for inclusion of 1,000 ADUs towards meeting the City's lower income RHNA requirement. In October 2020, the City Council directed staff to utilize up to 1,000 ADUs & Jr. ADUs during the 2021-2029 Housing Element cycle to achieve compliance with 2,911 lower income RHNA. The Draft Housing Element submitted to HCD in May 2021 included the 1,000 unit ADU projection, along with three new programs to support ADU production.

Based on review of the May 2021 Draft Housing Element, HCD requested that the ADU rationale and justification be revised to reflect the lower number of building permits issued for ADUs rather than planning entitlements, and indicated verbally that HCD would be more comfortable with a reduction in the ADU projection towards RHNA to below 500 units. Table F-3 was revised to reflect 490 ADU towards the City's lower income RHNA. The City is also updating the ADU building permit process to include self certification checklists that are intended to streamline ADU building permits.

HCD also strongly suggested that the City create a program to require deed restrictions on some types of ADUs that are accommodated above the provisions already allowed outright under State law, such as when the City provides construction funding assistance. At their meeting in July 2021, the Committee directed staff to add the ADU construction cost assistance and accelerator program (New Program - Program 44) to the Housing Element. The City is proposing four ADU programs in the Housing Element - Programs 36, 37, 38, & the new Program 44 discussed further below. These programs will support construction of ADUs as well as facilitate these units for lower income units.

2. Site Inventory

Through continued community engagement and Council input, a few parcels were removed from the Housing Element inventory of sites to address lower income RHNA and additional affordable housing sites were added. Table F-3 2021 - 20209 RHNA site capacity (shown above) reflects the final number of units after the below site inventory revisions, and shows a surplus above the City's RHNA allocation.

Removed Sites/Parcels:

The following parcels were removed from the inventory due to responses from owners that they either did not want their parcel included within the inventory, or that they were not interested in residential development.

- 600 N. Harrison / 245 E. Colonia Road (known as “Ventura Pacific” property)(Site 6, removed as a result of discussions with Committee)
- 2121 N. Oxnard Boulevard
- 624 W. Wooley Road
- 1325 S. Oxnard Boulevard

Added Sites/Parcels:

The following parcels were added to the Housing Element inventory in response to owner interest, to include a few sites that had been missed in earlier count, and to include entitled sites that had not been developed yet. The below referenced sites are described in Supplement 1 of the Final Housing Element

- 1505 W. Ninth Street (Site 19)
- 1225 S. Oxnard Boulevard and 1260 Saviers Road (parcels added to Site 25)
- 5777 S. Saviers Road (parcel added to Site 40)
- 416 W. Sixth Street (Site 41)
- 619 & 625 South C Street (Site 42)
- 2161 Etting Road (CEDC Farmworker Apartments) (Site 43)
- 234 Johnson Road (Johnson Road Apartments) (Site 44)

3. Housing Element Program Language Changes

In response to community, Committee/Council, and HCD input the Final Housing Element programs were refined. Changes to the Programs can be viewed by going to <https://www.oxnard.org/housing-element-update/>, and clicking on the tab that states: “You can download the [Final August 2021 Legislative Version here](#)”, see Chapter G, Table G-2 (page 216 of the pdf). Within this staff report, staff is focusing on programs with more substantial changes:

Summary of Proposed New & Updated Housing Programs:

- Programs 3 (Rezoning to meet RHNA) – Changes to reflect General Plan Land Use Element map and text changes and zoning map and text changes to implement the Housing Element to allow for a density of 30 dwelling units per acre; similar changes to Programs 30 and 31 to implement the Housing Element. The City intends to amend the General Plan Land Use Element map and text, as well as Chapter 16 of the Oxnard City Code (Zoning Code) and zoning map as part of this program, for the Assessor’s Parcel Numbers (APNs) listed in Supplement 1 of the Housing Element. The first reading of

rezoning and Land Use Element map and text changes will be completed prior to October 15, 2021 (the required General Plan Land use Element text and map and OCC text/map changes are further described below).

- Program 5 (Parcel Assemblage/Lot Merger) – Changes to reflect City Council adoption of fee waiver program (pursuant to Ord. 2927) for targeted parcels (less than 0.5 acres) in sites noted in Supplement 1 of Final Housing Element.
- Program 6 (Zoning Code Amendment) – Committed to specific zoning ordinance modifications to comply with State law, including accommodating Single Room Occupancy and creation of a Site Plan Review process for ministerial review for by-right projects.
- Program 9 (Farmworker Housing Program) – Committed to creating brochures and continued engagement with stakeholders.
- Program 19 (Affirmatively Furthering Fair Housing) – Added language presented to and supported by Committee to promote the Program. Affirmatively Furthering Fair Housing (AFFH) - HCD's AFFH Guidance was published in late May 2021, after the City's submittal of the Draft Housing Element to HCD. Revisions for consistency with the AFFH Guidance will result in augmentation and modifications to Programs 2 (Citywide Homeowner Repair Program) as well as 19 (AFFH), respectively. New program language was added in response to HCD guidelines. The added AFFH language included:
 - Prioritize green infrastructure investment in areas of concentrated poverty.
 - Ensure non-English-speaking applicants have access to programs through advertising and outreach, including accommodation for translation services.
 - Each time a housing project is proposed that may influence a particular group or neighborhood, in particular in areas of linguistic isolation, the City will make efforts to distribute information on the project to ensure that the group or neighborhood is made aware of the project and the process and has the opportunity to respond.
 - Expand access to utilities in Racially or Ethnically Concentrated Areas of Poverty (R/ECAPs).
 - Promote Density Bonus opportunities in R/ECAPs. Review the City's Density Bonus regulations and expand them to allow above state Density Bonus provisions (higher density and/or concessions) in R/ECAP areas if it is determined that this would provide more opportunities in these areas.
 - The City of Oxnard Sustainable Transportation Plan (scheduled to be complete in

2022) will focus on inclusive community engagement to ensure that the needs of each community, age group, and socioeconomic status are represented. The document will incorporate complete streets design, safe routes to school, vision zero, sidewalk or bike lane improvements and first/last mile planning in tandem with land use opportunities in lower resourced areas including R/ECAPs and areas of linguistic isolation.

- Conduct an assessment of tree canopy in R/ECAP areas and areas of linguistic isolation. If tree canopy is less than in other areas of the City, in conjunction with the City's Climate Action Plan, the City can recommend increasing tree coverage in the identified areas.
- Program 41 (Farmworker Housing Study) – Modified to clarify that the City will seek grant funding, or other City secured sources of funding/staff time; timing to implement the program was also moved back to align with budget cycles and County work efforts/timing.
- Program 42 (Collaboration with VC Housing Trust Fund) – City will continue partnership; City will secure staff support or other forms of funding; timing to implement the program was also moved back.
- Program 44 (New Program – ADU Accelerator Program) – HCD expressed concerns on the number of ADUs utilized to meet the City's lower income RHNA. In response, staff added a new incentive program to encourage ADU construction and address long term ADU affordability as part of AFFH requirements. The number of ADUs utilized to comply with the City's lower income RHNA allocation was also reduced from 1,000 to 490 units. Deed restriction to ensure affordability cannot be imposed on new ADUs unless the City provides financial assistance for the construction of the unit or other benefit(s) above and beyond the provisions of state ADU law.

B. General Plan Amendment and Zone Change

To meet the City's RHNA obligation, and to comply with new State laws regarding default density of up to 30 units per acre, the City must rezone properties to accommodate higher density dwellings. In October 2020, the City Council was informed of the new law at their public meetings on the Draft Housing Element policies. During this meeting, City Council directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 du/acre to reach the total 2021-2029 RHNA lower income allocation. Program 3 in the 2021-2029 Housing Element implements this direction, with a program to amend the General Plan and Zoning Code, as needed, to allow 30 du/acre or greater on certain sites identified within Supplement 1 of the Housing Element to meet the City's lower-income RHNA allocation.

Additionally, Programs 30 and 31 address a new State requirement for allowing “by-right” development on Housing Element vacant and non-vacant parcels that were identified as affordable housing sites in prior Housing Elements. Many of the sites listed in Supplement 1 were in prior Oxnard Housing Elements and deemed suitable sites to accommodate lower income units. Per Government Code 65583.2(c), in order to utilize these sites to fulfill the City’s lower income RHNA, the City is required to update the OCC to develop a “by-right” permit process for those projects that have at least 20 percent affordable units (extremely-low, very-low, or low). By-right means that the projects can be reviewed and approved by the Community Development Director without discretionary review or public hearings provided the projects are consistent with Oxnard City Code standards and specific Findings are made.

To accommodate Programs 3, 30, and 31 of the Housing Element, the following amendments to the General Plan Land Use Element map and text, and OCC/zoning map and text are recommended. Associated draft ordinances are provided in legislative format and are attached to this report (see Attachments 5, a-f).

1. General Plan Amendments

The General Plan Land Use Element will be amended to allow residential development at a density of 30 dwelling units per acre on General Commercial and Business Research Park designated parcels that are identified with an overlay of Affordable Housing Permitted (AHP) or Affordable Housing Discretionary (AHD) on the zoning map. The majority of parcels identified in the Housing Element, Supplement 1 are designated with a General Plan Land Use designation of General Commercial, which allows up to 18 dwelling units per acre. A few sites are designated within the General Plan Land Use Element as Business Research Park, which does not presently permit multifamily residential. The amendment targets select Housing Element sites. Table 1 outlines the Amendment to the 2030 General Plan Land Use Element:

**Table 1 - 2030 General Plan Land Use Element Text Amendments,
see Attachment 5a**

General Plan Land Use Designation	Current Allowable Density & General Plan Land Use Element Text	Proposed Density & General Plan Land Use Element Text, Section 3.5 and Table 3.2
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Business Research Park	0 du/acre; Housing not currently permitted. "Business and Research Park. [FAR is 0.60:1] Professional, administrative, research, and limited manufacturing uses along with limited commercial activities intended to support such uses, integrated into campus-like environments that are oriented towards arterials, freeways, airports, and harbors, and developed to high property and development standards."	30 du/acre add text "and residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD".
General Commercial	18 du/acre; "General. [FAR is 0.35:1] Retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/live, and mixed uses."	30 du/acre add text "and residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD".

The land use designation on 13 parcels on four Housing Element sites (sites can contain multiple parcels) would also be amended from Limited Manufacturing or Public/Semi Public to General Commercial or Business Research Park to be more compatible with multifamily residential land use.

Table 2 identifies the parcels subject to the General Plan Land Use Element amendments:

Table 2 - 2030 General Plan Land Use Element Map Amendments

Site ID#	Address	APNs	Acres	Current GP Land Use Map Designation	Proposed GP Land Use Map Designation
5	St Johns SWC, Socorro Way	213003137	2.11	PUBLIC/SEMI PUBLIC	BUSINESS/RESEARCH PARK
5	St Johns SWC	213003138	2.56	PUBLIC/SEMI PUBLIC	BUSINESS/RESEARCH PARK
7	121 Cooper Road	201005111	1.00	LIMITED MANUF	GENERAL COM
8	Harrison Ave parcels UPRR	201011301	0.22	LIMITED MANUF	GENERAL COM
8	Harrison Ave parcels UPRR	201011302	0.10	LIMITED MANUF	GENERAL COM
8	Harrison Ave parcels UPRR	201011303	0.10	LIMITED MANUF	GENERAL COM
8	Harrison Ave parcels UPRR	201011312	0.32	LIMITED MANUF	GENERAL COM
8	Harrison Ave parcels UPRR	201011315	0.81	LIMITED MANUF	GENERAL COM
8	Harrison Ave parcels UPRR	201011314	1.34	LIMITED	GENERAL COM
13	301 E Third	201011604	2.03	LIMITED MANUF	GENERAL COM
13	301 E Third	201012907	0.17	LIMITED MANUF	GENERAL COM
13	301 E Third	201012908	0.17	LIMITED MANUF	GENERAL COM
13	301 E Third	201012906	0.55	LIMITED MANUF	GENERAL COM

2. OCC, Chapter 16 - Zoning Text Amendment to Allow Default Density in C2 and BRP Zones

Similar to the amendment to the General Plan Land Use Element, the following sections of the OCC, Chapter 16 would be amended to allow residential development at a density of 30 dwelling units per acre on C-2 (General Commercial) and BRP (Business Research Park) zoned parcels that are identified with the AHP or AHD additive zones on the OCC zoning map.

**Table 3 - Oxnard City Code Text Amendments
 C-2 and BRP Permitted Uses, see Attachments 5b and 5c**

Zoning	Current OCC Allowable Density & Text	Proposed OCC Density & Text
BRP (OCC <u>Section 16-162</u> Non-Industrial Uses, and <u>16-163</u> Industrial Land Uses by Zone: Industrial Land Use Matrix)	0 du/acre; Housing not currently permitted.	30 du/acre add text "Residential uses up to 30 units per acre are permitted in the BRP on parcels identified as AHP or AHD" as provided in section 16-420.

C2 (OCC Sections 16-135 Permitted Uses, 16-136 Related Uses, and 16-138 Lot Area Per Dwelling)	18 du/ac; "The permitted and related uses in the R-3 zone" (OCC 16-136) AND 72 du/acre; "Every main residential building shall have a lot area of <u>not less than 600 square feet per dwelling unit</u> , except for hotels or apartment hotels that have no cooking facilities in any individual room, suite or apartment." (OCC 16-138)	30 du/acre add text to 16-135 "The permitted and related uses in the R-4 zone on parcels identified as AHP as provided in section 16-420." add text to 16-136 "The permitted and related uses in the R-4 zone on parcels identified as AHP or AHD as provided in section 16-420" (No change to 16-138)
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3. Zoning Text Amendment to Repeal AAHOP and Create Affordable Housing Additive Zones

HCD Guidelines allow for the default density requirement to be accommodated through an Affordable Housing Additive Zone (overlay) that allows property owners flexibility to build multi-family housing on their property, without modifying the standards of the underlying zoning district or restricting the property owner's existing development rights. Since the majority of the sites that are identified for affordable housing outside of the Downtown are presently zoned C-2 and BRP, an Affordable Housing Additive Zone that allows the default density of 30 du/acre (with a minimum 20% affordable units per State requirements) would be the most attractive zoning option for existing C-2 and BRP property owners, as they could continue their existing use while developing a portion or all of their property with housing, or sell the property for potential gains associated with more flexible zoning. Additionally, many owners have expressed that they are not interested in outright residential zoning on their property, but would be interested in an Affordable Housing Additive Zone that can accommodate a mix of uses. Loss of these sites would create difficulty for the City to accommodate RHNA allocations.

The State requires the City to rezone specific Housing Element sites that were in prior Housing Elements to allow 'by-right'¹ development, provided that a minimum of 20% of units are restricted as affordable to lower income households. The State does not require the same 'by-right' provisions for new Housing Element sites. Additionally, many of the new Housing Element sites are presently in industrial areas where discretionary oversight would be necessary to ensure compatibility with surrounding uses. Therefore, two Affordable Housing additive zones are proposed, one zone that would overlay prior Housing Element sites to accommodate the default density by-right (Affordable Housing Permitted; AHP), and another zone that would accommodate the default density on new affordable sites with discretionary review (Affordable Housing Discretionary; AHD). Both Affordable Housing Additive Zones would require 20% affordable housing by deed restriction or affordability agreement. The Additive Zone text will replace the AAHOP program text in its entirety in OCC Section 16-420.

¹ By-right means allowed administratively, without a Special Use Permit (SUP), Planned Development (PD) or other discretionary approval. (Government Code Section 65583.2(i).)

**Table 4 - Oxnard City Code Text Amendments
 Repeal AAHOP and Create
 Affordable Housing -AHP & -AHD Additive Zones, see Attachment 5d**

Zoning	Current OCC Allowable Density & Text	Proposed OCC Density & Text
AAHOP - Remove overlay zone (OCC Section 16-420)	16-420E "(B) Maximum density - The allowable density of units per acre for the -AH additive zone is the amount shown on the zoning map. All sites allow <u>between 20 and 39 units per acre</u> . AAHOP project density is based on the site size less land dedications for roadway widening required by the 2030 general plan circulation diagram (Figure 4-1)."	NA (AAHOP text and overlay removed)
Affordable Housing Permitted (AHP) - New additive zone (on C2 sites that were in 1 or 2 prior housing elements). (OCC Section 16-420)	NA	30 du/acre, Permitted ' By Right '. Text clarifies that residential development with a density of up to 30 units/acre that includes at least 20% lower income is permitted with a SPR (Non-Discretionary). A PD on the site is applicable to non-residential development on the site and residential development with less than 20% lower income. The developer can access State Density Bonus Law in addition to using the densities allowed in the additive zone. Text references R4 standards, attached dwelling unit standards and includes objective design standards.
Affordable Housing Discretionary (AHD) - New additive zone (on C2 & BRP sites that were not in prior housing element) (OCC Section 16-420)	NA	30 du/acre, Discretionary . Text clarifies that residential development with a density of up to 30 units/acre that includes at least 20% lower income is permitted with an SUP (Discretionary). The developer can access State Density Bonus Law in addition to using the densities allowed in the additive zone. Text will reference R4 & attached dwelling standards and includes objective design standards.

4. Zoning Text Amendment to allow Density Bonus Applications to be Approved by the same Approval Authority authorized to approve the associated Discretionary or Ministerial permit for the housing development

The Density Bonus section of the OCC (Section 16-410) presently requires Planning Commission approval on ministerial Density Bonus applications, unless the City Council makes the final determination. To facilitate ‘by-right’ projects reviewed through ministerial Site Plan Review (SPR), remove a code inconsistency that presently requires all housing projects seeking Density Bonus to be reviewed by Planning Commission (even when the underlying permit only requires Director approval), and improve project processing efficiencies, an amendment to OCC, Section 16-410 is recommended. Under the proposed amendment, the Density Bonus permit would be approved by the approval authority authorized to approve the associated Discretionary permit Approval or Ministerial permit Approval for the underlying development permit for the housing development. Legislative text revisions to OCC, Section 16-410 are provided in Attachment 5e.

5. Zoning Text Amendment to create Ministerial Site Plan Review process for ‘By-Right’ projects

As discussed earlier, ‘by-right’ projects allowed on sites with an AHP additive zone must be reviewed ministerially. Chapter 16 of the OCC does not presently have a ministerial process for reviewing multifamily development projects. Although the City’s Development Design Review (DDR) permit (OCC Section 16-525) allows such projects to be approved by the Community Development Director (rather than Planning Commission), the DDR process requires public workshops, public noticing, and allows discretionary review on aspects of the project, such as, but not limited to, design. To comply with the State’s requirement, the City would create a ministerial SPR process for conducting a ministerial (non-discretionary) review of by-right projects. The Director will be the Review Authority for SPR to ensure compliance with objective development and design standards. The SPR will also be reviewed by the Development Advisory Committee (DAC) for consistency with Federal, State and Local codes, ordinances, resolutions and standards. The intent of DAC review is to provide an interdepartmental perspective and coordination prior to project approval with the goal of streamlining the development process. No public notifications or public meetings or hearings would be required for SPR Permits.

HCD guidelines clarify that ministerial review does not preclude jurisdictions from imposing objective design review standards. Multifamily projects reviewed as by-right under the AHP provisions will be subject to multifamily development standards in the OCC, objective design standards and special development requirements in Section 16-420 (see Attachment 5f).

6. Zoning Map Amendment

Lower income sites identified in the Downtown Code already accommodate the default density; therefore, no zone changes are necessary for those sites. Many of the identified properties outside of Downtown do not presently accommodate the default density; therefore, the City will need to process zone changes for those sites to allow the default density of at least 30 du/acre. The State requires that the City rezone vacant properties that were in two prior Housing Elements and non-vacant properties that were in one prior Housing Element to allow ‘by-right’ development, provided that a minimum of 20% of units are restricted as affordable to lower income households². These sites will receive an AHP additive zone designation on the City’s zoning map.

A list of sites that will need zone changes is included in Supplement 1 of the Housing Element. Additionally, the AH- additive zone associated with the retiring AAHOP program will be removed from the prior Housing Element sites, including those sites that were not selected to be included within the 6th cycle Housing Element, or for a property owner that did not want their property included in the current Housing Element. Approximately 41 parcels within 19 sites will be rezoned from -AH (AAHOP) overlay to the AHP additive zone, and 25 new parcels will be zoned with the AHD additive zone. Eight parcels that have been developed under AAHOP will also be rezoned with the AHP additive zone to retain development options for the parcel under an affordable zone designation in the event that the property owner chooses to redevelop the site in the future. The AH zone will also be removed from all remaining AAHOP sites. The proposed zone map changes and list of affected parcels may be viewed on the following City website and are not provided in this report as they represent approximately 110 parcels: <https://arcg.is/HmSS1>

C. Community Input:

Over the past year and a half, there has been extensive public input and collaboration. Staff has met monthly with the HouseFarmworker organization, conducted individual meetings with housing advocates and developers, conducted virtual community workshops on the Housing Element, distributed development interest letters and surveys, and presented the Housing Element to the Planning Commission, City Committee, and City Council a number of times.

At the April 1st Planning Commission meeting, the Commission expressed support for Just Cause and Rent Stabilization Ordinances. These two ordinances were not included in the Housing Element because the Housing Department was already in the process of preparing a work plan that includes consideration of Rent Stabilization and Just Cause ordinances. The Housing Department’s work plan includes work efforts to study these issues and the rent control law is addressed via State law. In 2019, California adopted the Tenant Protection Act (AB 1482), which places a statewide limit on rent increases to 5 percent plus local

²Per HCD guidelines, development that does not contain the requisite 20% affordable would still be allowed to be developed according to the underlying (base) zoning but would not be eligible for ‘by-right’ processing.

Consumer Price Index (CPI) or 10 percent, whichever is less. In an effort to not stymie new construction, the state law exempts condominiums and single family homes constructed in the last 15 years. The law became effective on January 1, 2020.

As a result of community input, staff added participation in the Farmworker Housing Survey (Program 41), and Housing Trust Fund Ventura County (Program 42), with program language refinement pursuant to Committee direction on July 27, 2021. Staff also added Program 43, an Annual Housing Element Workshop with affordable housing and housing developers. Support was also expressed for increasing density along Oxnard Boulevard from US 101 down to Hueneme Road. With the City's High Quality Transit Corridor (HQTC) plan and Local Early Action Planning (LEAP) grant (\$500,000), density has been encouraged along this corridor, along with Program 33 to implement recommendations from the grant study document, including future density and code modifications. This route was selected because it is the only route in the City that will, at earliest 2028, qualify as a HQTC pursuant to SCAG based upon transit headway service timeframes.

In addition to comment letters and input received at various public meetings, comments on the Housing Element programs generally focus on the following topics/concepts; staff's response follows in italics:

1. Streamlining Affordable Housing - Input: The City should streamline construction of affordable housing.

- i. *The City is creating a ministerial SPR process for review of 'by-right' projects, and other projects for non-discretionary review. Zone text amendment creating SPR process will be adopted with approval of Final Housing Element. The following additional programs are also being created.*
- ii. *Program 30 & 31 - Creation of Affordable Housing Additive Zone (AHP) with a ministerial process for sites that have been in prior housing elements that will allow 30 dwelling units per acre by-right for projects with 20% affordable to lower income households. Programs 30 and 31 and associated zone text amendment creating AHP Additive zone will be adopted with approval of Final Housing Element.*
- iii. *Program 34 - Create process to streamline affordable projects that comply with SB35 - To be developed in 2023-2024; timeframe correlates with budget cycles and will be drafted with HQTC study recommendations.*
- iv. *Program 7 - Housing Permitting Process Review - The entitlement review process will continue ongoing evaluation for opportunities to streamline the process, identify incentives, and eliminate duplicative or unnecessary regulations. For example, OCC Section 16-410 Density Bonus will be updated to remove a code inconsistency that presently requires all housing projects seeking Density Bonus to be reviewed by Planning Commission (even when the underlying permit only requires Director approval), and improve project processing efficiencies. OCC*

amendments to the OCC, Density Bonus provisions will be adopted with approval of Final Housing Element. City will also report on implementation of programs through the Annual Housing Element workshop (Program 43).

- v. *Program 3 - Rezone to meet RHNA - will involve creating Affordable Housing AHP & AHD additive zones that will allow densities of at least 30 du/ac, rather than AAHOP program. OCC, zone text amendment creating AHP & AHD additive zones will be adopted with approval of Final Housing Element.*

2. Zone Change Timing - Input: The City should amend/update the zoning for inventory sites soon so that developers can take advantage of the 30 du/ac.

- i. *Program 6 - Concurrent with approval of the Final Housing Element, the City is implementing several General Plan Land Use Element map and text amendments and Zoning map and text changes to allow 30 dwelling units per acre on sites identified in Supplement 1 of the Final Housing Element, including updating permitted uses in the C-2 and BRP zones, creating Affordable Housing additive zones that allow 30 dwelling units per acre, creating a new ministerial SPR processes and objective development standards for by-right projects, and updating the zoning map to add the Affordable Housing additive zones onto Supplement 1 parcels. These zoning text and map amendments will be adopted with approval of Final Housing Element. Additionally, Program 6 provides the roadmap for future zoning ordinance modifications. These recommended changes and timeframes for completion align with the department budget and future work plans.*

3. By-Right - Input: City should develop a ‘by-right’ permit process for AB 1397

- i. *Programs 6 - City is creating a ministerial SPR process for review of ‘by-right’³ projects and other projects for ministerial (non-discretionary) review. The zoning text amendment creating the SPR process will be adopted with approval of Final Housing Element.*

4. Prohousing Designation - Input: The City should pursue a Prohousing Designation as defined in California Gov Code Section 65589.9(f)(2)

- i. *Prohousing is an HCD designation, similar to an overlay designation, that allows the City to be more competitive when applying for housing related grants.*

³ AB 1397 amends Sections 65580, 65583, and 65583.2 of the Government Code. For purposes of this section and Section 65583, the phrase “**use by right**” shall mean that the local government’s review of the owner-occupied or multifamily residential use may not require a conditional use permit, planned unit development permit, or other discretionary local government review or approval that would constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Any subdivision of the sites shall be subject to all laws, including, but not limited to, the local government ordinance implementing the Subdivision Map Act. A local ordinance may provide that “use by right” does not exempt the use from design review. However, that design review shall not constitute a “project” for purposes of Division 13 (commencing with Section 21000) of the Public Resources Code. Use by right for all rental multifamily residential housing shall be provided in accordance with subdivision (f) of Section 65589.5: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1397

Prohousing policies are policies that facilitate the planning, approval, or construction of housing. Proposed programs in the Final Housing Element, including the AHP and AHD Additive zone provisions, waiving parcel assemblage fees, allowing housing in the BRP zone, allowing housing on institutional properties, permit streamlining, ADU construction cost assistance, the HQTC study and recommendations that will come out of that grant project, and many other programs. These programs can be characterized as prohousing actions, and therefore would assist HCD granting the City a prohousing designation. Further, with the City's Vehicle Miles Traveled analysis and mobility studies underway, the City will continue evaluating options for housing, land use and mobility. The City's Final Housing Element takes a number of steps to implement prohousing while not formally adopting a prohousing designation. The City may consider this formal designation once the HQTC study results are provided.

- 5. Inclusionary Housing** - Input: The City should update the inclusionary housing percentage to 20% and also increase the City's inclusionary housing fee.
 - i. Program 10 - The Final Housing Element indicates the City will update the Inclusionary Housing Ordinance by fiscal year 2022/2023. In discussing this with Ms. Barbara Macri-Ortiz, Staff recommends moving this up to early 2023. Prior letters received made comments regarding a need to increase the City's Inclusionary Housing Fee. In May 2020 the City completed a comprehensive fee study and nexus analysis and updated the City's inclusionary housing in-lieu fee from \$7,500/unit to a three-year phased-in fee amount of \$28,000-\$36,000/unit.*
- 6. Development Concessions for Affordable Housing** - Input: The City should reduce development standards that impede developer's ability to produce higher density housing, and/or provide concessions for affordable housing projects similar to the AAHOP program (6-story height and 10% reduction in numerical development standards).
 - i. The proposed AHP and AHD Affordable Housing Additive zone provisions allow adjustment to numerical development standards by plus or minus 10% for projects with one-hundred percent of units affordable to extremely-low income, very-low income, or low income households (not including manager units).*
 - ii. Recent State Density Bonus law updates also give more generous concessions and incentives to affordable housing projects than were provided at the time that AAHOP was adopted, including: up to four development standard concessions (depending on level of affordability), increased building height of up to three additional stories, and waive or reduction in parking requirements.*
- 7. Parking Standards** - Input: The City should review parking standards and exempt affordable projects from parking requirements when the projects are within ½ mile of a public transit stop (vs. ½ mile to a 'major transit stop' per Density Bonus law).

- i. *According to the California Public Resource Code, a major transit stop is defined by the State as a bus line that has a “headway” or pick up/drop off time of every 15 minutes. State Density Bonus law exempts 100% affordable housing projects from providing parking for projects which are located within $\frac{1}{2}$ mile of a ‘major transit stop’. Based on Gold Coast Transit District’s (GCTD) schedule (April 2021), the Oxnard Transit Center is the only current major transit stop under the California Public Resource Code definition of ‘major transit stop’.*
 - ii. *According to the City’s ADU Ordinance and State ADU law, projects which are located within $\frac{1}{2}$ mile of a ‘public transit stop’ do not have to provide the required parking for the ADU.*
 - iii. *Program 27 stipulates that the City will review Parking Standards by fiscal year 2023-2024 which aligns with the City budget request and Departmental work plan. The City will continue to allow reduced parking requirements for ADUs and 100% affordable housing projects, develop standards for shared parking, and review off-street parking requirements. Program 33 memorializes the City’s work studying the HQTC; study recommendations will be completed in Fiscal Year 2023-2024 and will help inform work within Program 27. According to GCTD, transit headways from US 101, down Oxnard Boulevard to Hueneme Road are not anticipated to meet the State established definition of ‘major transit stop’ until 2028 at earliest.*
- 8. BRP Standards - Input:** The City should reconsider or minimize use of OCC Section 16-360 (Attached Dwelling Unit) standards in the BRP Overlay.
- i. *Program 35 will allow housing in the BRP overlay zone with recommendations from the HQTC study anticipated for Fiscal Year 2023-2024. With City Council approval of the Final Housing Element and adoption of the OCC modifications, the BRP overlay zone will be applied to several BRP parcels. Program 33 (HQTC study) will also help inform the outcome of Program 35.*
- 9. Efficiency Housing Types - Input:** The City should encourage efficiency Housing Types for Extremely low-income housing for households, such as tiny homes, container housing and other manufactured housing. City should encourage low income housing.
- i. *The City has developed various programs to support alternative housing types for low income households. Program 6 speaks to amending the OCC to create development standards to provide alternative housing types for low income households, including Single Room Occupancy units, and manufactured housing. The program provides varied timing for OCC updates; timing is identified with consideration to budget and departmental work plans. Program 26 - states that the City will continue to encourage the development of housing suitable for extremely-low income households (i.e., Single Room Occupancy, transitional housing) to address extremely-low income needs.*

10. Accessory Dwelling Units (ADU's) - Input: The number of units identified to be utilized by the City to fulfill the City's lower income RHNA is too large.

- i. *The City's Draft Housing Element allocation of 1,000 ADU's towards fulfilling the City's RHNA has been reduced to 490 units. During the review of the Draft Housing Element, a few members of the public expressed concern that that assumption was too aggressive. Further, HCD indicated verbally that they would be more comfortable with a reduction in the ADU projection towards RHNA to below 500 units.*

4) California Environmental Quality Act (CEQA) Review: The Housing Element is subject to review in accordance with CEQA. The City prepared an Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01) for the proposed 2021-2029 Housing Element and related actions in accordance with CEQA Guidelines, Section 15070; see <https://www.oxnard.org/housing-element-update/>. Mitigation measures were minor and pertained to standard mitigations to address biological and paleontological resources. The public comment period is from August 5, 2021, to 5:00 p.m. on September 3, 2021. Comments on the IS/MND must be submitted by 5:00 p.m. on September 3, 2021. Comments provided will be considered by the decision-making body in accordance with CEQA Guidelines, Section 15074(b).

5) Community Outreach: Beginning in early 2020, the City developed a stakeholder list of affordable housing advocates, realtors, developers, architects, and interested parties. Over the past 1 ½ years of the update process, the City met with these stakeholders; this represented approximately 90 interested parties.

This group received notification of Housing Element update meetings and opportunities for participation. Outreach and engagement through monthly meetings, survey and digital comment tools, as well as public workshops were used to involve the community and the stakeholder group. Due to public health stay-at-home directives during the COVID-19 pandemic, planned in-person public workshops and stakeholder engagements were converted to virtual online meetings. Throughout 2020 and 2021, staff have provided presentations and updates to interest groups regarding the update process (ex., House Farmworkers, and Ventura County Coastal Association of Realtors, for example).

The City compiled a preliminary list of sites that may be suitable for addressing the City's RHNA numbers in the Housing Element. The sites were included on an online mapping tool that was made available to the public for their input. The online mapping tool was available for comment from September 21 through October 30, 2020. Twenty-one comments were received and input was taken into consideration when preparing the list of sites in the Draft Housing Element. Where appropriate, input and recommendations were taken into consideration in developing the housing site inventory.

On October 22, 2020, City Staff held the first public workshop. At the meeting, the staff provided an overview on Housing Elements and the process for the 2021-2029 Housing

Element and reviewed the site selection process for proposed market-rate and affordable housing development sites. The public workshop was recorded and posted on the City's Housing Element Update webpage for future viewing. The presentation was provided in both English and Spanish and interpretation was provided at the meeting.

In January 2021, in an effort to determine if the identified lower-income housing site inventory was feasible, an interest letter was mailed to 45 owners of the approximately 68 parcels located outside of the Downtown⁴. These letters were mailed to the owners of parcels which had been identified as potential lower-income housing sites (recommended in the Draft Housing Element site inventory). Interest letters were sent in Spanish and English, and owners were given options to respond online through the website, QR code, by email, by phone, or by mail.

On March 24, 2021, staff held a community meeting to discuss the 2021-2029 Draft Housing Element. The presentation was provided in both English and Spanish and interpretation was provided at the meeting.

The Draft Housing Element was posted for public review on the City's Housing Element Update webpage on March 10, 2021, with a review period of March 10th - April 9th; public notice was sent to the Housing Element Stakeholder list and other interested parties. Comments included general questions regarding the update process, timeframe, and requirements. Several of the owners of existing commercial properties were only interested in the inclusion of their property in the lower income housing inventory if they were able to retain the underlying zone in an effort to retain flexibility. As a result of these engagements, some potential sites were removed. The OCC amendments recommended by staff provide such flexibility while providing options for affordable housing.

- 6) Next Steps & Timeline:** The Final Housing Element is being presented as a public hearing, for information, review, and to answer questions; no decision is required to be made at this time. On September 16, 2021, the Planning Commission will be asked to review the IS/MND, General Plan, and OCC amendments, and Final Housing Element and make a recommendation to the City Council. On October 5th, the City Council will consider the IS/MND, General Plan and OCC amendments, and adopt the Final Housing Element.

⁴ The Downtown does not limit residential density; therefore, a survey to determine interest in 30 du/ac was not necessary.

Attachments:

1. April 1, 2021 Planning Commission Staff Report on the Draft Housing Element
2. July 13, 2021 - HCD Findings Letter
3. July 27, 2021 - Committee Staff Report
4. Change Matrix, Draft to Final Housing Element
5. General Plan Land Use Element/Text Amendment and OCC changes:
 - a. Draft - 2030 General Plan Land Use Element, Section 3.5 and Table 3.2 amendments
 - b. Draft - OCC Section 16-135 & 16-136 (C-2 - General Commercial Zone) amendments
 - c. Draft - OCC Section 16-162 & 16-163 (Business Research Park) amendments
 - d. Draft - OCC Section 16-420 (Affordable Housing -AHP & -AHD Additive Zones) amendments - New Provisions
 - e. Draft - OCC Section 16-410 (Density Bonus) amendments
 - f. Draft - OCC Section 16-523 (Site Plan Review) - New Provisions
6. Staff Presentation

2021-2029 Final Housing Element and IS/MND (hard copy of documents forwarded earlier to Planning Commission) - see: <https://www.oxnard.org/housing-element-update/>

Attachment 1

April 1, 2021 Planning Commission Staff Report

Please visit the following website to view the full document:

<https://civicclerk.blob.core.windows.net/stream/OXNAR/DCA/05e9ed3795.pdf?sv=2015-12-11&sr=b&sig=rOyK3wSZiVNuh2Ji%2BgIAipGdmetY%2Bg2tsK9qb8KyPpA%3D&st=2021-08-25T18%3A54%3A57Z&se=2022-08-25T18%3A59%3A57Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Attachment 2

Department of Housing and Community Development
(HCD) Findings Letter, July 13, 2021

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500
Sacramento, CA 95833
(916) 263-2911 / FAX (916) 263-7453
www.hcd.ca.gov



July 13, 2021

Emilio Ramirez, Director
Housing Department
City of Oxnard
214 S. C Street
Oxnard, CA 93030

Dear Emilio Ramirez:

RE: Review of the City of Oxnard's 6th Cycle (2021-2029) Draft Housing Element

Thank you for submitting the City of Oxnard's (City) draft housing element received for review on May 14, 2021. Pursuant to Government Code section 65585, subdivision (b), the California Department of Housing and Community Development (HCD) is reporting the results of its review. Our review was facilitated by conversations with Kathleen Mallory, Planning and Sustainability Manager, as well as Amy Sinsheimer and Jennifer Gastelum of Placeworks and Heather Davis of Rincon Consultants on June 30, 2021, and July 8, 2021. In addition, HCD considered comments from House Farmworkers! and Josh Albrectson, pursuant to Government Code section 65585, subdivision (c).

The draft element addresses many statutory requirements; however, revisions will be necessary to comply with State Housing Element Law (Article 10.6 of the Gov. Code). The enclosed Appendix describes these, and other revisions needed to comply with State Housing Element Law.

Government Code section 65588, subdivision (e)(4), requires a jurisdiction that failed to adopt its housing element within 120 calendar days from the statutory due date to revise its element every four years until adopting at least two consecutive revisions by the applicable due dates. Oxnard did not meet the requirements of Government Code section 65588, subdivision (e)(4), in the 5th cycle (2013 -2021); therefore, it is subject to the four-year revision requirement until the City has adopted at least two consecutive updated revisions by the applicable due dates. Provided the City adopts its housing element on or before October 15, 2021, it will meet the second four-year requirement and return to an eight-year revision cycle.

Public participation in the development, adoption and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that

represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate.

For your information, some general plan element updates are triggered by housing element adoption. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at:

http://opr.ca.gov/docs/OPR_Appendix_C_final.pdf and
http://opr.ca.gov/docs/Final_6.26.15.pdf.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant; the Strategic Growth Council and HCD's Affordable Housing and Sustainable Communities programs; and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, pursuant to Government Code section 65583.3, subdivision (b), the City must utilize standards, forms, and definitions adopted by HCD when preparing the sites inventory. Please see HCD's housing element webpage at

<https://www.hcd.ca.gov/community-development/housing-element/index.shtml#element> for a copy of the form and instructions. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance. Please note, upon adoption of the housing element, the City must submit an electronic version of the sites inventory with its adopted housing element to sitesinventory@hcd.ca.gov.

HCD appreciates the diligent efforts Kathleen Mallory provided during the course of our review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Shawn Danino, of our staff, at Shawn.Danino@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West". The signature is fluid and cursive, with the first name "Shannan" being more prominent than the last name "West".

Shannan West
Land Use & Planning Unit Chief

Enclosure

APPENDIX CITY OF OXNARD

The following changes are necessary to bring the City's housing element into compliance with Article 10.6 of the Government Code. Accompanying each recommended change, we cite the supporting section of the Government Code.

Housing element technical assistance information is available on HCD's website at <http://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>. Among other resources, the housing element section contains HCD's latest technical assistance tool, *Building Blocks for Effective Housing Elements (Building Blocks)*, available at <http://www.hcd.ca.gov/community-development/building-blocks/index.shtml> and includes the Government Code addressing State Housing Element Law and other resources.

A. Review and Revise

Review the previous element to evaluate the appropriateness, effectiveness, and progress in implementation, and reflect the results of this review in the revised element. (Gov. Code, § 65588 (a) and (b).)

The element reviews the 5th cycle programs but does not provide a specific review for programs regarding the effectiveness of the 5th cycle programs for meeting the community's special housing needs. An analysis must be provided for the cumulative impact of the previous housing element's programs to address the housing needs of special needs populations. The element should specifically evaluate programs targeted for special needs populations and provide a narrative analysis.

B. Housing Needs, Resources, and Constraints

1. *Affirmatively furthering fair housing in accordance with Chapter 15 (commencing with Section 8899.50) of Division 1 of Title 2...shall include an assessment of fair housing in the jurisdiction. (Gov. Code, § 65583, subd. (c)(10)(A).)*

The element has some basic information on opportunity areas and concentrated areas of poverty. However, the element generally does not address this requirement. The element, among other things, must include outreach, an assessment of fair housing, identification and prioritization of contributing factors to fair housing issues and goals and actions sufficient to overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity. For more information, please contact HCD and visit <https://www.hcd.ca.gov/community-development/housing-element/housing-element-memos.shtml>.

While the assessment of fair housing in the City meets many of the statutory requirements, it is largely based on a regional Analysis of Impediments and should be tailored based on local factors and conditions in the City.

Enforcement and Outreach: While the element provides data related to the number of housing discrimination cases that were opened since 2017 (Page B-35) and describes some of the contributing factors, it needs to analyze the data for any patterns by community area or census tract and include additional local knowledge, relevant factors, and a conclusion of summary of issues. The analysis also needs to address the City's fair housing outreach capacity.

Integration and Segregation: The element does provide a dissimilarity index and includes maps from the Tax Credit Allocation Committee (TCAC), but it does not discuss local and regional patterns and trends including integration and segregation trends related to disability. The element should analyze the data for patterns throughout different census tracts, complement the data with other relevant factors or local knowledge, and conclude with a summary of issues. The element also identifies areas of linguistic isolation (Page B-43) but does not analyze the effects of this isolation or discuss how the City's programs will address these issues.

Sites Discussion: The element provides some discussion of the sites inventory in relation to the TCAC Opportunity Area (Page B-36). However, the element does not quantify the number of sites or the quantity of lower-income units in relation to these areas and relate these sites with the placement of its moderate and above moderate-income units. The element must address the full scope of Affirmatively Furthering Fair Housing (AFFH) and analyze and conclude whether the identified sites improve or exacerbate each of the fair housing issue areas.

Racial/Ethnic Areas of Concentration of Poverty: The element shows that the City includes three census tracts labeled as Racial/Ethnic Areas of Concentration of Poverty (Page B-32). While the City lists Programs 2, 9, 11, 12, 13, 19, 23, and 27 as addressing this need, it does not sufficiently describe how these programs will specifically address the needs of this population. The City may, as discussed on the June 30, 2021 call, for example, expand the Accessory Dwelling Unit (ADU) program discussed so that two ADUs may be allowed on single-unit parcels in these areas instead of one.

Racial/Ethnic Areas of Concentration of Affluence: The element does not provide any analysis of the Racial/Ethnic Areas of Affluence.

Access to Opportunity: While the element includes TCAC maps and briefly discusses access to education (Page B-30), the element currently lacks analysis of access to opportunities on a variety of areas including economic opportunity, transportation, and jobs in the City. In addition to providing this information, it needs to analyze that data for trends, patterns, local knowledge and conclude with a summary of issues. The City may, as discussed on the July 8, 2021 call, for example, expand programs that improve access to public transportation as well as protected bike lanes and carshare programs, or improve walkability and pedestrian infrastructure.

For example, the City can analyze transportation cost burden to determine programs that integrate housing and transit access. Relatedly, the City can also analyze Vehicle Miles Traveled (VMT) and outline programs to reduce the cost and distance of commuting.

Displacement: The element does include data on overcrowded households, substandard housing conditions, and cost burdened households, but it must also analyze the data including looking at trends, patterns, and other local knowledge, and conclude with a summary of issues. Programs will be necessary to demonstrate the City is using strategies to stop displacement.

Contributing Factors: The element must list and prioritize contributing factors to fair housing issues. Contributing factors create, contribute to, perpetuate, or increase the severity of fair housing issues and are fundamental to adequate goals and actions. Examples include community opposition to affordable housing, housing discrimination, land use and zoning laws, lack of regional cooperation, location and type or lack of affordable housing and lack of public or private investment in areas of opportunity or affordable housing choices. Contributing factors should be unique to the unincorporated areas of the City based on a complete analysis.

Goals, Priorities, Metrics, and Milestones: The element lists Programs 2, 9, 11, 12, 13, 19, 23, and 27 to implement policies related to Affirmatively Furthering Fair Housing. While many of these programs address describe important policies, they do not make any firm, quantifiable commitments to promote and affirmatively furthering fair housing opportunities. Goals and actions must significantly seek to overcome contributing factors to fair housing issues. The element must be revised to add or modify goals and actions based on the outcomes of analysis described above. Goals and actions must specifically respond to the analysis and identified and prioritized contributing factors to fair housing issues and must be significant and meaningful enough to overcome identified patterns and trends. Actions must have metrics and milestones as appropriate and must address housing mobility enhancement, new housing choices and affordability in high opportunity areas, place-based strategies for community preservation and revitalization and displacement protection.

For further guidance, please visit HCD's Affirmatively Furthering Fair Housing in California webpage at <https://www.hcd.ca.gov/community-development/affh/index.shtml>.

2. *Include an analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition. (Gov. Code, § 65583, subd. (a)(2).)*

The element identifies the age of the housing stock and information related to complete kitchen and or bathroom facilities (B-19). However, it must include analysis of the condition of the existing housing stock and estimate the number of units in need of rehabilitation and replacement. For example, the analysis could use information from its code compliance activities to help inform an estimate. In addition, the element could include estimates from a recent windshield survey or sampling, or information from knowledgeable builders/developers, including non-profit housing developers or organizations. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/housing-needs/housing-stock-characteristics.shtml>.

3. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

The City has a regional housing need allocation (RHNA) of 8,549 housing units, of which 2,911 are for lower-income households. To address this need, the element relies on vacant sites, including sites in Specific Plan Areas and within the Mixed-Use Overlay area. To demonstrate the adequacy of these sites and strategies to accommodate the City's RHNA, the element must include complete analyses:

Pending Projects: The element includes a parcel on Outlet Center Drive with Parcel Number 213009028 for which the element indicates there is an existing application for 174 senior apartments (Lockwood Senior Housing Complex). However, it is unclear what approvals remain necessary for the project, expected timelines for completion of the entitlement process, and demonstration of the availability of units in the planning period. In addition, the element must also describe the City's methodology for assigning these units to the various income groups based on actual or proposed sales price or rent level of the units.

Realistic Capacity: The element assumes a realistic development capacity of 80 percent of the total allowed maximum density. The analysis must describe factors used to develop the capacity estimate including how the City considered land use controls, development trends including typical density of existing or approved developments at similar affordability levels, performance standards or other relevant factors. In addition, the element assumes residential development on sites zoned for non-residential uses. To support this assumption, the element must include analysis to demonstrate the likelihood of residential uses on non-residentially zoned sites based on factors such as development trends including non-residential, performance standards requiring residential uses or other relevant factors such as enhanced policies and programs. For additional information, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#zoning>.

Suitability of Nonvacant Sites: While the element includes some recent trends (Pages F4-F6) to demonstrate past experience, it does not explain how these trends relate to zoning, existing uses, densities, and the listed sites in the inventory. The element must also analyze the extent to which existing uses may impede additional residential development and include an analysis of any existing leases or other contracts that would perpetuate the existing use or prevent redevelopment of the site for additional residential development (Gov. Code, § 65583.2, subd. (g)(1).). To analyze the extent that existing uses may impede additional residential development, the element should also include information on whether existing uses are operating, have been operating, or whether or not they are anticipated to continue operating. For additional information and sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/site-inventory-analysis/analysis-of-sites-and-zoning.shtml#analysis>.

In addition, if the housing element relies upon nonvacant sites to accommodate more than 50 percent of the RHNA for lower-income households, the housing element must demonstrate that the existing use is not an impediment to additional residential development in the planning period (Gov. Code, § 65583.2, subd. (g)(2).). This can be demonstrated by providing substantial evidence that the existing use is likely to be discontinued during the planning period (Gov. Code, § 65583.2, subd. (g)(2).).

Replacement Housing Requirements: If the sites inventory identifies sites with existing residential uses, it must identify whether the current residential uses are affordable to lower-income households or describe whether the additional residential development on the site requires the demolition of the existing residential use. For nonvacant sites with existing, vacated, or demolished residential uses and occupied by, or subject to an affordability requirement for, lower-income households within the last five years there must be a replacement housing program for units affordable to lower-income households (Gov. Code, § 65583.2, subd. (g)(3)). Absent a replacement housing program, these sites are not adequate sites to accommodate lower-income households. The replacement housing program has the same requirements as set forth in Government Code section 65915, subdivision (c)(3). The housing element must be revised to include such analysis and a program, if necessary.

Small Sites: As the element relies on consolidated small sites to accommodate the RHNA for lower-income households, it should also provide analysis demonstrating the potential for consolidation. For example, the analysis could describe the City's role or track record in facilitating small-lot consolidation and how that experience relates to the sites identified in the inventory to meet the lower-income needs, policies or incentives offered or proposed to encourage and facilitate lot consolidation, conditions rendering parcels suitable and ready for lot consolidation, or information from the owners of each aggregated site. In addition, it should include a program to facilitate lot consolidation and development of housing on small sites relative to the sites identified in the inventory.

Rio Urbana and the Teal Club Specific Plan (Annexation): The housing element relies upon the Teal Club Specific Plan and the Rio Urbana Project to accommodate the City's regional housing need for 1,157 residential units with 165 units available to lower-income households. Both the specific plan and the project will require annexation. While the housing element indicates the plans' residential capacity and estimates the number of units by income group, it does not provide any analysis demonstrating their suitability for development in the planning period. To determine the adequacy of the annexation strategy of the proposed Specific Plan and project to meet the City's RHNA, by income category, the element must include an evaluation of the suitability of the annexed sites and any discretionary approvals required for development in the Specific Plan areas, including the following information:

- current status of the annexation process

- consistency with Local Agency Formation Commission (LAFCO) policies and next steps in the LAFCO process
- action to pre-zone prior to annexation
- descriptions of the zone, density, development standards and design requirement
- conditions or requirements such as phasing or timing requirements that impact development in the planning period
- timeline to complete annexation and specific plans and projects which is early enough in the planning period to facilitate development of annexed sites (e.g., within the first two years of the planning period)
- analysis of the suitability and availability of sites
- if expected to be completed after October 15, 2015, demonstrate compliance with the requirements of the adequate sites program requirements of Government Code section 65583.2, subdivisions (h) and (i).

Accessory Dwelling Units (ADUs): In the element, the City projects 1,000 ADUs to be constructed over the planning period, averaging 125 per year, all of which will be affordable to lower-income households. This projection was based on figures provided based on past ADU annual permit figures of 25, 55, and 123 for 2018, 2019 and 2020, respectively. However, Annual Progress Reports submitted by the City showed building permit figures of 3, 13, and 28 for 2018, 2019, and 2020, respectively. Following on our June 30, 2021 call, the City confirmed that the figures provided were for “City planning permits,” not building permits. The methodology used by the City must be based on the number of building permits, not City planning permits.

Suitability and Availability of Infrastructure: The element describes infrastructure limitations (Page 53) in the City. However, it must also demonstrate sufficient total water and sewer capacity to accommodate the regional housing need by community plan area.

For your information, water and sewer service providers must establish specific procedures to grant priority water and sewer service to developments with units affordable to lower-income households. (Gov. Code, § 65589.7.) Local governments are required to immediately deliver the housing element to water and sewer service providers. The element should clarify consistency with these requirements and include programs as appropriate. For additional information and sample cover memo, see the *Building Blocks* at <http://www.hcd.ca.gov/community-development/building-blocks/other-requirements/priority-for-water-sewer.shtml>.

Zoning for a Variety of Housing Types

Emergency Shelters: The element describes the zones in which emergency shelters are permitted, acreage and proximity to services. However, the element must also list and analyze development standards for emergency shelters. For example, parking requirements may be inconsistent with new state law and should be addressed as

constraints. The element must include programs as appropriate based on the outcomes of the analysis.

Single Room Occupancies: In public input provided during the Community Workshop on March 24, 2021, residents indicated an interest in a range of housing types (Page F13), including “single-room occupancy developments.” The element must describe how single room occupancy units are permitted and the development standards for these units. The element must include programs as appropriate based on the outcomes of the analysis.

Manufactured Housing: The element must clarify how manufactured housing on permanent foundations are allowed and ensure consistency with Government Code section 65852.3.

4. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in the analysis pursuant to paragraph (7), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures... (Gov. Code, § 65583, subd. (a)(5).)*

Land Use Controls: The element must identify and analyze all relevant land use controls impacts as potential constraints on a variety of housing types (e.g., multifamily rental housing, mobilehomes, transitional housing). While the element does provide some information on residential development standards (Page E4-E8), it does not provide any information on lot coverage requirements or minimum / maximum floor area ratio (FAR). The element should provide any relevant details on lot coverage requirements and, if necessary, analyze them as a possible constraint on housing development. The analysis must also evaluate the cumulative impacts of land use controls on the cost and supply of housing, including the ability to achieve maximum densities and cost and supply of housing. The analysis should also describe past or current efforts to remove identified governmental constraints.

Parking Requirements: The element describes off-street parking requirements in Table E-4 by uses and requires covered parking or garage spaces for single-family units, townhouses, as well as in studios, one bedroom, two or more bedroom units in apartments, all units in multifamily cluster development as well as mobile homes. While the program briefly describes parking requirements as a constraint (Page E13), requiring enclosed parking for multifamily can add significant cost to a housing and is a constraint to development. The element must analyze enclosed parking standards and include a program to mitigate or remove the constraint as needed.

Design Review Guidelines: While the element provides some information about the development design review (Page E36), it must describe and analyze the design review guidelines and process, including approval procedures and decision-making

criteria, for their impact as potential constraints on housing supply and affordability. For example, the analysis could describe required findings and discuss whether objective standards and guidelines improve development certainty and mitigate cost impacts. The element must demonstrate this process is not a constraint or it must include a program to address this permitting requirement, as appropriate.

Processing and Permit Procedures: The element must describe the typical approval process for single family and multifamily development. The description should address what approvals are necessary, who approves the application, whether and how many public hearings are required and list approval findings. The element should then analyze the process for impacts on approval certainty, cost, timing and housing supply. In particular, the element must analyze typical processing times for multifamily housing development, including approval procedures, for their impact as a potential constraint on housing supply and affordability.

Building Codes and Code Enforcement: While the element mentions the City follows the Uniform Building Code, it should also clarify any local amendments to the code and how codes are enforced, and then analyze those impacts on the cost, affordability and supply of housing. For additional information and a sample analysis, see the Building Blocks at <http://www.hcd.ca.gov/community-development/building-blocks/constraints/codes-and-enforcement-on-offsite-improvement-standards.shtml>.

Persons with Disabilities: The element briefly describes its reasonable accommodation procedures but should further explain its reasonable accommodation criteria, including approval findings and process and analyze any family definition as a potential constraint. The element must include programs, as appropriate, to address any identified constraints depending on the outcomes of this analysis. In addition, the element must analyze its conditional use permit process for residential care facilities for seven or more persons as a potential barrier to housing for persons with disabilities and include programs as necessary to address this constraint.

Zoning and Fees Transparency: The element must clarify its compliance with new transparency requirements for posting all zoning and development standards for each parcel on the jurisdiction's website.

5. *An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, the cost of construction, the requests to develop housing at densities below those anticipated in the analysis required by subdivision (c) of Government Code section 65583.2, and the length of time between receiving approval for a housing development and submittal of an application for building permits for that housing development that hinder the construction of a locality's share of the regional housing need in accordance with Government Code section 65584. The analysis shall also demonstrate local efforts to remove nongovernmental constraints that create a gap between the locality's planning for the development of housing for all income levels and the construction of that housing. (Gov. Code, § 65583, subd. (a)(6).)*

Developed Densities and Permit Times: The element must be revised to include analysis of requests to develop housing at densities below those anticipated, and the length of time between receiving approval for a housing development and submittal of an application for building permits that potentially hinder the construction of a locality's share of the regional housing need.

6. *Analyze existing assisted housing developments that are eligible to change to non-low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of use restrictions. (Gov. Code, § 65583, subd. (a)(9) through 65583, subd. (a)(9)(D).)*

While the element includes a listing of properties at risk of conversion to market rate and estimates the cost of replacement, it must also include an identification of public and private nonprofit corporations known to the City to have the legal and managerial capacity to acquire and manage at-risk units, and identification and consideration of use of federal, state and local financing and subsidy programs.

C. Housing Programs

1. *Include a program which sets forth a schedule of actions during the planning period, each with a timeline for implementation, which may recognize that certain programs are ongoing, such that there will be beneficial impacts of the programs within the planning period, that the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, the provision of regulatory concessions and incentives, and the utilization of appropriate federal and state financing and subsidy programs when available. The program shall include an identification of the agencies and officials responsible for the implementation of the various actions. (Gov. Code, § 65583, subd. (c).)*

To address the program requirements of Government Code section 65583, subdivision (c)(1-6), and to facilitate implementation, programs should include: (1) a description of the City's specific role in implementation; (2) definitive implementation timelines; (3) objectives, quantified where appropriate; and (4) identification of responsible agencies and officials. Programs to be revised include the following:

Program 6: Program 6 commits to beginning updates to the Coastal Zoning Chapter 17. The program should be revised to specify when the code amendments will be complete.

Program 9: Program 9 commits to amending the zoning code to fully comply with the Employee Housing Act by 2024. However, the statutory requirements associated with the Employee Housing Act were effective as of January 1, 2020. Therefore, implementation of Program 9 should be done earlier, such as within a year of adopting the housing element. In addition to Health and Safety Code sections

Government Code section 65583.2, subdivisions (h) and (i), and sites must meet the requirements of Government Code section 65583.2.

By-Right Permanent Supportive Housing: Pursuant to Government Code section 65651, the City must include a program committing to amend zoning to permit permanent supportive housing by right.

3. *Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, and provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities. (Gov. Code, § 65583, subd. (c)(3).)*

As noted in Findings B4 and B5, the element requires a complete analysis of potential governmental and non-governmental constraints. Depending upon the results of that analysis, the City may need to revise or add programs and address and remove or mitigate any identified constraints.

4. *Promote and affirmatively further fair housing opportunities and promote housing throughout the community or communities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability, and other characteristics protected by the California Fair Employment and Housing Act (Part 2.8 (commencing with Section 12900) of Division 3 of Title 2), Section 65008, and any other state and federal fair housing and planning law. (Gov. Code, § 65583, subd. (c)(5).)*

As noted in Finding B1, the element must include a complete analysis of affirmatively furthering fair housing. Based on the outcomes of that analysis, the element must add or modify programs as appropriate.

D. Public Participation

Local governments shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the element shall describe this effort. (Gov. Code, § 65583, subd. (c)(8).)

While the element includes a summary of the public participation process and includes comments from community meetings (Pages F10-F18), the City must describe how and when the draft was made available (i.e. where was it posted) in addition to how comments were considered and incorporated into the element. Please note, the City must proactively make future revisions available to the public, including any commenters, prior to submitting any revisions to HCD and diligently consider and address comments, including making revisions to the document where appropriate. HCD's future review will consider the extent to which the revised element documents were circulated and how the City solicited, considered, and addressed public comments in the element.

Attachment 3

July 27, 2021 Community Services, Public Safety, Housing & Development Committee Staff Report

Please visit the following website to view the full document:

Staff Report:

<https://civicclerk.blob.core.windows.net/stream/OXNARDCA/19dd1baaf11&sr=b&sig=bWZRAUaKLeQhWTJyYN0m1%2FesDTUqzomCHfurYCJKPzQ%3D&st=2021-08-25T19%3A01%3A25Z&se=2022-08-25T19%3A06%3A25Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Attachment A: https://www.oxnard.org/wp-content/uploads/2021/05/Oxnard-Housing-Element_HCD-Draft_5-21-21.pdf

Attachment B:

<https://civicclerk.blob.core.windows.net/stream/OXNARDCA/64602eec4b.pdf?sv=2015-12-11&sr=b&sig=7mZIRLL%2FyFygree0KfmL1g01eSde9zpnfkjvNfVXyes%3D&st=2021-08-25T19%3A03%3A10Z&se=2022-08-25T19%3A08%3A10Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Attachment C:

<https://civicclerk.blob.core.windows.net/stream/OXNARDCA/542abe2376.pdf?sv=2015-12-11&sr=b&sig=Bb2c2uT6faSIOMJFMQpb8zCDWBhvWl628v%2BaBABtMeU%3D&st=2021-08-25T19%3A03%3A32Z&se=2022-08-25T19%3A08%3A32Z&sp=r&rsc=cache&rsct=application%2Fpdf>

Attachment 4

Change Matrix Draft to Final Housing Element in Response to Department of Housing and Community Development (HCD) Findings Letter

Changes to March 2021 Draft Housing Element		
Chapter	Summary	Edits in response to
Introduction -	· Added reference to corresponding General Plan, and Oxnard Municipal Code text and map changes to implement the Housing Element on specific sites.	HCD comments
A -	· Updated efforts that the City accomplished to address housing needs for special needs groups during the prior planning period.	HCD comments
	· Clarified the City's actions taken to implement Program 1 in the previous planning period.	HCD comments
B -	· Updated information on whether there are units in need of substantial rehabilitation in the City's housing stock and associated code enforcement efforts.	HCD comments
	· Updated information on outreach efforts that have occurred as part of the Housing Element Update and County Regional AI.	HCD comments and HCD guidance for AFFH
	· Added the Assessment of Fair Housing (AFFH) and background information on the City's fair housing enforcement work.	HCD comments and HCD guidance for AFFH
	· Incorporated AFFH findings into the Sites Inventory.	HCD comments and HCD guidance for AFFH
	· Added new figures mapping AFFH concerns, including Population with a Disability and CalEnviroScreen 4.0.	HCD comments and HCD guidance for AFFH
C -	· Augmented analysis of farmworker and farm labor trends locally and regionally, farmworker housing needs, and farmworker resources.	Public comments
D -	· Updated information about housing production progress, extending through units completed in July 2021.	Added since the RHNA projection period has now begun as of June 30, 2021
E -	· Added text noting that the City maintains its zoning regulations and fee schedule on the City website	HCD comments
	· Clarified the FAR/lot coverage development standards for each zoning district.	HCD comments
	· Added text noting that the City did not receive any requests to develop at lower densities during the 5th cycle.	HCD comments
	· Clarified the congregate care facilities permitting requirements.	HCD comments
	· Added information about the City's reasonable accommodation procedures and required findings.	HCD comments
	· Added information about single-room occupancy units and their permitting requirements in the city.	HCD comments
	· Added information about emergency shelter standards in the city.	HCD comments
	· Clarified the required findings for special use permits.	HCD comments
	· Clarified the review and approval process for Development Design Review.	HCD comments
	· Clarified typical processing timelines.	HCD comments
	· Updated information about the City's Building Code.	HCD comments
F -	· Updated counts of sites available in the land inventory due to revisions in realistic development capacity assumptions.	Public and HCD comments
	· Updated information about accessory dwelling unit past trends and future potential.	Public and HCD comments
	· Provided more information in the narrative about projects approved and developed on non-vacant sites.	HCD comments
	· Updated Table F-2 to include additional projects. New columns were added including: project status, size category, affordable units, site density, the project's achieved percent of allowed density, and similar sites in the Housing Element's Supplement 1. These additions were to address HCD comments regarding realistic capacity and suitability of small and non-vacant sites.	HCD comments
	· Added information in the narrative about small lower-income sites included in the sites inventory and local development trends related to these sites.	HCD comments
	· Added information about the Rio Urbana project and the Teal Club Specific Plan.	HCD comments
	· Updated information about adequate water and wastewater service and infrastructure including the City's pursuit of water sources and water conservation measures.	HCD comments
	· Updated information about outreach efforts held to date.	Updated to include meetings held since draft was released
Changes to March 2021 Draft Housing Element		
Chapter	Summary	Edits in response to
	· Clarified that Goal 1 includes provisions for tenant protections under state law.	City staff input
	· Reviewed and updated responsible parties and funding sources for many of the programs as needed	City staff input

G -	· Revised Program 1 (Code Compliance Program) to note ongoing efforts by the City to ensure landlords are completing tenant-reported repairs fairly.	HCD guidance for AFFH
	· Augmented efforts to develop place-based revitalization efforts, as prescribed in Program 2 (Citywide Homeowner Repair Program).	HCD guidance for AFFH and decision maker input
	· Clarified assumptions for General Plan and Zoning density updates in Program 3 (Rezone to Meet RHNA).	City staff input
	· Revised Program 5 (Parcel Assemblage/Lot Consolidation Program) to waive the Parcel Assemblage/Lot Consolidation fees for parcels less than 0.5 acres in the Housing Element's Supplement 1.	HCD comments, public comments and decision-maker input
	· Revised Program 6 (Zoning Code Amendments) to amend the Zoning Code regarding single-room occupancy units, Site Plan Review, and manufactured homes to bring the City into compliance with State law.	HCD comments and City staff input
	· Revised Program 9 (Farmworker Housing Program) to clarify the timeframes for the different pieces of the program.	HCD comments
	· Revised Program 14 (Shelter Development Program) to clarify the timeframes for the different pieces of the program.	HCD comments
	· Revised Program 19 (Affirmatively Furthering Fair Housing) to clarify the City's intent to enhance fair housing through various efforts across the city.	HCD comments and HCD guidance for AFFH and decision-maker input
	· Revised Program 24 (Annexation) to clarify the process described and the dates when different aspects of the process are expected to occur.	HCD comments
	· Revised Program 35 (Allow Housing in the Business Research Park (BRP) Zone) to utilize the HQTC recommendations for modifications to the BRP zoning standards and specifically mention garage parking.	HCD comments and City staff input
	· Revised Program 41 (Special Needs Housing - Farmworker Housing Study) to clarify how funding would be sought.	Decision-maker input
	· Revised Program 42 (Collaboration with the Housing Trust Fund Ventura County) to continue the City's partnership with the Housing Trust Fund Ventura County.	Decision-maker input
	· Added Program 44 (ADU Construction Cost Assistance and Accelerator Program) to pair lower income households with homeowners willing to offer their ADUs as affordable rentals and provide City funding for these projects.	HCD comments, public comments and decision-maker input
Changes to March 2021 Draft Housing Element		
Chapter	Summary	Edits in response to
Supplement 1	· Prepared revised Site Inventory figures based on changes to sites inventory, as mentioned in Chapter F.	City staff input
	· Revisions to the descriptions of Sites 1, 3, 4, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 34, 37, 38, 39, 40.	HCD comments, public comments and decision-maker input
	· Removed 600 N. Harrison (Ventura Pacific) site, 2121 N. Oxnard Boulevard site, and 624 W. Wooley Road site from the sites inventory and added Site 19 (1505 W. Ninth Street), Site 41 (416 W. Sixth Street), Site 42 (619 & 625 South C Street), Site 43 (CEDC Farmworker Apartments, 2161 Etting Road), Site 44 (Johnson Road Apartments, 234 Johnson Road) to the lower income sites inventory	Public comments and City staff input
	· Revisions to the descriptions of the following pending specific plans and annexations: the Northeast Community/East Village Specific Plan Amendment (North Maulhardt), the Riverpark Specific Plan Amendment, 801 N. Oxnard Boulevard, 2700 N. Ventura Road, the Rio Urbana Project Annexation, 2714 Vineyard Avenue, and the Teal Club Specific Plan Annexation, NW corner Ventura Road and Teal Club Road.	HCD comments and City staff input

Attachment 5a

2030 General Plan Land Use Element Text Amendments

General Plan Land Use Designation	Current Allowable Density & General Plan Land Use Element Text	Proposed Density & General Plan Land Use Element Text, Section 3.5 and Table 3.2
Business Research Park	0 du/acre; Housing not currently permitted. "Business and Research Park. [FAR is 0.60:1] Professional, administrative, research, and limited manufacturing uses along with limited commercial activities intended to support such uses, integrated into campus-like environments that are oriented towards arterials, freeways, airports, and harbors, and developed to high property and development standards."	30 du/acre add text "and residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD".
General Commercial	18 du/acre; "General. [FAR is 0.35:1] Retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/live, and mixed uses."	30 du/acre add text "and residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD".

Attachment 5b

Zoning Text Amendment to OCC Section 16-135 & 16-136 C-2 General Commercial Zone

CHAPTER 16: ZONING CODE

ARTICLE III. ZONES, USES AND REQUIREMENTS

DIVISION 9. C-2 GENERAL COMMERCIAL ZONE

SEC. 16-135. USES PERMITTED.

(A) The following uses are permitted in the C-2 General Commercial Zone:

- (1) Any use permitted in the C-O and C-1 zones;
- (2) Accessory buildings and uses customarily incident to any of the above uses when located on the same lot;
- (3) Antique store;
- (4) Bank;
- (5) Billiard or pool hall;
- (6) Bird store or pet shop;
- (7) Blueprinting, photostating and printing;
- (8) Cleaning and pressing establishment using nonflammable and nonexplosive cleaning fluid;
- (9) Commercial school including business college;
- (10) Conservatory of music;
- (11) Department store;
- (12) Electric distributing substation;
- (13) Emergency shelters for families, except that such facilities shall not be permitted in the airport hazard overlay zone;
- (14) Emergency shelters, temporary, except that such facilities shall not be permitted in the airport hazard overlay zone;
- (15) Employment agency;
- (16) Fire and police stations;
- (17) Furniture store;
- (18) Health spa or massage parlor, excluding an adult massage parlor, as defined in [section 16-336](#);
- (19) Ice storage house of not more than five ton capacity;
- (20) Interior decorating store;
- (21) Large family day care homes that the Planning Manager finds to comply with the standards set out in section 16-440; child care centers serving no more than 15 children; adult day care facilities

serving no more than 15 adults; residential care facilities for the elderly serving no more than 15 persons; congregate living health facilities of no more than 15 beds; and small residential health or care facilities that conform to city ordinances restricting building heights, setbacks, lot dimensions, placement of signs and other matters applicable to dwellings of the same type in the same zone, and that provide services to no more than six persons, or to no more than eight children in the case of a small family day care home;

- (22) Library;
- (23) Lodge, fraternal organization not to include sale of alcoholic beverages;
- (24) Medical laboratory;
- (25) Mortuary;
- (26) Music or vocal instruction;
- (27) Music store;
- (28) Newsstand, newspaper office;
- (29) Nursery, flower or plants;
- (30) Off-street parking;
- (31) Public parking area;
- (32) Radio and television store and repair shop where repair is incidental to retail sales;
- (33) Restaurant, general or fast food, not serving alcoholic beverages;

(34) Retail stores or businesses not involving any kind of manufacture, processing or treatment of products other than as is clearly incidental to the retail business conducted on the premises; and provided that not more than five persons are employed in the manufacture, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust, smoke, vibration or other similar causes;

- (35) Storage garage;
- (36) Studios (except motion picture);
- (37) Taxidermist;
- (38) Telephone exchange;
- (39) Theater;
- (40) Trade school that is not objectionable due to noise, odor, or vibration; and
- (41) Wedding chapel.

(42) Multifamily Residential uses up to 30 dwelling units per acre on parcels in the AHP additive zone as provided in section 16-420

(B) No other uses shall be permitted in the C-2 zone without the approval of the city council.

('64 Code, Sec. 34-79) (Ord. No. 417, 958, 1039, 1049, 1110, 1148, 1409, 1427, 1458, 1463, 1530, 1706, 2313, 2460, 2671, 2807, 2864)

SEC. 16-136. RELATED USES.

(A) The following uses are permitted only on approval of a special use permit:

- (1) The related uses permitted in the C-O and C-1 zones;
- (2) The permitted and related uses in the R-3 zone; and Multifamily Residential uses up to 30 dwelling units per acre in the AHD additive zone as provided in section 16-420;
- (3) Bar or cocktail lounge or restaurant serving alcoholic beverages;
- (4) Commercial condominiums as provided in section [16-395](#);
- (5) Commercial recreational uses, including but not limited to a skating rink, bowling alley, miniature golf, kiddie ride, amusement center, driving range and sports auditorium;
- (6) Community care facilities serving more than six persons; except that such facilities shall not be permitted in the airport hazard overlay zone;
- (7) Congregate living health facilities of more than 15 beds; except that such facilities shall not be permitted in the airport hazard overlay zone;
- (8) Convenience stores or mini-markets which may both sell prepackaged alcoholic beverages and dispense gasoline;
- (9) Drive-in and drive-through establishments, including drive-in restaurant, drive-through or mechanical car wash and film processing booth;
- (10) Emergency shelters, permanent, except that such facilities shall not be permitted in the airport hazard overlay zone;
- (11) Farmworker housing, except that such facilities shall not be permitted in the airport hazard overlay zone;
- (12) Firearm and ammunition stores;
- (13) Mobile home sales, provided that no repair or reconditioning is permitted;
- (14) Motor vehicle repair including tune-up, carburetor shop, transmission and radiator repair, electrical specialty, front end alignment, top and upholstery shop, wheel balancing and the installation of brakes, mufflers and tires provided that all repair activity and storage of materials takes place within an enclosed building;
- (15) New and used vehicle sales, including truck sales and incidental automotive service and repair;
- (16) Nonaccessory sign;
- (17) Pawnshops;
- (18) Recreational vehicle park not including vehicle storage or trailers over 30 feet in length;
- (19) Resort-vacation timeshare uses subject to R-3 zone development standards;
- (20) Sale of alcoholic beverages for consumption off-site;
- (21) Service stations except that sales of alcoholic beverages in connection with such use shall be prohibited;
- (22) Small animal veterinary hospitals serving common household pets, provided that no outdoor kennels are permitted;

(23) Supportive housing, except that such facilities shall not be permitted in the airport hazard overlay zone;

(24) Swap meet, provided that the use is carried out in a building of at least 10,000 square feet, there is no outdoor display of merchandise unless allowed by a temporary use permit pursuant to section [16-476](#), and there are no signs on the exterior of the building identifying individual vendors;

(25) Transitional housing, except that such facilities shall not be permitted in the airport hazard overlay zone; and

(26) Retail cannabis uses, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVII, chapter 11 of the Oxnard city code.

(B) The special use permit shall be granted as provided in sections [16-530](#) through [16-553](#).

('64 Code, Sec. 34-79.1) (Ord. No. 1413, 1426, 1427, 1458, 1463, 1530, 1706, 1780, 1959, 1979, 2132, 2561, 2626, 2671, 2847, 2864, 2961, 2972)

Attachment 5c

Zoning Text Amendment to OCC Section 16-162 & 16-163 Business Research Park

CHAPTER 16: ZONING CODE

ARTICLE III. ZONES, USES AND REQUIREMENTS

DIVISION 11. INDUSTRIAL ZONES

SEC. 16-162. NON-INDUSTRIAL USES.

The city council has determined that certain non-industrial uses may be permitted in industrial zones in order to achieve land use compatibility objectives. Those uses include adult uses and churches and religious facilities. Consistent with the guidance provided in section [16-163](#), industrial land use matrix, the following provisions and restrictions apply.

(A) Adult uses. Adult uses are further governed by Article V, Division 1 of this code.

(B) Churches and religious institutions. To ensure the integrity and economic viability of the industrial zoning districts and promote compatibility with assembly type uses such as churches, mosques, synagogues, and other religious facilities, the following additional restrictions apply to industrial zoned properties.

(1) All religious facilities in industrial zones are subject to a special use permit to permit the evaluation of land use compatibility and potential negative impacts on nearby industrial uses and hazard exposure to facility users.

(2) Religious facilities may be permitted in multi-tenant buildings in the C-M, BRP, and ML zones, subject to a special use permit.

(3) Schools which provide standard K-12 educational instruction are not permitted in any industrial zone. Religious instruction such as Sunday schools, bible study, and similar classes may be permitted subject to a special use permit.

(4) Religious institutions in the M-1 and M-2 must be located in freestanding buildings.

(5) Multifamily Residential uses up to 30 dwelling units per acre are permitted in the BRP zone on parcels identified in the AHD additive zone, subject to the provisions in section 16-420.

(C) Senate Bill (SB) 2 uses. For the purposes of this section, certain terms and words are defined as follows:

(1) EMERGENCY SHELTER FOR FAMILIES - A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless families with children under the age of 18, or 21 if they are full-time students or disabled, pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing, and laundry facilities. No family shall be denied emergency shelter because of an inability to pay. For purposes of this definition, DISABLED means persons with special needs, including mental disabilities, developmental disabilities, AIDS, substance abuse, or chronic health conditions.

(2) EMERGENCY SHELTER, PERMANENT - A permanent facility consisting of a building or group of buildings with overnight sleeping accommodations providing temporary housing for six months or less to homeless persons pursuant to standards set forth in Article V, Division 18. Such accommodations shall include basic supportive services such as meals, restroom, bathing, and

laundry facilities. No individual or household shall be denied emergency shelter because of an inability to pay.

(3) **EMERGENCY SHELTER, TEMPORARY** - A temporary facility consisting of a building or group of buildings with overnight sleeping accommodations providing housing to homeless persons for winter warming or similar short-term, temporary operation not to exceed four months within a 12-month period. No individual or household shall be denied emergency shelter because of an inability to pay.

(4) **FAMILY** - A group of residents whose members jointly occupy a dwelling unit as a single housekeeping unit; have joint use of and responsibility for common areas; share household activities such as meals, chores, maintenance, and expenses; but not including residents of commercial group living such as hotels, dormitories, and fraternities.

(5) **FARMWORKER** - An employee, also known as an agricultural worker, engaged in agricultural work/farming and any practices performed on a farm in conjunction with farming, including cultivating and tillage of soil, the raising of animals, and the preparation of agricultural products for market, and/or to carriers for transportation to market.

(Ord. No. 2958, 2985)

SEC. 16-163. INDUSTRIAL LAND USES BY ZONE: INDUSTRIAL LAND USE MATRIX.

The allowed land uses in the industrial zoning districts are identified in the following table.

<i>Industrial Land Use Matrix</i>							
Key: Blank: Not Allowed P: Permitted Use (Requires a Zone Clearance) SUP: Special Use Permit DDR: Development Design Review Permit							
<i>Land Use</i>	<i>Zone District</i>						
	CM	BRP	M-L	M-1	M-2	Notes	
Administrative, executive, and/or corporate offices which are a part of a predominantly industrial operation, including governmental offices and facilities	P	P	P	P	P		
Administrative, financial, professional, medical, and general office services	P	P	SUP				
Adult businesses, except adult motels		P	P	P	P	Refer to section 16-337	
Adult day care facilities	P	P					
Adult motels	P					Refer to section 16-336	
Agricultural and construction vehicle sales with incidental repair and service	SUP		DDR	DDR			

Agricultural, limited to growing of crops	P	P	P	P	P	
Aircraft modification, storage, repair, and maintenance				P	P	
Aircraft sales	P	P	P	P		
Alcohol sales: on-site, off-site, and wine tasting	SUP	SUP	SUP	SUP		
Ambulance base facilities	P	P	P	P	P	
Appliance repairs	P		P	P		
Asphalt or concrete manufacture or refining					DDR	
Assembly or repair of small electrical and electronic equipment	P		P	P		
Assisted living residential facility		SUP				
	CM	BRP	M-L	M-1	M-2	Notes
Auction houses	P	P	P	P	P	
Boat building and repair				P	P	
Boiler repair and maintenance				P	P	
Book binding	P	P	P	P	P	
Bottling/canning plants			P	P	P	
Breweries, microbrew (less than 60,000 barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, craft (more than 60,000 barrels, less than 2 million barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, large (more than 2 million barrels)				DDR	DDR	
Brick, tile, or terra cotta manufacture				DDR	DDR	
Business furniture, supplies, and equipment sales	P	P	P			
Cabinet or carpenter shops	P		P	P	P	
Cafeterias accessory to permitted uses for the convenience of persons employed on the premises		P	P	P	P	
Carpet, rug, and dry-cleaning plants	P		P	P	P	
Cement, glass, lime, gypsum, or plaster manufacture					DDR	
Ceramic products	P		P	P	P	
Children's day care facility serving more than 15 children	SUP	SUP				
Churches	SUP	SUP	SUP	SUP	SUP	Refer to section 16- 162(B)
Coffee shops, cafes	P	P	DDR	DDR	DDR	
Cold storage facilities including agricultural freezers and ice production and sales			P	P	P	
Commercial and retail uses	P	DDR	DDR	DDR		Refer to section 16- 171

Commercial Cannabis Activities						
Distribution		DDR	DDR	DDR	DDR	See section 16-173 ; Article XVII Chapter 11
Manufacturing		DDR	DDR	DDR	DDR	See section 16-173 ; Article XVII Chapter 11
	CM	BRP	M-L	M-1	M-2	Notes
Retail		SUP				See section 16-173 ; Article XVII Chapter 11
Testing		DDR	DDR	DDR	DDR	See section 16-173 ; Article XVII Chapter 11
Commercial recreational and entertainment uses, such as batting cages, gymnasiums, boxing gyms, escape rooms, bowling alleys, skating rinks, and similar recreational uses as determined by the planning manager	DDR	DDR	DDR	DDR		
Computer and business machine sales and service	P	P	P			
Convenience markets and drugstores	P	DDR				
Corporate training and professional development facilities including ancillary outdoor activities	P	P	P	P	P	
Day care facilities accessory to industrial uses		DDR	DDR	DDR		
Day care facilities (over 12 children) as a principal use	DDR	DDR				
Distribution, warehousing, and wholesaling	P	P	P	P	P	
Drive-through services	SUP	SUP	SUP			
Drop forge industries					DDR	
Dwelling unit, one per establishment, for security or management when located on the premises where such person is employed in such capacity and accessory to an industrial use	DDR		DDR	DDR	DDR	
Electric motor rebuilding	P		P	P	P	
Electrical and lighting supply	P		P			
Electronic and computer repair	P	P	P			
Emergency shelter for families	SUP		P			
Emergency shelter, permanent	SUP		P			
Emergency shelter, temporary	SUP		P			

Employment agencies	P	P				
Energy generation, distribution, storage, and support facilities, including electrical and gas utilities	SUP	SUP	SUP	SUP	DDR	
Explosives, manufacture or storage					DDR	
Farmworker housing	SUP		P	P	P	
Feed sales	P		P	P		
Fertilizer manufacture					DDR	
Firearm and ammunition sales			SUP			Refer to Chapter 16, Division 19
	CM	BRP	M-L	M-1	M-2	Notes
Fish smoking, processing, curing, or canning				DDR	DDR	
Florists	P	P				
Freight classification yard, including truck and bus storage and maintenance				DDR	P	
Furniture manufacture and assembly	P		P	P	P	
Furniture upholstery shops	P		P	P		
Garbage, offal, or dead animal reduction or dumping					P	
Garment manufacturing		P	P	P	P	
Gas bulk storage, manufacturing, and distribution of flammable liquids and all gases					DDR	
General office, including legal, professional, medical, consulting, or similar	P	P				
Indoor firearm range			SUP			Refer to Chapter 16, Division 20
Iron, steel, brass, or copper foundry or fabrication plant				SUP	DDR	
Kennels and animal boarding	DDR		DDR	DDR	DDR	
Kennel day care	P		P	P	P	
Laboratories, research only		P	P			
Laundry, commercial	P		P	P	P	
Light metal fabrication (for example, sheet metal, wrought iron, and the like)	P		P	P	P	
Lumber yards with incidental sales of building and hardware supplies (outside storage)	SUP			SUP	P	
Machine shops	P		P	P	P	
Manufacture and assembly of electrical and electronic instruments, devices, and components	P	P	P	P	P	
Manufacturing and maintenance of electric neon signs	P		P	P	P	
Manufacturing, compounding assembly, or treatment of articles or merchandise from prepared materials such as, but not limited to, canvas, cloth, stones, wood products, and leather			P	P	P	

Manufacturing, compounding, processing, packaging, or treatment of food products such as, but not limited to, bakery, dairy, fruits and vegetables, and honey			P	P	P	
Marine equipment sales with incidental repair and service	P		P	P	P	
Medical product sales	P	P	P			
Medical: hospitals and medical centers		SUP				
Metals recycling and storage, including sales				SUP	DDR	
	CM	BRP	M-L	M-1	M-2	Notes
Mini-warehouses and self-storage facilities	SUP		SUP	SUP	SUP	Refer to Resolution No. 6446
Mobile home sales and display	DDR		DDR	DDR	DDR	
Motels, hotels, and convention facilities	SUP	SUP				
<u>Multifamily Residential uses up to 30 dwelling units per acre on parcels identified in the AHD additive zone, subject to the provisions in section 16-420.</u>		<u>SUP</u>				
Off-site non-accessory signs or billboards					SUP	Refer to section 16-608(G)
Oilcloth or linoleum manufacture					P	
Outdoor storage or assembly as a primary use					SUP	
Outdoor storage, incidental/accessory to uses otherwise permitted			DDR	DDR	DDR	
Paint, oil, shellac, turpentine, and varnish manufacture					DDR	
Paper and pulp manufacture					DDR	
Pawnshops	SUP					
Petroleum bulk plants and distribution				SUP	DDR	
Petroleum refining					DDR	
Photographic studios and services	P	P	P			
Planning mills				SUP	DDR	
Plastic manufacture				P	P	
Plumbing supply	P		P	P		
Printing shop, lithographing, photocopying, blueprinting, and publishing	P	P	P	P	P	
Product assembly plants and production facilities primarily engaged in final or partial assembling of packaging of premanufactured, treated, or fabricated components, materials, or products	P	P	P	P	P	
Public service uses - communications, fire and police, water, and other governmental or public facilities	DDR	DDR	DDR	DDR	DDR	
Radio or television broadcasting station	P	P	P	P	P	

Railroad support services				SUP	DDR	
Recycling collection: collection recycling facility for the acceptance of materials from the public including a bulk or single-feed reverse vending machine, a kiosk unit, or a permanent building				DDR	DDR	
Recycling mobile unit: mobile recycling unit used for the collection of recycled materials including the bins, boxes, or containers for the collection of recyclable materials	DDR		DDR	DDR	DDR	
Recycling processing facility: processing facility for ferrous and non-ferrous materials including the preparation of material for efficient shipment which includes baling, briquetting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re- manufacturing. Outdoor bin storage allowed for the collection of recycled materials				SUP	SUP	
	CM	BRP	M-L	M-1	M-2	Notes
Refrigeration and air conditioning repair and service	P		P	P	P	
Research and development, experimental or developmental laboratories		P	P	P	P	
Research, development, and clinical laboratories and uses including associated incidental and outpatient clinics		P				
Restaurants and delicatessens	P	P	P	DDR	DDR	
Rock crusher or distribution of rock, sand, or gravel					DDR	
Sale of building and hardware supplies within a building	P		P	P	P	
Specialized commercial retail centers oriented toward major transportation elements such as freeways, expressways, and other major transportation corridors. Specialized commercial uses include promotional, discount, factory outlet, and off-price shopping centers, as well as centers that are tourist-oriented or oriented to other specialized markets. Specialized commercial uses may also include general commercial uses in special or unique settings		SUP				
Stationery and office supplies	P	P				
Supportive housing	SUP					
Taxidermist	P		P	P		
Textiles manufacturing			P	P	P	
Trade schools, public and private schools and colleges, dance, and performing arts studios	P	P	DDR			
Transitional housing	SUP					
Vehicle assembly				SUP	DDR	
Vehicle and equipment dismantling and recycling, including sale of parts and vehicles					SUP	
Vehicle rental agencies	DDR	DDR	DDR			

Vehicle repair, including engine overhaul, body and fender work, transmission, radiator repair, painting, and upholstery	P		P	P	P	
Vehicle service stations	SUP	SUP	SUP	SUP	DDR	
Vehicle storage				SUP	SUP	
Veterinarians with on-site kennels	DDR		DDR	DDR	DDR	
Veterinarians with no on-site kennels	P		P	P	P	
Welding shops			P	P	P	
Wine production facility			SUP	P	P	
Wine tasting with or without cafes		SUP	SUP	SUP		

(Ord. No. 2958, 2961, 2985)

(42) Permitted uses in the R-4 zone on parcels in the AHP additive zone as provided in section 16-420

(2) The permitted and related uses in the R-3 zone; The permitted uses in the R-4 zone on parcels in the AHP and AHD additive zones as provided in section 16-420;

Attachment 5d

Zoning Text Amendment to OCC Section 16-420 Affordable Housing -AHP & -AHD Additive Zones

CHAPTER 16: ZONING CODE

ARTICLE V. SPECIFIC USE REQUIREMENTS

DIVISION 7C. AFFORDABLE HOUSING -AHP AND -AHD ADDITIVE ZONES

16-420A. Intent

16-420B. Creation and selection of additive zones (-AHP and -AHD)

16-420C. Permitted uses

16-420D. Plan Review and Processing

16-420E. Affordability requirements

16-420F. Density of units

16-420G. Development Standards

16-420H. Design Standards

16-420I. Special Development Requirements

16-420J. Interpretation of this Division 7C

16-420K. Findings

DIVISION 7C. AFFORDABLE HOUSING -AHP AND -AHD ADDITIVE ZONES

SEC. 16-420A. INTENT.

The affordable housing additive zones are zoning designations to provide opportunities for the development of affordable residential housing to help the City reach its regional housing needs allocation (RHNA) to implement the Housing Element's "Affordable Housing Permitted" and "Affordable Housing Discretionary" site-specific designations. The Affordable Housing additive zones are separate, and in addition to, the "State" Density Bonus authorized by Division 7A (commencing with section 16-410A).

SEC. 16-420B. CREATION AND SELECTION OF ADDITIVE ZONES (-AHP AND -AHD).

(A) Additive zone - Additive zone designations act as a suffix to the underlying zone designation. The additive designations are "Affordable Housing Permitted" (-AHP), and "Affordable Housing Discretionary" (-AHD). The -AHP and -AHD designations do not change the allowable uses and/or density of the underlying zone but add the right to develop housing at a density of up to 30 dwelling units per acre, in a manner consistent with this Division 7C.

(B) Selection of Affordable Housing Additive zone sites - The parcels and aggregations of parcels with the -AHP and -AHD additive zone designations are shown in the Housing Element (2030 General Plan, Chapter 8) Supplement 1. These sites are not required to be available for sale or require owner permission to be designated -AHP or -AHD, although both conditions are preferred.

(C) No Net Loss - If an Affordable Housing Additive zone site is approved for non-residential development or with a residential unit count less than realistic/net units listed for the site in Supplement 1 of the Housing Element, the City shall designate a replacement Additive Zone site (or combination of sites) if required to maintain a "rolling" potential unit inventory that meets the

then-remaining RHNA allocation for extremely low, very low and low income housing for the current RHNA planning period, as calculated by the Director. The city shall be responsible for the designation of replacement site(s) within 6-months from the date of the approved entitlements unless the rolling inventory for extremely low, very low, and low income housing meets the remaining RHNA need. Private parties may propose Affordable Housing Additive zone sites through the rezoning process in combination with an housing development application process.

(D) Evaluation of sites for Affordable Housing Additive zone - In determining additional parcels or groups of parcels that may be suitable for the -AHP or -AHD additive zoning, potential sites shall be evaluated for their potential compatibility with adjacent land uses, availability of public services and is not located on land in any of the categories listed in Section 16.420K(F) of this Division, and the site is found to either be suitable or have the potential to be suitable with appropriate design that transitions to adjoining neighborhoods.

(E) The -AHP additive zone may only be applied to a non-vacant site that was included in a prior housing element planning period, or a vacant site that was included in two or more consecutive housing elements planning periods.

SEC. 16-420C. PERMITTED USES.

(A) Multifamily - Multifamily residential uses are allowed in -AHP and -AHD zones, subject to compliance with all applicable requirements of this Division 7C. Multi-family residential uses may include space for commercial or office uses that do not exceed 15 percent of the total floor area of the project, where commercial or office uses are allowed in the underlying zoning designation. Approval of a Special Use Permit for the commercial or office use shall still be required for related uses in accordance with the underlying zoning designation.

(B) Mixed use permissible - Multifamily residential uses which contain commercial or office space of greater than 15 percent of the total floor area of the development are also permissible if they are constructed in addition to other permitted or conditional uses that are permitted in accordance with the underlying zoning designation.

(C) Underlying zoning permissible - As the -AHP and -AHD Additive zone designations do not replace the 2030 general plan land use or underlying zone designations, any proposed use or development other than housing, or in addition to housing, shall be governed by the 2030 General Plan and zone designations and applicable standards and guidelines.

SEC. 16-420D. PLAN REVIEW AND PROCESSING.

(A) Application - Housing projects proposed on Additive Zone sites and permitted under this Division shall be identified by the applicant at the time of permit application. The permit application fee and applicable supplemental development and environmental analysis and impact fees are required.

(B) Site Plan Review Permit - A ministerial site plan review (SPR) permit process (City Code section 16-523) is required for all Multi-Family Residential project as defined under Section 16-420C(A) within the -AHP zone that meets the affordability requirements as defined in Section 16-420E(A), and complies with the applicable development and design standards of this chapter.

(C) Special Use Permit - A Special Use Permit (SUP) permit process (City Code Sections 16-530 to 16-553) is required for all Multi-Family Residential uses permitted under this Division that are not eligible under Subsection (B) of this section and are located in the -AHD zone.

(D) Impact fees - projects shall pay all applicable impact fees, provide appropriate design and engineering studies, and otherwise follow the applicable entitlement process for project of comparable size and use.

SEC. 16-420E. AFFORDABILITY REQUIREMENTS.

(A) All housing units built pursuant to this Division shall provide a minimum of 20% of all units as affordable to extremely-low income, very-low income, or low income households as defined and periodically updated by the U.S. Department of Housing and Urban Development for Ventura County. Developers of housing under this Division are not eligible to request to make in-lieu Affordable Housing Payment instead of providing affordable housing units.

(B) All residential projects built pursuant to this Division 7C are subject to the City of Oxnard Inclusionary Housing Ordinance.

(C) The developer shall establish and at all times maintain a written list of Oxnard residents qualified to purchase or rent each of the affordable units. The developer shall offer the affordable units to qualified Oxnard resident buyers or renters on the waiting list first and give preference to them until there are no qualified Oxnard residents on the waiting list. At such time, the developer may make units available to all other prospective buyers or renters meeting the income limitations for such units.

(D) Affordability restrictions - Each affordable unit must be restricted for a minimum of 55 years for rental units and 45 years for owner-occupied units. The deed restriction or affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The Director is hereby authorized to enter into the agreements authorized by this section on behalf of the city upon approval of the agreements by city attorney for legal form and sufficiency.

(E) Manager's unit - For projects which are 100 percent affordable the following shall apply. For a project with between 10 and 40 units, one manager's unit is exempt from the affordability requirement. For a project between 41 and 80 units, up to two manager's units are exempt from the affordability requirement. For projects of 81 or more units, up to three manager's units are exempt from the affordability requirement. Projects that provide 9 or less affordable units do not obtain an exemption for a manager unit.

SEC. 16-420F. DENSITY OF UNITS.

(A) Maximum density - The allowable density of units per acre for the -AHP and -AHD additive zones is up to 30 units per acre.

(B) Density bonus applications - Affordable Housing Additive zone sites are eligible for the State density bonus if the developer files a density bonus permit request under Division 7A of Article V of Chapter 16 (commencing with section 16-410A).

(C) Accessory dwelling unit application - Affordable Housing Additive zone sites are eligible for the accessory dwelling units if the developer files an accessory dwelling unit permit request under Division 13 of Article V of Chapter 16 (commencing with section 16-465).

(D) Subdivisions – Affordable Housing projects developed under this Division may be subdivided in a manner that portions of the project may exceed the designated housing density or have a different compatible use, so long as the overall applicable density is achieved.

SEC. 16-420G. DEVELOPMENT STANDARDS

(A) Residential development in the -AHP and -AHD additive zones are subject to the R-4 High Rise Residential development standards (City Code Sections 16-70 to 16-79), the attached dwelling unit development standards (City Code sections 16-360 to 16-363), the off-street parking requirements (Article X of Chapter 16 of the City Code), and standards for all zones (Article IV of Chapter 16 of the City Code) except as otherwise provided under this Division 7C and Division 7A Density Bonus.

(B) Buildings having commercial and or office uses on the lower floor and residential uses on the upper floor or floors shall comply with the front, side and rear yard regulations of the underlying zone for commercial and or office floors and the R-4 zone for the residential floors.

(C) Buildings within the BRP zone shall comply with the front, side, rear, and street side yard setbacks of the BRP zone.

(D) Adjustment to development standards – Projects that include one-hundred percent of units affordable to extremely-low income, very-low income, or low income households, exclusive of managers units, are eligible for adjustment to numerical development standards by plus or minus 10%, as determined necessary by the Review Authority, to ensure requested densities up to the maximum allowed for the subject site, and to ensure quality development is achieved for one-hundred percent affordable housing projects. The 10% modification is to be applied to the underlying three-dimensional development standards (and not density) and is in addition to requested Density Bonus provisions. The City may deny the requested adjustment if the adjustment would cause the project to have a specific, adverse impact, as defined in Cal. Gov't Code, Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources, or would be contrary to State or Federal law.

SEC. 16-420H. DESIGN STANDARDS

Housing projects permitted under this Division shall incorporate the following objective design standards and include on-site amenities appropriate for the resident population to be served:

(A) Neighborhood compatibility.

(1) Residential projects located abutting or across the street from a single-family neighborhood shall orient the buildings to the street with individual entries, patio areas and landscaping facing the single-family homes. Parking lot areas, garages and carports shall be located behind residential structures unless it is technically infeasible based on other City or State required standards.

(2) Duplexes, triplexes, and fourplexes abutting or across the street from a single-family neighborhood shall include individual front doors and interior stairs (when stairs are needed).

(3) When determined necessary by a noise assessment, sound walls shall include an earth berm and landscaping. Walls between buildings shall be extended to create pockets of protected common space avoiding long continuous walls for the entire length of a project site.

(B) Building Design.

(1) Buildings shall orient towards the street or internal courtyard.

(2) Buildings shall carry the same theme on all elevations. For the purposes of this standard, a theme includes primary (non-accent) materials and colors.

(3) Architectural articulation shall be provided on all four sides of a building. Architectural articulation rhythms shall be followed based upon dimensions found in existing developments immediately adjacent to the site being developed.

(4) Exterior siding shall be made of nonreflective and nonmetallic materials. Acceptable siding material includes wood, stucco, ceramic tile, brick, stone, or other masonry materials, or any combination of these materials.

(5) Affordable units and market rate units in the same development shall be constructed of the same or similar exterior materials and details such that the units are not distinguishable.

(6) Blank walls (façades without doors, windows, landscaping treatments) shall be less than 30 feet in length along sidewalks, pedestrian walks, or publicly accessible outdoor space areas.

(7) Buildings over three stories must provide a ground floor elevation that is distinctive from the upper stories by providing a material change between the first floor and upper floors along at least 75% of the building façade with frontage upon a street, adjacent public park or public open space.

(8) The Primary Street and the Side Street frontages, up to 75 feet from the primary street front property line, of on-grade parking podiums and parking structures shall be lined with occupiable, usable space with a minimum depth of 18 feet. Non-lined portions of above-grade garages (rear of lots along side streets) must be set back at least five feet. The setback area should contain landscaping of the same quality as elsewhere on the property.

(9) Trim surrounds shall be provided at all exterior window and door openings. In lieu of exterior window trim, windows can be recessed from the wall plane by a minimum of three inches.

(10) At least two materials shall be used on any building frontage, in addition to glazing and railings. Any one material must comprise at least 20% of the building frontage.

(11) Building facades shall be multi-colored. Each facade must contain not less than two but not more than five distinct colors. Extremely bright colors are only allowed on doors, window trim, or other building components that represent a small portion of the overall building façade. Materials, finishes, fixtures, and colors visible from the street shall be designed in a manner that is consistent with the architectural style of the building

(C) Massing/articulation.

(1) A minimum of two features such as balconies, cantilevers, dormers, bay windows, patios, individualized entries, and accent materials shall be incorporated into each project building.

(2) A minimum one-foot offset is required for any wall plane that exceeds 30 feet in length.

(3) Buildings over three stories tall shall have major massing breaks at least every 100 feet along any street frontage, adjacent public park, publicly accessible outdoor space, or designated open space, through the use of varying setbacks and/or building entries. Major breaks shall be a minimum of 30 inches deep and four feet wide and extend the full height of the building.

(4) Buildings shall have minor massing breaks at least every 50 feet along the street frontage, through the use of varying setbacks, building entries and recesses, or structural bays. Minor breaks shall be a minimum of 12 inches deep and four feet wide and extend the full height of the building.

(5) Rooflines shall be vertically articulated at least every 50 feet along the street frontage, through the use of architectural elements such as parapets, varying cornices, reveals, clerestory windows, and varying roof height and/or form.

(6) Within 20 feet of an R-1 District boundary, the maximum building height is 25 feet. From this point, the building height may be increased one foot for each additional foot of upper-story building setback to the maximum building height.

(D) Site design.

(1) When dwelling units are abutting open space areas, a minimum of one window from each dwelling shall be located to overlook common area.

(2) Garages and carports shall be designed to include a minimum of two of the following from the main building(s): materials, detailing, roof materials, and colors.

(3) Controlled entrances to parking facilities (gates, doors, etc.) shall be located a minimum of 18 feet from the back of sidewalk, in order to accommodate one vehicle entering the facility.

(4) Where bicycle parking is not visible from the street, directional signage to bicycle parking shall be included at the main building entrance. The signage shall be in the form of either a directory not exceeding six (6) square feet and or up to ten (10) individual directional signs not exceeding 1 square-foot each.

(5) Within commercial zones parking shall not be allowed within the front setback areas and direct pedestrian access to the building(s) must be provided from the public right-of-way. Direct pedestrian access between the public right-of-way and the building shall not require crossing parking, drive aisles, or other spaces used for vehicular circulation.

(6) Within commercial zones all projects must have direct interaction with the public right-of-way.

(7) Surface parking spaces may be open or covered. All surface parking shall be screened from street views by buildings, walls (36 to 48 inches tall), landscaping, a planted earth berm, planted fencing, topography, or some combination of the above. Landscaping used for screening purposes must be no less than five feet wide (from the back of sidewalk or street curb to the parking lot paving, whichever is greater).

(8) Common use site areas shall include refuse collection, mail distribution, laundry, recreation, and congregation. All such areas shall be connected with an accessible route.

(9) A secured mail and parcel distribution areas shall be well lit, secure, and shall remain open to the tenants at all times.

(E) Accessory elements.

(1) Perimeter fencing utilized along a public street shall be constructed of decorative iron, pre-painted welded steel, CMU block, or wood picket material.

(2) The height of solid fencing between private yards and common open spaces shall be limited to four and one-half feet in height. If a six-foot fence is desired, the top 18 inches shall allow for vision in and out of the yard.

(3) All roof top, wall mounted or ground mounted equipment must be screened. Roof top screening must use the materials and colors from the building and be architecturally integrated.

(4) All exterior storage facilities shall be screened from the public right-of-way. within an enclosure with walls at least six (6) feet in height

(5) All wood service poles, electric and gas meters, fire sprinkler valves and backflow preventers and transformers shall be located in the least prominent locations onsite as allowed by the utilities, and all equipment shall be camouflaged using building materials and colors and or landscaping included within the project design.

(6) Refuse enclosures.

(a) All refuse enclosures shall be designed to comply with the City Material Management and Enclosure Design Guidelines.

(b) Shield all dumpsters within an enclosure a minimum of six (6) feet tall with a solid roof. Allow adequate size to accommodate the needed dumpsters and recycling containers. All enclosures

and gates should be detailed to withstand heavy use. Provide wheel stops or curbs to prevent dumpsters from banging into walls of enclosure.

(c) Provide an opening so that pedestrians can access the dumpsters without opening the large gates.

(d) Provide lighting at trash enclosures for night time security and use.

(e) Locate dumpster enclosures so that no dwelling is closer than 20 feet (including those on abutting properties), or more than 100 feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

SEC. 16-420I. Special Development Requirements.

For projects located within or adjacent to any industrial or commercial zoned property the following Compatibility standards shall apply to ensure the compatibility of uses within a residential or mixed-use project:

(A) Compatibility with surrounding uses. The overlay environment is an urbanized area, therefore land use compatibility issues are expected to occur. Therefore, applicants for Multifamily or Mixed-use development shall submit data as determined by the Director to evaluate compatibility with surrounding uses with respect to issues including, but limited to the following:

- (1) Noise.
- (2) Odors.
- (3) Truck traffic and deliveries.
- (4) Hazardous materials handling/storage.
- (5) Air emissions.
- (6) Soil/groundwater contamination.

(B) Residential disclosures: All discretionary applications for Multifamily or Mixed-use shall include a condition of approval for disclosure to residents clearly outlining the issues associated with living in a mixed-use environment. The language for this disclosure shall be as specified by the Director. Copies of each signed disclosure shall be made available for review upon written request by the City.

(C) Applicants for new Multifamily or Mixed-use developments within 500 feet of US 101 or industrially zoned property shall be required to install high efficiency Minimum Efficiency Reporting Value (MERV) filters of MERV 14 or better in the intake of residential ventilation systems. Heating, air conditioning and ventilation (HVAC) systems shall be installed with a fan unit power designed to force air through the MERV 14 filter. To ensure long-term maintenance and replacement of the MERV 14 filters in the individual units, the following shall occur:

(1) The developer, sale, and/or rental representative shall provide notification to all affected tenants/residents of the potential health risk from US 101 and industrial zones for all affected units, per Item 3 of this section.

(2) For rental units within 500 feet of the US 101 or any industrially zoned property, the owner/property manager shall maintain and replace MERV 14 filters in accordance with the manufacturer's recommendations. The property owner shall inform renters of increased risk of exposure to diesel particulates from US 101 and Industrially zoned properties when windows are open.

(3) For residential owned units within 500 feet of US 101 or an industrially zoned property, the homeowners' association (HOA) shall incorporate requirements for long-term maintenance in the

covenant conditions and restrictions and inform homeowners of their responsibility to maintain the MERV 14 filter in accordance with the manufacturer's recommendations. The HOA shall inform homeowners' of increased risk of exposure to diesel particulates from US 101 when windows are open.

(D) For all Multifamily or Mixed-use projects located within the distances to industrial uses as outlined below the project applicant shall submit a health risk assessment (HRA) prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) to the Director prior to approval of any future discretionary residential or residential mixed use project, and HRA recommendations shall be incorporated into the project.

- 1,000 feet from the truck bays of an existing distribution center that accommodates more than 100 trucks per day, more than 40 trucks with operating transport refrigeration units, or where transport refrigeration unit operations exceed 300 hours per week.
- 1,000 feet from an existing chrome plating facility, or existing facility using Hexavalent Chromium.
- 300 feet from a dry cleaning facility using perchloroethylene using one machine and 500 feet from a dry cleaning facility using perchloroethylene using two machines.
- 50 feet from gas pumps within a gas-dispensing facility and 300 feet from gas pumps within a gasoline dispensing facility with a throughput of 3.6 million gallons per year or greater.

(E) For all discretionary Multifamily or Mixed-use projects located within 1,000 feet of an industrial facility which emits toxic air contaminants (TACs), the project applicant shall submit a health risk assessment (HRA) prepared in accordance with policies and procedures of the State Office of Environmental Health Hazard Assessment (OEHHA) to the Director prior to approval of any discretionary residential or residential mixed-use projects, and HRA recommendations shall be incorporated into the project..

(F) For all Multifamily or Mixed-use projects located within 1,000 feet of an industrial facility that emits substantial odors, which includes, but is not limited to:

- Wastewater treatment plants.
- Composting, greenwaste, or recycling facilities.
- Fiberglass manufacturing facilities.
- Painting/coating operations.
- Coffee roasters.
- Food processing facilities.

The project applicant shall submit an odor assessment to the Director prior to approval of any future discretionary action that verifies that the Ventura County Air Pollution Control District has not received three or more verified odor complaints. If the odor assessment identifies that the facility has received three such complaints, the applicant will be required to identify and demonstrate the Best Available Control Technologies for Toxics (T-BACTs) which are capable of reducing potential odors to an acceptable level, including appropriate enforcement mechanisms. T-BACTs may include, but are

not limited to, installation of Minimum Efficiency Reporting Value (MERV) filters rated at 14 or better at all residential units. All T-BACTs shall be incorporated into the project.

(G) Noise standards.

(1) Individual projects that involve vibration-intensive construction activities, such as pile drivers, jack hammers, and vibratory rollers, occurring near sensitive-receptors shall be evaluated for potential vibration impacts. Projects are required to implement construction techniques which result in construction-related vibration that is less than the Federal Transit Administration vibration-annoyance criteria of 78 VdB during the daytime (7:00am-10:00pm) and not allowed during the nighttime (10:01pm-6:59am).

(2) The project applicant shall submit evidence to the satisfaction of the Director that all units with patios and/or balconies meet the 65 dBA CNEL.

(H) Hazardous materials standards. Individual development sites may have existing facilities, such as transformers or clarifiers, to be demolished as part of a proposed development. To mitigate hazardous materials-related impacts during the removal of such facilities, the Director, in conjunction with the Oxnard Fire Department, shall include specific project conditions of approval as part of the discretionary review process for the proposed development.

(I) Public safety standards.

(1) Plans submitted for review of residential development shall include the following safety features:

(a) Recreation areas shall be located adjacent to residential uses whenever possible. These areas shall be visible to residents from within their dwellings to allow for "eyes on the street" proper visual surveillance. Placement of windows, landscaping, lighting, and recreation uses shall be coordinated to enhance resident surveillance opportunity, but not to detract from the recreational use.

(b) General utilization of the concepts of Crime Prevention Through Environmental Design (CPTED) in the planning and development stages.

(2) The inclusion of the following items shall be verified by the public safety department prior to issuance of the first building permit for a residential unit.

(a) Development of a security plan for Multifamily or Mixed-use projects that includes:

- i. Management contact for public safety issues available 24-hours a day;
- ii. Cameras for monitoring and recording vehicles and persons entering the site;
- iii. Comprehensive tenant screening process for apartments tenants;
- iv. Quick removal of graffiti; and
- v. Enforcement of restricted parking spaces.

(b) Preparation of a standardized, high density, "wayfinding" sign program to aid emergency responders in finding individual residential units quickly and easily.

(c) A Click2Enter radio frequency access system shall be installed at any vehicle and pedestrian access point controlled by privacy gates.

(d) Security. Residential units shall be designed to ensure the security of residents through the provision of secured entrances and exits that are separate from the nonresidential uses.

Nonresidential and residential uses shall not have common entrance hallways or common balconies. These separations shall be shown on the development plan and the separations shall be permanently maintained.

(e) Windows. Residential windows of buildings directly adjacent to industrial uses shall generally be directed away from loading areas and docks, unless view-restricting architectural elements are utilized.

SEC. 16-420J. INTERPRETATION OF THIS DIVISION 7C.

(A) No effect on other sites - Nothing in this Division 7C prevents all or partially affordable housing projects being developed on non-AHP and -AHD zoned sites pursuant to the applicable 2030 general plan and zoning designations, density bonus permit process, development standards, CEQA review, and applicable permitting procedures.

(B) Development standards - Nothing in this Division 7C shall be interpreted to require the City to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined by Cal. Gov't Code, Section 65589.5(d)(2), upon health, safety, the physical environment, or any real property listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.

(C) Design - Nothing in this Division 7C shall be interpreted as authorizing or encouraging the development of projects with lower quality design compared with market-rate projects. Affordable projects are held to the same building codes, landscape requirements, and exterior architectural standards as comparable and contemporaneous market-rate developments.

SEC. 16-420K. FINDINGS.

In addition to the findings required by the Site Plan Review Permit or Special Use Permit, and any other applicable findings required under this chapter, the Review Authority must make the following findings for any projects approved pursuant to this Division:

(A) Community-level environmental review as defined in the California Public Resources Code, Section 21159.20, has been adopted or certified, and the project is consistent with the project evaluated in the environmental document, or the project is otherwise exempt from the California Environmental Quality Act.

(B) The project and other projects approved prior to the approval of the project can be adequately served by existing utilities, and the project applicant has paid, or has committed to pay, all applicable in-lieu or development fees.

(C) The project does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.

(D) The project site does not have an unusually high risk of fire or explosion from materials stored or used on nearby properties.

(E) The project site does not present a risk of a public health exposure at a level that would exceed the standards established by any state or federal agency.

(F) The development is not located on a site that is any of the following:

(1) Either prime farmland or farmland of statewide importance, as defined pursuant to United States Department of Agriculture land inventory and monitoring criteria, as modified for

California, and designated on the maps prepared by the Farmland Mapping and Monitoring Program of the Department of Conservation, or land zoned or designated for agricultural protection or preservation by a local ballot measure that was approved by the voters of that jurisdiction.

(2) Wetlands, as defined in the United States Fish and Wildlife Service Manual, Part 660 FW 2 (June 21, 1993).

(3) Within a very high fire hazard severity zone, as determined by the Department of Forestry and Fire Protection pursuant to Section 51178, or within a high or very high fire hazard severity zone as indicated on maps adopted by the Department of Forestry and Fire Protection pursuant to Section 4202 of the Public Resources Code. This subparagraph does not apply to sites excluded from the specified hazard zones by a local agency, pursuant to subdivision (b) of Section 51179, or sites that have adopted fire hazard mitigation measures pursuant to existing building standards or state fire mitigation measures applicable to the development.

(4) A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Section 25356 of the Health and Safety Code, unless the Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

(5) Within a delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law (Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code), and by any local building department under Chapter 12.2 (commencing with Section 8875) of Division 1 of Title 2.

(6) Within a floodplain as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has been issued a flood plain development permit pursuant to Part 59 (commencing with Section 59.1) and Part 60 (commencing with Section 60.1) of Subchapter B of Chapter I of Title 44 of the Code of Federal Regulations.

(7) Within a floodway as determined by maps promulgated by the Federal Emergency Management Agency, unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations.

(8) Lands identified for conservation in an adopted natural community conservation plan pursuant to the Natural Community Conservation Planning Act (Chapter 10 (commencing with Section 2800) of Division 3 of the Fish and Game Code), habitat conservation plan pursuant to the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), or other adopted natural resource protection plan.

(9) Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).

(10) Lands under conservation easement

(G) The development is not located on a site where any of the following apply:

(1) The development would require the demolition of the following types of housing:

(a) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.

(b) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.

Attachment 5e

Zoning Text Amendment to OCC Section 16-410 Density Bonus

CHAPTER 16: ZONING CODE

ARTICLE IV. STANDARDS FOR ALL ZONES

DIVISION 7A. DENSITY BONUS AND RELATED INCENTIVES AND CONCESSIONS PROGRAM

- [16-410A.](#) Purpose
- [16-410B.](#) Definitions
- [16-410C.](#) Eligibility for density bonuses and incentives
- [16-410D.](#) Fees
- [16-410E.](#) Application required
- [16-410F.](#) Content of application
- [16-410G.](#) Effect of proposal for waiver or reduction of development standards
- [16-410H.](#) Density bonus allowance for housing development with affordable housing component
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- [16-410M.](#) Number of incentives granted
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- [16-410U.](#) Enforcement provisions
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DIVISION 7A. DENSITY BONUS AND RELATED INCENTIVES AND CONCESSIONS PROGRAM

SEC. 16-410A. PURPOSE.

The purpose of this Division 7A is to meet the requirements set forth in Cal. Gov't Code, Section 65915 *et seq.* (known as the State Density Bonus Law). If any provision of this Division 7A conflicts with State law, or provides more rights than are legally required by State law, the minimum requirements of State law shall control.

(Ord. No. 2912)

SEC. 16-410B. DEFINITIONS.

In addition to the definitions in section [16-10](#), the following definitions apply to this division and shall control over any conflicting definitions in section [16-10](#). State law definitions, as they may be amended from time to time, control over the definitions in this section. Where the definitions are provided by State law, the citation to the statute follows.

(A) AFFORDABLE HOUSING BENEFITS - One or more of the following:

- (1) A density bonus pursuant to section [16-410H](#);
- (2) An incentive pursuant to section [16-410L](#);
- (3) A development standard waiver or modification pursuant to section [16-410O](#); and
- (4) A parking standard modification pursuant to section [16-410P](#).

(B) AFFORDABLE HOUSING COST - The definition set forth in Cal. Health and Safety Code, Section 50052.5. (Cal. Gov't Code, Section 65915(c)(2))

(C) AFFORDABLE HOUSING DEVELOPER - The applicant or permittee of a qualified housing development and its assignees or successors in interest.

(D) AFFORDABLE RENT - The definition set forth in Cal. Health and Safety Code, Section 50053. (Cal. Gov't Code, Section 65915(c)(1))

(E) AFFORDABLE UNIT - A residential dwelling unit that is guaranteed by the affordable housing developer to be rented or sold in accordance with the requirements of this division to one of the following:

- (1) A very low income household;
- (2) A low income household; or
- (3) A moderate income household within a common interest development (Cal. Gov't Code, Section 65915(c)(1)-(c)(2)).

(F) APPROVAL AUTHORITY - the person or body within the City who is authorized to provide Discretionary Approval or Ministerial Approval of a Housing Development. If multiple persons or approval bodies are authorized to make one or more such approvals, then the person or body with the highest authority shall be deemed the Approval Authority.

(G) CHILD CARE FACILITY - A child day care facility other than a family day care home, including but not limited to infant centers, preschools, extended day care facilities, and school age child care centers (Cal. Gov't Code, Section 65915(h)(4)).

(H) CITY - The City of Oxnard or its designee.

(I) COMMON INTEREST DEVELOPMENT - Any of the following: a community apartment project, a condominium project, a planned development, or a stock cooperative pursuant to Cal. Civil Code,

Section 4100. All common interest development units must be offered to the public for purchase (Cal. Gov't Code, Section 65915(b)(1)(D)).

(I) CONDOMINIUM CONVERSION PROJECT - A residential project in which the applicant proposes to convert apartment units to condominiums pursuant to Cal. Gov't Code, Section 65915.5(a).

(J) DENSITY BONUS - Except as used in section [16-410T](#), Condominium Conversion Projects, a density increase over the otherwise maximum allowable residential density as of the date of application to the city for a qualified housing development. (Cal Gov't Code, Section 65915(f)) As used in section [16-410T](#), "density bonus" shall be defined as set forth in section [16-410B](#). (Cal. Gov't Code, Section 65915.5(b))

(K) DENSITY BONUS UNITS - Dwelling units granted pursuant to section [16-410H](#) which exceed the otherwise maximum allowable residential density.

(L) DEVELOPMENT STANDARD - A site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an on-site open-space requirement, or a parking ratio, that applies to a residential development pursuant to the zoning ordinance, the general plan, specific plan or other city condition, law, policy, resolution, or regulation (Cal. Gov't Code, Section 65915(o)(l)).

(M) HOUSING DEVELOPMENT - A development project of five or more residential units, including mixed-use developments. This also includes a subdivision or common interest development that is approved by the city and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling where the result of the rehabilitation would be a net increase in available residential units. (Cal. Gov't Code, Section 65915(i))

(N) HOUSEHOLD INCOME CATEGORY DEFINITIONS

(1) VERY LOW INCOME HOUSEHOLD - A household whose income does not exceed 50% of the county's median household income as defined in Cal. Health and Safety Code, Section 50105. (Cal. Gov't Code, Section 65915(b)(1)(B))

(2) LOW INCOME HOUSEHOLD - A household whose income does not exceed 80% of the county's median household income as defined in Cal. Health and Safety Code, Section 50079.5. (Cal. Gov't Code, Section 65915(b)(1)(A))

(3) MODERATE INCOME HOUSEHOLD - Persons or families whose income does not exceed 120% of the county's median household income as defined in Cal. Health and Safety Code, Section 50093. (Cal. Gov't Code, Section 65915(b)(1)(D))

(O) INCENTIVE - "Incentives and concessions" as that phrase is used in Cal. Gov't Code, Section 65915(k).

(P) MARKET-RATE UNIT - A dwelling unit that is not an affordable unit.

(Q) MAXIMUM ALLOWABLE RESIDENTIAL DENSITY - The density allowed under the applicable zoning ordinance and the land use element of the general plan, or if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail. (Cal. Gov't Code, Section 65915(d)(2))

(R) MINIMUM AFFORDABLE HOUSING COMPONENT - A housing development project which includes a minimum of any of the following:

(1) VERY LOW INCOME MINIMUM AFFORDABLE HOUSING COMPONENT - Provides at least 5% of the total units for very low income household residents (Cal. Gov't Code, Section 65915(b)(1)(B)); or

(2) LOW INCOME MINIMUM AFFORDABLE HOUSING COMPONENT - Provides at least 10% of the total units for low income households (Cal. Gov't Code, Section 65915(b)(1)(A)); or

(3) MODERATE INCOME MINIMUM AFFORDABLE HOUSING COMPONENT - Provides at least 10% of the total dwelling units in a common interest development for moderate income households (Cal. Gov't Code, Section 65915(b)(1)(D)).

(4) A SENIOR CITIZEN HOUSING DEVELOPMENT - As that term is defined in section [16-410B](#). (Cal. Gov't Code, Section 65915(b)(1)(C))

(5) Ten percent of the total units of a housing development for transitional foster youth, as defined in Cal. Education Code, Section 66025.9, or disabled veterans, as defined in Cal. Gov't Code, Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 *et seq.*). The units described in this division (R)(5) shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Cal. Gov't Code, Section 65915(b)(1)(E))

(S) OTHER INCENTIVES OF EQUIVALENT FINANCIAL VALUE - The reduction or waiver of requirements which the city might otherwise apply as conditions of condominium conversion approval, but shall not be construed to require the city to provide cash transfer payments or other monetary compensation. (Cal. Gov't Code, Section 65915.5(c))

(T) QUALIFIED HOUSING DEVELOPMENT - A housing development that meets the requirements of section 16-410C for density bonus.

(U) QUALIFIED LAND - Land offered for donation in accordance with section [16-410K](#) that meets the criteria set forth in Section 16-410K.

(V) SENIOR CITIZEN HOUSING DEVELOPMENT - A residential development as defined in Cal. Civil Code, Sections 51.3 and 51.12, or a mobilehome park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civil Code, Sections 798.76 or 799.5. (Cal. Gov't Code, Section 65915(b)(1)(C))

(W) SENIOR CITIZEN HOUSING DEVELOPMENT UNIT - A residential dwelling unit within a senior citizen housing development that is available to, and occupied by, a senior citizen as defined in Cal. Civil Code, Section 51.3. (Cal. Gov't Code, Section 65915(b)(1)(C))

(X) SPECIFIC, ADVERSE IMPACT - A significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application for the housing development was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety. (Cal. Gov't Code, Section 65589.5(d)(2))

(Y) TOTAL UNITS AND TOTAL DWELLING UNITS -Dwelling units other than density bonus units. (Cal. Gov't Code, Section 65915(b)(3))

(Z) ZONING ORDINANCE - Chapter 16 and 17 of the City of Oxnard Municipal Code.
(Ord. No. 2912)

SEC. 16-410C. ELIGIBILITY FOR DENSITY BONUSES AND INCENTIVES.

Density bonuses are available to affordable housing developers in accordance with this division for the following:

- (A) Housing developments which include a minimum affordable housing component (section 16-410H and section 16-410T(A));
- (B) Housing developments which include a minimum affordable housing component and a child care facility (section 16-410I);
- (C) Senior citizen housing developments (section 16-410J); and
- (D) Land donations for very low income housing (section 16-410K).
- (E) Ten percent of the total units of a housing development are for transitional foster youth (as defined in Cal. Education Code, Section 66025.9), disabled veterans (as defined in Cal. Gov't Code, Section 18541), or homeless persons (as defined in the federal McKinney-Vento Homeless Assistance Act; 42 U.S.C. Sec. 11301 *et seq.*). The units described in this division (E) shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units. (Cal. Gov't Code, Section 65915(b)(1)(E))
- (F) For the purpose of calculating a density bonus, the residential units must be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

Notwithstanding any language in this Division 7A to the contrary and consistent with the Second Appellate District case of *Kalnel Gardens v. City of Los Angeles* (2016) 3 Cal. App. 5th 927, within the coastal zone. Density bonuses shall not be available to affordable housing developers if the city finds that the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(Ord. No. 2912)

SEC. 16-410D. FEES.

An application for a density bonus permit shall be accompanied by the fee set by resolution of the city council.

(Ord. No. 2912)

SEC. 16-410E. APPLICATION REQUIRED.

When an applicant seeks a density bonus for a housing development that meets the criteria set out in section [16-410H](#) (Cal. Gov't Code, Section 65915) the affordable housing developer must comply with all of the following requirements:

- (A) The applicant shall file an application for a density bonus permit in accordance with sections [16-410E](#) and [16-410F](#) that includes a minimum affordable housing component, whether or not the project also requires or has been granted a special use permit or other permits or approvals. (Cal. Gov't Code, Section 65915(b)(1))
- (B) State in the application the specific minimum affordable housing component proposed for the housing development. (Cal. Gov't Code, Section 65915(b)(2))

(C) Enter into an agreement with the city or its designee pursuant to section [16-410S](#) to maintain and enforce the affordable housing component of the housing development. (Cal. Gov't Code, Section 65915(c))

(Ord. No. 2912)

SEC. 16-410F. CONTENT OF APPLICATION.

(A) The application for a density bonus permit shall include the following information:

(1) A description of the project, including the number of dwelling units, the number of affordable units and level of affordability, and the location of the affordable units;

(2) A description of the density bonus and the incentives or concessions requested, if any, in accordance with sections [16-410H](#) thru [16-410M](#) (Cal. Gov't Code, Section 65915(b)(2)(d)(I));

(3) For parking standard modification requests, that the requirements of section [16-426](#) are met (Cal. Gov't Code, Section 65915(p));

(4) The location, design, and phasing criteria required by section [16-410Q](#), including any proposed development standard(s) modifications or waivers pursuant to section [16-410Q](#);

(5) Any proposal for the waiver or reduction of development standards which waiver or reduction is required to allow the city to avoid physically precluding the construction of a development meeting the criteria of Cal. Gov't Code, Section 65915(b) at the densities or with the concessions or incentives permitted by the statute;

(6) The proposed method of ensuring the continued affordability of all low, very low rental units, or senior units, or child care facilities, that qualified the applicant for the award of the density bonus for at least 55 years, as required by Cal. Gov't Code, Section 65915(c)(1); and

(7) Other information reasonably requested by city staff needed to establish eligibility for a requested density bonus, incentives or concessions, or to demonstrate that the incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.

(B) For the application for a density bonus permit for the donation of qualified land pursuant to section 16-410K, the application must show the location of the qualified land in addition to including sufficient information to establish that each requirement of that section has been met. (Cal. Gov't Code, 65915(g)(2))

(C) The application for a density bonus permit for a housing development that conforms to the requirements of section [16-410I](#) and/or section [16-410L](#). (Cal. Gov't Code, Section 65915(b)) and includes a child care facility that will be located on the premises of, as part of, or adjacent to, the project, shall show the location and square footage of the child care facility in addition to including sufficient information as how the applicant proposes to regulate attendance at the child care facility to conform to the requirements of Cal. Gov't Code, Section 65915(h)(2)(B).

(D) An application for a density bonus permit will not be processed until all of the provisions of this Division 7A are complied with and shall be processed concurrently with other required entitlements for which the affordable housing benefit is sought.

(E) Approval of a density bonus permit incentives, concessions, or waivers shall be made by the Approval Authority within the City that is authorized to approve the associated Discretionary Approval or Ministerial Approval for the underlying development permit for the housing development, occur at the planning commission, unless the city council makes the final determination for the project. The

approval of the density bonus is nondiscretionary unless the city adopts written findings justifying the denial of the density bonus. Such decision shall only be appealable if the matter is denied with written findings justifying the denial of the density bonus.

(Ord. No. 2912)

SEC. 16-410G. EFFECT OF PROPOSAL FOR WAIVER OR REDUCTION OF DEVELOPMENT STANDARDS.

A proposal for a waiver or reduction of development standards shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Cal. Gov't Code, Section 65915(e)(2).

(Ord. No. 2912)

SEC. 16-410H. DENSITY BONUS ALLOWANCE FOR HOUSING DEVELOPMENT WITH AFFORDABLE HOUSING COMPONENT.

If the requirements of section [16-410C](#) are met, then the affordable housing developer is entitled to a density bonus pursuant to Cal. Gov't Code, Section 65915(f). The amount of density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable units offered by the applicant exceeds the percentage of the minimum affordable housing component; the applicant may also elect to accept a lesser percentage of density bonus or no increase in density. (Cal. Gov't Code, Section 65915(f). All density calculations resulting in fractional units shall be rounded up to the next whole number. (Cal. Gov't Code, Section 65915(f)(5))

(Ord. No. 2912)

SEC. 16-410I. DENSITY BONUS FOR HOUSING DEVELOPMENT WITH AFFORDABLE HOUSING COMPONENT AND CHILD CARE FACILITY.

(A) Criteria - For a density bonus to be granted pursuant to section [16-410I](#)(B) for a minimum affordable housing component with a child care facility in a housing development, all of the following must be satisfied:

(1) Compliance with each requirement in section [16-410C](#). (Cal. Gov't Code, Section 65915(h)(1))

(2) The housing development must include a child care facility that will be located on the premises of, as part of, or adjacent to, the housing development. (Cal. Gov't Code, Section 65915(h)(1))

(3) Approval of the housing development must be conditioned to ensure that both of the following occur:

(a) The child care facility must remain in operation for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable pursuant to section 16-410S (Cal. Gov't Code, Section 65915(h)(2)(A)).

(b) Of the children who attend the child care facility, the children of very low income households, low income households, or moderate income households must equal a percentage that is equal to or greater than the percentage of dwelling units that are required under the respective minimum affordable housing component income category for which the density bonus is sought (Cal. Gov't Code, Section 65915(h)(2)(B)).

(4) The city has not made a finding based upon substantial evidence that the community has adequate child care facilities. (Cal. Gov't Code, Section 65915(h)(3))

(B) Density bonus allowance - If the requirements of Section 16-410I(A) are met, then an applicant for a housing development with an affordable housing component and child care facility is entitled to:

(1) A density bonus pursuant to section 16-410H; and

(2) An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the child care facility. (Cal. Gov't Code, Section 65915(h)(1)(A))

(Ord. No. 2912)

SEC. 16-410J. DENSITY BONUS FOR SENIOR CITIZEN HOUSING DEVELOPMENT.

An applicant for a senior citizen housing development or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Cal. Civil Code, Sections 798.76 or 799.5 is entitled to a density bonus of 20% of the number of senior citizen housing development units. (Cal. Gov't Code, Sections 65915(b)(1)(C) and 65915(f)(3))

(Ord. No. 2912)

SEC. 16-410K. DENSITY BONUS FOR LAND DONATION.

For a density bonus for a qualified land donation to be granted, all of the requirements of State law, as it may be amended from time to time, shall be met. See Cal. Gov't Code, Section 65915(g). For qualifying donations, the city shall award a 15% density bonus, but in no event shall the total density bonus from all sources exceed 35%. (Cal. Gov't Code, Section 65915(g)(2))

(Ord. No. 2912)

SEC. 16-410L. AFFORDABLE HOUSING INCENTIVES.

Cal. Gov't Code, Sections 65915(d), (j), (k) and (l) govern the following provisions regarding affordable housing incentives. Subject to section [16-410N](#), all of the following applicable requirements must be satisfied to be granted an incentive(s) pursuant to sections [16-410L](#)(B) and 16-410M:

(A) The applicant for an incentive may also be an applicant for a density bonus and must qualify for a density bonus pursuant to section [16-410C](#) (Cal. Gov't Code, Section 65915(d)(l)).

(B) A specific written proposal for an incentive(s) must be submitted with the application for density bonus in accordance with section [16-410F](#) (Cal. Gov't Code, Sections 65915(b)(1) and (d)(1)). The applicant's proposal may subsequently be amended or supplemented based on project design or other changes requested by the city; provided, however, that the city shall have additional time to review the requested changes.

(C) If an incentive(s) pursuant to sections [16-410L](#) and [16-410M](#) is sought, the applicant must establish that each requested incentive would result in identifiable and actual cost reductions for the qualified housing development (Cal. Gov't Code, Sections 65915(k)(1) and (3)).

(D) If an incentive(s) for mixed-use zoning in conjunction with a housing project is sought, the applicant must establish that requirements of State law are met. (Cal. Gov't Code, Section 65915(k)(2))

(E) If an additional incentive for a child care facility is sought pursuant to section [16-410M](#)(D), the applicant must establish that requirements of that section are met.

(F) The granting of an incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study or other discretionary approval.

(Cal. Gov't Code, Section 65915(j)) An incentive is applicable only to the project for which it is granted. For purposes of this division (F), "study" does not include reasonable documentation to establish eligibility for the incentive or to demonstrate that the incentive meets the definition of identifiable and actual cost reductions to provide for affordable housing costs or affordable rents.

(Ord. No. 2912)

SEC. 16-410M. NUMBER OF INCENTIVES GRANTED.

Subject to section 16-410N, the applicant who meets the requirements of section 16-410L(A) shall receive the following number of incentives described below and as shown in Table 16-410M.

(A) One incentive for qualified housing development projects that include at least 10% of the total units for low income households, at least 5% for very low income households, or at least 10% for persons and families of moderate income households in a common interest development. (Cal. Gov't Code, Section 65915(d)(2)(A))

(B) Two incentives for qualified housing development projects that include at least 20% of the total units for low income households, at least 10% for very low income households, or at least 20% for persons and families of moderate income households in a common interest development. (Cal. Gov't Code, Section 65915(d)(2)(B))

(C) Three incentives for qualified housing development projects that include at least 30% of the total units for low income households, at least 15% for very low income households, or at least 30% for persons and families of moderate income households in a common interest development. (Cal. Gov't Code, Section 65915(d)(2)(C))

(D) Subject to section [16-410N\(D\)](#), a qualified housing development proposal that includes a child care facility shall be granted an additional incentive that contributes significantly to the economic feasibility of the construction of the child care facility. (Cal. Gov't Code, Section 65915(h)(1)(B))

TABLE 16-410M - INCENTIVE ALLOWANCES FOR QUALIFIED HOUSING DEVELOPMENTS

<i>Income Category</i>	<i>Minimum % of Affordable Units</i>		
Very low income	5%	10%	15%
Low income	10%	20%	30%
Common interest development (moderate income)	10%	20%	30%
Incentives allowed	1	2	3

(Ord. No. 2912)

SEC. 16-410N. CRITERIA FOR DENIAL OF APPLICATION FOR INCENTIVES.

Outside of the coastal zone and except as otherwise provided in this Division 7A or by State law. if the requirements of section [16-410L\(A\)](#) are met, the city shall grant the incentive(s) that are authorized by sections [16-410L\(B\)](#) and [16-410M](#) unless a written finding, based upon substantial evidence, is made with respect to any of the following, in which case the city may refuse to grant the incentive(s):

(A) The incentive does not result in identifiable and actual cost reductions, consistent with Cal. Gov't Code, Section 65915(k), to provide for affordable housing costs or for rents for the targeted

units to be set as specified in Cal. Gov't Code, Section 65915(k). (Cal. Gov't Code, Section 65915(d)(1)(A))

(B) The incentive would have a specific, adverse impact, as defined in Cal. Gov't Code, Section 65589.5(d)(2), upon the public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low- and moderate-income households. (Cal. Gov't Code, Sections 65915(d)(1)(B) and 65915(d)(3))

(C) The incentive would be contrary to State or federal law. (Cal. Gov't Code, Section 65915(d)(1)(C))

(D) The city finds, based upon substantial evidence, that the community has adequate child care facilities, in which case the additional incentive for a child care facility pursuant to section [16-410M](#)(D) may be denied. (Cal. Gov't Code, Section 65915(h)(3))

Within the coastal zone, the city shall deny applications for incentives and/or density bonuses if the city finds that the proposed project - with the requested incentive(s), density bonus(es) and/or waiver of development standard(s) - cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(Ord. No. 2912)

SEC. 16-4100. WAIVER OR MODIFICATION OF DEVELOPMENT STANDARDS.

Requirements for waiver or modification of development standards:

(A) Application - To qualify for a waiver or reduction of one or more development standards, the applicant must submit a written application (together with an application for a qualified housing development) that states the specific development standard(s) sought to be modified or waived and the basis of the request. (Cal. Gov't Code, Section 65915(e)(1)) An applicant for a waiver or modification of development standard(s) pursuant to this section may request a meeting with the director to review the proposal. If requested, the director shall meet with the applicant. (Cal. Gov't Code, Section 65915(e)(1)). An application for the waiver or reduction of development standard(s) pursuant to this section shall neither reduce nor increase the number of incentives to which the applicant is entitled pursuant to Section [16-410L](#). (Cal. Gov't Code, Section 65915(e)(2))

(B) To deny the requested waiver or reduction of development standard(s) outside of the coastal zone, the city shall make a written finding, based upon substantial evidence, of any of the following:

(1) The requested waiver or reduction of development standard(s) would have a specific adverse impact (as defined in Cal. Gov't Code, Section 65589.5(d)(2)) upon public health and safety or the physical environment or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low, low-income, and moderate-income households.

(2) The requested waiver or reduction of development standard(s) would be contrary to State or federal law.

(C) Within the coastal zone, the city shall deny the requested waiver or reduction of development standard(s) if it finds that the requested waiver or reduction of development standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(D) Granting application for waiver or modification of development standards - If the requirements of sections [16-410Q](#)(A) and (B) are satisfied, the application for waiver or modification of development standard(s) shall be granted, unless, within the coastal zone, the waiver or modification of development standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(E) If the requirements of sections [16-410Q](#)(A) and (B) are satisfied, the city shall not apply a development standard that will have the effect of physically precluding the construction of a qualified housing development at the densities or with the incentives permitted by this Division 7A (Cal. Gov't Code, Section § 65915(e)(1)) unless, within the coastal zone, the waiver or modification of development standard(s) cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(Ord. No. 2912)

SEC. 16-410P. PARKING STANDARD MODIFICATIONS FOR QUALIFIED HOUSING DEVELOPMENTS.

(A) Requirements for parking standard modifications - Modification of parking standard set forth in section [16-622](#) are available only for qualified housing developments. An application for parking standard modifications stating the specific modification requested must be submitted with the qualified housing development application. (Cal. Gov't Code, Section 65915(p)(3))

(B) Parking standard modifications - If the requirements of section 16-410C are met, the vehicular parking ratio, inclusive of handicapped and guest parking, shall not exceed the following ratios (Cal. Gov't Code, Section 65915(p)(1)):

- (1) Zero to one bedroom: one on-site parking space.
- (2) Two to three bedrooms: two on-site parking spaces.
- (3) Four and more bedrooms: two and one-half on-site parking spaces.

(C) If the total number of parking spaces required for the qualified housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, "on-site parking" may be provided through tandem parking or uncovered parking, but not through on-street parking. (Cal. Gov't Code, Section 65915(p)(4))

(D) Except as otherwise provided in this section, all other provisions of Chapter 16, Article X (Off-Street Parking Requirements) applicable to residential development apply.

(E) An applicant may request additional parking incentives beyond those provided in this section if applied for pursuant to section 16-410L. (Cal. Gov't Code, Section 65915(p)(5))

(F) Exceptions - Upon request of the applicant, the following maximum parking standards shall apply, inclusive of handicap and guest parking, to the entire housing development subject to this Division 7A, as required by Cal. Gov't Code, Section 65915(p):

(1) A maximum of 0.5 parking spaces per bedroom shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915(p)(2)):

(a) The development includes the maximum percentage of low- or very low-income units provided for section [16-410H](#) (Density Bonus Allowance for Housing Development with Affordable Housing Component).

(b) The development is located within one-half mile of a major transit stop, as defined in Cal. Public Resources Code, Section 21155(b).

(c) There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(2) A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915(p)(3)(A)):

(a) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Cal. Health and Safety Code, Section 50052.5.

(b) The development is located within one-half mile of a major transit stop, as defined in Cal. Public Resources Code, Section 21155(b).

(c) There is unobstructed access to the major transit stop from the development. A development shall have unobstructed access to a major transit stop if a resident is able to access the major transit stop without encountering natural or constructed impediments.

(3) A maximum of 0.5 parking spaces per unit shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915(p)(3)(B)):

(a) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Cal. Health and Safety Code, Section 50052.5.

(b) The development is for individuals who are 62 years of age or older and which complies with Cal. Civil Code, Sections 51.2 and 51.3.

(c) The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) A maximum of 0.3 parking spaces per unit shall apply when all the following conditions apply (Cal. Gov't Code, Section 65915 (p)(3)(C)):

(a) The development consists solely of rental units, exclusive of a manager's unit or units, with an affordable housing cost to lower-income families, as provided in Cal. Health and Safety Code, Section 50052.5.

(b) The development is a special needs housing development, as defined in Cal. Health and Safety Code, Section 51312.

(c) The development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(G) Notwithstanding allowances in section [16-410P\(F\)](#) above, if the city or an independent consultant has conducted an area-wide or jurisdiction-wide parking study in the last seven years, then the city may impose a higher vehicular parking ratio not to exceed the ratio described in section [16-410P\(B\)](#) above, based on substantial evidence found in the parking study that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low- and very low-income individuals, including seniors and special needs individuals. The city shall pay the costs of any new study. The city shall make findings, based on a parking study completed in conformity with this division (G), supporting the need for the higher parking ratio. (Cal. Gov't Code, Section 65915(p)(7))

(Ord. No. 2912)

SEC. 16-410Q. DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVE PROGRAM.

(A) Project design and phasing -Projects seeking an affordable housing benefit pursuant to this Division 7A must comply with the following requirements, unless otherwise specified in writing by the director:

(1) Location/dispersal of units - Affordable units shall be reasonably dispersed throughout the development where feasible and shall contain on average the same (or greater) number of bedrooms as the market-rate units.

(2) Phasing - If a project is to be developed in phases, each phase must contain the same or substantially similar proportion of affordable units and market-rate units.

(3) Exterior appearance - The exterior appearance and quality of the affordable units must be similar to the market-rate units. The exterior materials and improvements of the affordable units must be similar to, and architecturally compatible with, the market-rate units.

(B) Application requirements - An application for one or more affordable housing benefits must be submitted as follows:

(1) Each affordable housing benefit requested must be specifically stated in writing on the application form provided by the city.

(2) The application must include the information and documents necessary to establish that the requirements of this Division 7A are satisfied for each affordable housing benefit requested, including:

(a) For density bonus requests, that the requirements of section [16-410C](#) are met;

(b) For incentive requests, that the requirements of section [16-410L](#) are met;

(c) For development standard waiver or modification requests, that the requirements of Section [16-410Q](#) are met; and/or

(d) For parking standard modification requests, that the requirements of section [16-410C](#) are met.

(3) The application must be submitted concurrently with a complete application for a qualified housing development.

(4) The application must include a site plan that complies with and includes the following:

(a) For senior citizen housing development projects - the number and location of proposed total units and density bonus units.

(b) For all qualified housing development projects other than senior citizen housing development projects - the number and location of proposed total units, affordable units, and density bonus units. The density bonus units shall be permitted in geographic areas of the qualified housing development other than the areas where the affordable units are located. (Cal. Gov. Code, Section 65915(i))

(c) The location, design, and phasing criteria required by section [16-410Q\(A\)](#), including any proposed development standard(s) modifications or waivers pursuant to section [16-410Q](#).

(5) The application for a qualified housing development must state the level of affordability of the affordable units and include a proposal for compliance with section [16-410S](#) for ensuring affordability.

(6) If a density bonus is requested for a qualified land donation pursuant to section [16-410K](#), the application must show the location of the qualified land in addition to including sufficient information to establish that each requirement in section [16-410K](#) has been met.

(7) If an additional density bonus or incentive is requested for a child care facility pursuant to section [16-410I](#) and/or section [16-410M](#)(D), the application shall show the location and square footage of the child care facility in addition to including sufficient information to establish that each requirement in section [16-410I](#) and/or section [16-410M](#)(D) has been met.

(C) An application for an affordable housing benefit under this Division 7A will not be processed until all of the provisions of this section are complied with as determined by the director and shall be processed concurrently with the application for the qualified housing development project for which the affordable housing benefit is sought.

Prior to the submittal of an application for a qualified housing development, an applicant may submit to the director a preliminary proposal for affordable housing benefits.

(Ord. No. 2912)

SEC. 16-410R. DETERMINATION ON DENSITY BONUS AND AFFORDABLE HOUSING INCENTIVE PROGRAM REQUESTS.

The Approval Authority on the underlying qualified housing development application is authorized to approve or deny an application for an affordable housing benefit in accordance with this Division 7A.

(A) Affordable housing benefit determinations - An application for an affordable housing benefit shall be granted if the requirements of this Division 7A are satisfied unless:

(1) The application is for an incentive for which a finding is made in accordance with section [16-410N](#); or

(2) The underlying application for the qualified housing development is not approved independent of and without consideration of the application for the affordable housing benefit; or

(3) The housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:

(a) The proposed housing development, inclusive of the units replaced pursuant to this division (A)(3), contains affordable units at the percentages set forth under State law; or

(b) Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.

(4) For proposed projects within the coastal zone, the proposed project cannot feasibly be accommodated on the site in a manner that is in conformity with the California Coastal Act.

(B) Affordable housing benefit compliance provisions - To ensure compliance with this Division 7A and State law, approval of an application for an affordable housing benefit may be subject to, without limitation:

(1) The imposition of conditions of approval to the qualified housing development, including imposition of fees necessary to monitor and enforce the provisions of this Division 7A;

(2) An affordable housing agreement and, if applicable, an equity sharing agreement pursuant to section [16-410S](#); and

(3) Recorded deed restriction implementing conditions of approval and/or contractual or legally mandated provisions.

(C) **Appeals -**

~~(1) If the decision to approve or deny an application for an affordable housing benefit is made by the planning commission, then an appeal may be filed consistent with the procedures of section [16-545](#).~~

~~(2) If the determination of the underlying application for the qualified housing development is also appealed along with the decision of the affordable housing benefit, then the entire project shall be controlled by the appeal procedures applicable to the underlying application.~~

(Ord. No. 2912)

SEC. 16-410S. AFFORDABLE HOUSING AGREEMENT AND EQUITY SHARING AGREEMENT.

(A) General requirements - No density bonus pursuant to section 16-410C shall be effective unless and until the affordable housing developer, or its designee approved in writing by the director, enters into an affordable housing agreement and, if applicable, an equity sharing agreement, with the city or its designee pursuant to and in compliance with this section. (Cal. Gov't Code, Section 65915(c)) The agreements shall be in the form provided by the city which shall contain terms and conditions mandated by, or necessary to implement, State law and this article. The director may designate a qualified administrator or entity to administer the provisions of this section on behalf of the city. The affordable housing agreement shall be recorded prior to, or concurrently with, final map recordation or, where the qualified housing development does not include a map, prior to issuance of a building permit for any structure on the site. The director is hereby authorized to enter into the agreements authorized by this section on behalf of the city upon approval of the agreements by city attorney for legal form and sufficiency.

(B) Low or very low income minimum affordable housing component or senior citizen housing development -

(1) The affordable housing developer of a qualified housing development based upon the inclusion of low income and/or very low income affordable units for rent must enter into an agreement with the city to maintain the continued affordability of the affordable units for 55 years, or a longer period if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, as follows (Cal. Gov't Code, Section 65915(c)(1)). The agreement shall establish specific compliance standards and specific remedies available to the city if such compliance standards are not met. The agreement shall among other things, specify the number of lower-income affordable units by number of bedrooms; standards for qualifying household incomes or other qualifying criteria based upon the specific project; standards for maximum rents; the person responsible for certifying tenant incomes; procedures by which vacancies will be filled; required annual report and monitoring fees; restrictions imposed on lower-income affordable units on sale or transfer; and methods of enforcing such restrictions.

(2) Rental units - Rents for the low income and very low income affordable units that qualified the housing development for the density bonus pursuant to section 16-410C shall be set and maintained at an affordable rent. (Cal. Gov't Code, Section 65915(c)(1))

(3) For-sale units - Owner-occupied low income and very low income affordable units that qualified the housing development for the density bonus pursuant to section 16-410C shall be

available at an affordable housing cost. (Cal. Gov't Code, Section 65915(c)(1)) For-sale very low, low and moderate units shall not have a term of affordability but shall be subject to an equity sharing agreement that meets the requirements of Cal. Gov't Code, Section 65915(c)(2) unless the equity sharing agreement is in conflict with the requirements of another public funding source or law) (Cal. Gov't Code, Section 65915(c)(2)).

(4) To qualify as a senior unit, at least 35 senior citizen housing development units are maintained and available for rent or sale to senior citizens as defined in Cal. Civil Code, Section 51.3.

(C) Moderate income minimum affordable housing component -

(1) The affordable housing developer of a qualified housing development based upon the inclusion of moderate income affordable units in a common interest development must enter into an agreement with the city ensuring that:

(a) The initial occupants of the moderate income affordable units that are directly related to the receipt of the density bonus are persons and families of a moderate income household.

(b) The units are offered at an affordable housing cost. (Cal. Gov't Code, Section 65915(c)(2))

(2) The affordable housing developer of qualified housing development based upon a moderate income minimum affordable component shall enter into an equity sharing agreement for a common interest development with the city. (Cal. Gov't Code, Section § 65915(c)(2)) The city shall enforce the equity sharing agreement unless it is in conflict with the requirements of another public funding source or law. (Cal. Gov't Code, Section 65915(c)(2)) The equity sharing agreement shall include at a minimum the following provisions:

(a) Upon resale, the seller of the unit shall retain the value of improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy, as defined in division (C)(2)(b) below, and its proportionate share of appreciation, as defined in division (C)(2)(c) below, which amount shall be used within five years for any of the purposes described in Cal. Health and Safety Code, Section 33334.2(e) that promote home ownership. (Cal. Gov't Code, Section 65915(c)(2)(A))

(b) The city's initial subsidy shall be equal to the fair market value of the unit at the time of initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (Cal. Gov't Code, Section 65915(c)(2)(B))

(c) The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the unit at the time of initial sale. (Cal. Gov't Code, Section 65915(c)(2)(C))

(D) Minimum affordable housing component and child care facility - If an additional density bonus or incentive is granted because a child care facility is included in the qualified housing development, the affordable housing agreement shall also include the affordable housing developer's obligations pursuant to section [16-410I](#)(A)(3) for maintaining a child care facility, if not otherwise addressed through conditions of approval.

(Ord. No. 2912)

SEC. 16-410T. DENSITY BONUS OR INCENTIVE FOR CONDOMINIUM CONVERSION PROJECTS.

(A) The city will grant either a density bonus or provide other incentives of equivalent financial value to a condominium conversion project that agrees to pay the reasonably necessary administrative costs incurred by the city pursuant to this section if either:

(1) Thirty-three percent of the total units of the proposed condominium project is affordable to persons and families of moderate income households; or

(2) Fifteen percent of the total units of the proposed condominium project will be affordable to persons and families of lower income households (Cal. Gov't Code, Section 65915.5(a)).

(B) Definition of density bonus for condominium conversion projects - If the requirements of section [16-410T](#)(A) are met, then the condominium conversion project will be entitled to an increase in units of 25% over the number of apartments, to be provided within the existing structure or structures proposed for conversion from apartments to condominiums. (Cal. Gov't Code, Section 65915.5(b))

(C) Pre-submittal preliminary proposals for density bonus or incentive for condominium conversion projects - Prior to the submittal of a formal request for subdivision map approval or other application for necessary discretionary approvals, an applicant to convert apartments to a condominium project may submit to the director a preliminary proposal for density bonus or other incentives of equivalent financial value. The director shall, within 90 days of receipt of a written proposal, notify the applicant of the director's preliminary response and schedule a meeting with the applicant to discuss the proposal and the director's preliminary response. (Cal. Gov't Code, Section 65915.5(d))

(D) Application for density bonus or incentives for condominium conversion projects - An applicant must submit a completed application provided by the city for a density bonus or for other incentives of equivalent financial value. The application must be submitted concurrently with the application for the condominium conversion project. The application must include the following:

(1) All information and documentation necessary to establish that the requirements of section [16-410T](#)(A) are met;

(2) The proposal for a density bonus or the proposal for other incentives of equivalent financial value;

(3) Site plans demonstrating the location of the units to be converted, the affordable units, the market-rate units, and the density bonus units in the condominium conversion project; and

(4) Any other information and documentation requested by the city to determine if the requirements of section [16-410T](#)(A) are met.

(E) Both the application for a density bonus or other incentives of equivalent financial value and the application for the condominium conversion must be complete before the application for a density bonus or other incentives of equivalent financial value will be considered.

(F) Granting density bonus or incentive for condominium conversion projects -

(1) Approval -

(a) If the requirements of section [16-410T](#)(A) are met, the decision-making body for the condominium conversion project application is authorized to grant an application for a density bonus or other incentives of equivalent financial value, subject to section [16-410T](#)(F)(2).

(b) Reasonable conditions may be placed on the granting of a density bonus or other incentives of equivalent financial value that are found appropriate, including, but not limited to, entering into an affordable housing agreement pursuant to section [16-410S](#) which ensures continued

affordability of units to subsequent purchasers who are persons and families of moderate income households or low income households. (Cal. Gov't Code, Section 65915.5(a))

(2) Ineligibility - An applicant shall be ineligible for a density bonus or other incentives of equivalent financial value if the apartments proposed for conversion constitute a qualified housing development for which a density bonus as defined in section [16-410B](#) or other incentives were provided. (Cal. Gov't Code, Section 65915.5(f))

(3) Decision on condominium conversion project - Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums. (Cal. Gov't Code, Section 65915.5(e))

(Ord. No. 2912)

SEC. 16-410U. ENFORCEMENT PROVISIONS.

(A) Occupancy - Prior to occupancy of an affordable unit, the household's eligibility for occupancy of the affordable unit must be demonstrated to the city. This provision applies throughout the restricted time periods pursuant to section [16-410S](#) and applies to any change in ownership or tenancy, including subletting, of the affordable unit.

(B) Ongoing compliance - Upon request, the affordable housing developer must show that the affordable units are continually in compliance with this Division 7A and the terms of the affordable housing agreement. Upon 30-day notice, the city may perform an audit to determine compliance with this Division 7A and the terms of any agreement or restriction.

(C) Enforcement - The city has the authority to enforce the provisions of this Division 7A, the terms of affordable housing agreements and equity sharing agreements, deed restrictions, covenants, resale restrictions, promissory notes, deed of trust, conditions of approval, permit conditions, and any other requirements placed on the affordable units or the approval of the qualified housing development. In addition to the enforcement powers granted in this Division 7A, the city may, at its discretion, take any other enforcement action permitted by law, including those authorized by city ordinances. Such enforcement actions may include, but are not limited to, a civil action for specific performance of the restrictions and agreement(s), damages for breach of contract, restitution, and injunctive relief. The remedies provided for herein shall be cumulative and not exclusive and shall not preclude the city from seeking any other remedy or relief to which it otherwise would be entitled under law or equity.

(Ord. No. 2912)

SEC. 16-410V. BURDEN IS ON APPLICANT.

When an applicant seeks a density bonus for a development or for donation of land, the applicant bears the burden of establishing that the housing development meets the threshold requirements.

(Ord. No. 2912)

Attachment 5f

New Zoning Text OCC Section 16-523 Site Plan Review

CHAPTER 16: ZONING CODE

ARTICLE VII. PERMIT PROCEDURES

DIVISION 1. ZONE CLEARANCE PERMIT

[16-520.](#) Purpose and intent

[16-520.1](#) Applicability

[16-520.2](#) Permit and license required

[16-520.3](#) Approval

[16-520.4](#) Permit initiation and expiration

[16-520.5](#) Revocation

[16-520.6](#) Appeal

DIVISION 2A. SITE PLAN REVIEW PERMIT

[16-523.](#) Purpose and intent

[16-523.1](#) Review Authority

[16-523.2](#) Procedure for Site Plan Review

[16-523.3](#) Review and Decision

[16-523.4](#) Required Findings

[16-523.5](#) Notice of Action

[16-523.6](#) Effective Date of Decision

[16-523.7](#) Expiration Date and Extension

[16-523.8](#) Application Fee

[16-523.9](#) Appeals

[16-523.10](#) Minor Modification to Site Plan Review Permit

[16-523.11](#) As-Built Development

[16-523.12](#) CEQA

DIVISION 2B. DEVELOPMENT DESIGN REVIEW PERMIT

[16-525.](#) When required; procedures

ARTICLE VII. PERMIT PROCEDURES

DIVISION 2A. SITE PLAN REVIEW

SEC. 16-523. PURPOSE AND INTENT.

This division establishes the procedures for conducting a non-discretionary ministerial Site Plan Review for certain development applications, as identified in this chapter. This process requires the Director to verify that certain new or expanded uses, activities, structures, or development of land complies with all applicable ordinances of the City.

SEC. 16-523.1. REVIEW AUTHORITY

The Community Development Director ("Director") is the review authority for an application that requires Site Plan Review. The Director may approve or deny the application. The Director may refer an application to another Review Authority for a decision on the non-discretionary Site Plan Review.

SEC. 16-523.2. PROCEDURE FOR SITE PLAN REVIEW.

(A) Whenever this chapter provides that a particular use or development may be permitted by Site Plan Review, a Site Plan Review permit shall be issued by the Community Development Department. A Site Plan Review permit may also be used for developments where the state has mandated that the City's approval must be ministerial.

(B) An application for a Site Plan Review Permit may be filed by:

- (1) The owner(s) of the subject property,
- (2) An authorized agent representing the property owner(s), or
- (3) The City.

(C) Each application for a Site Plan Review Permit or modification to a Site Plan Review Permit must be filed with the Director on a City application form, together with required fees and/or deposits, and all other information and materials as identified in the City's submittal checklist. Submittal requirements may be increased or waived on a project-specific basis as determined necessary or appropriate by the Director.

(D) The application shall be reviewed by the Development Advisory Committee for consistency with applicable regulations and standards. The intent of this review is to provide interdepartmental perspective and coordination prior to project approval with the goal of streamlining the building permit process. This review is non-discretionary, though the Committee may provide conditions of approval to ensure compliance with applicable regulations and standards.

(E) The applicant shall be informed in writing within 30 calendar days of application submittal or as required by the Government Code, that either the application is complete and has been accepted for processing, or that the application is incomplete and that additional information, specified in writing, shall be provided before it can be accepted for processing.

(F) If the applicant does not complete their application within 90 days after notification that the application is incomplete, the application shall be deemed withdrawn, unless a written request for extension is filed by the applicant and granted for good cause by the Director for a period not to exceed an additional 90 days. If an extension is not granted, or if the extension expires, the application shall be considered withdrawn. A courtesy letter from the City should be sent to the applicant documenting the withdrawal. A new application, including fees, plans, exhibits, and other

materials that will be required to commence processing of any development project on the same property.

(G) All Site Plan Review permits shall be subject to review to ensure compliance with all applicable objective standards. The review shall be conducted by the Director.

(H) No public notifications or public meetings or hearings shall be required for ministerial Site Plan Review Permits.

(I) Where a Site Plan Review permit is processed concurrently with a required discretionary permit, the Review Authority with jurisdiction over the discretionary permit shall also have review authority over the Site Plan Review permit. However, the review of the Site Plan Review permit shall remain ministerial pursuant to the provisions of this section.

SEC. 16-523.3. REVIEW AND DECISION.

The Director must determine whether the proposed use, activity, building, alteration, or addition, is permitted and conforms to all the applicable regulations and standards of this Chapter, other applicable regulations and standards. A Site Plan Review permit shall only be issued after the Director makes the required findings in section 16-523.4. and other applicable findings required under this chapter.

SEC. 16-523.4. REQUIRED FINDINGS.

The Review Authority must make the following findings:

(A) The project is consistent with the applicable General Plan policies and is in conformance with applicable zoning regulations contained in this chapter and other adopted standards.

(B) There are adequate infrastructure and public services available to serve the proposed development, including sewerage, water, fire and police protection, storm drainage facilities, and legal access to the lot.

(C) The proposed development is on a legally created lot.

SEC. 16-523.5. NOTICE OF ACTION.

After taking action on an application, the Director shall notify the applicant of the decision. The decision may be in the form of a letter or in the form of a stamp, signature, or other official notation or documentation on the site plan.

SEC. 16-523.6. EFFECTIVE DATE OF DECISION.

The decision is effective upon issuance of Notice of Action.

SEC. 16-523.7. EXPIRATION DATE AND EXTENSION.

(A) A Site Plan review shall expire 24 months from the date of issuance if the use, building, structure, or other improvements for which the permit has been issued has not been established or commenced in compliance with the issued permit or unless a time extension is approved. If the approved application is not used within the time limit, the approval becomes null and void.

(B) Notwithstanding Subsection A, above, where an application, including required fees, requesting an extension is timely filed prior to such expiration date, the Director may approve a one-time extension of the time limit in Subsection A, above, for a period of not to exceed one year. In considering a time extension, the Review Authority must make the following findings:

- (1) The granting of the extension must be based upon a finding of good cause.
- (2) All original findings for approval can still be made.

SEC. 16-523.8. APPLICATION FEE.

(A) Fees for filing an application for a Site Plan Review permit shall be the same as the fees for a Development Design Review Permit and Development Advisory Committee fees set by resolution of the City Council.

SEC. 16-523.9. APPEALS.

The Director's decision to approve a Site Plan Review is final and is not subject to appeal, except as follows. A Site Plan Review Permit shall only be appealable if the matter is denied with written findings justifying the denial. The denial may be appealed to the Hearing Officer within ten days of the date of the issuance of the written decision, whose decision shall be final.

SEC. 16-523.10. MINOR MODIFICATIONS TO SITE PLAN REVIEW PERMITS.

(A) Modifications to Site Plan Review permits are applicable for changes that substantially conform to the approved or issued permit. A minor modification may allow for an increase or decrease of the following elements of the approved development, by no more than 10 percent:

- (1) Approved building height
- (2) Approved setback distances
- (3) Landscape coverage
- (4) Building floor area
- (5) Site building coverage
- (6) Other approved numerical elements

In no case may the increase or decrease be below the minimum or exceed maximum standards established by the City Code.

(B) Modifications to building elevations may be considered, provided that modified elevations comply with applicable objective design standards and applicable zoning regulations contained in this chapter and other adopted standards.

(C) An application for a minor modification shall be filed with the Director. Three copies of the site plan, elevation and landscape plan, if applicable, shall be submitted with a letter outlining the requested modification(s).

(D) Fees for filing an application for a minor modification shall be set by resolution of the city council.

(E) Upon review of the application, the Director shall issue a written decision approving, conditionally approving or denying the application within the time period prescribed by State law.

(F) The Director's decision to approve a minor modification to a Site Plan Review is final and is not subject to appeal, except as follows. A minor modification shall only be appealable if the matter is denied with written findings justifying the denial. The denial may be appealed to the Hearing Officer within ten days of the date of the issuance of the written decision.

SEC. 16-523.11. AS-BUILT DEVELOPMENT.

Applications for legal as-built development without an effectuated Site Plan Review permit that is considered nonconforming only due to the absence of a Site Plan Review permit, shall be processed in the same manner as a minor modification. The Site Plan Review permit for the as-built development may allow for minor modifications to the existing development pursuant to Section 16-523.10 as allowed under the minor modification process.

SEC. 16-523.13. CEQA

The Site Plan Review Permit is defined as ministerial within the meaning of CEQA and Cal. Public Resource Code 21080(b)(1). The Site Plan Review Permit review process applies a series of fixed standards and objective measurements and does not intend to involve the use of personal or subjective judgments in deciding whether or how the project should be carried out.

Attachment 6

Planning Commission PowerPoint Presentation
September 2, 2021

Oxnard 2021-2029 Housing Element

PZ No. 20-620-03: GP Amendment to adopt 2021-2029 Housing Element and related text changes

PZ No. 21-620-02: GP Text Amendment to the Land Use Element

PZ No. 21-620-03: GP Map Amendment to the Land Use Element

PZ No. 21-580-03: Zoning Ordinance Text Amendment for Affordable Housing

PZ No. 21-580-04: Zoning Map Amendment for Affordable Housing

Kathleen Mallory, Planning & Sustainability Manager

City's Consultant Team:

Heather Davis, Consultant Planner

Jenny Gastelum and Amy Sinsheimer, Placeworks, Housing Consultant

Planning Commission

September 2, 2021



Housing Element Overview we are in the 6th Cycle

- Required Element of the General Plan
- Reviewed and certified by California Department of Housing and Community Development (HCD) for compliance with State law
- Eight-year State-mandated update schedule (2021-2029). Required to be adopted by October 15, 2021
- Sites, Programs, and Plans for “Existing Need” and “Future Need” based on City’s growth projections

BACKGROUND

April 1, 2021: Planning Commission Recommendation:

- Participate in two new County of Ventura Housing Element programs: Farmworker Housing Study (Regional Collaboration); and Ventura County Land Trust Fund.
- Consider developing two new Housing Element programs: Rent Stabilization; and Just Cause Ordinances.

BACKGROUND

April 13th Committee Recommendations (vote of 2-1): Create three NEW Housing Element Programs:

- Participate in two County of Ventura Housing Element programs: Farmworker Housing Study (regional collaboration); and Ventura County Land Trust Fund.
- Create Annual Housing Element Workshop.
- Committee did not support Planning Commission recommendation to create two new Housing Programs in the Housing Element for Rent Stabilization and Just Cause Ordinances given that this was included in the Housing Department's work plan.

April 29th City Council concurred with Committee. Directed staff to send Draft Housing Element to HCD.

BACKGROUND

May 14, 2021 Updated 2021-2029 Draft Housing Element submitted to HCD for 60-Day review.

July 13, 2021 'Findings Letter' from HCD on Draft Housing Element:

- Substantial changes - New and substantially revised programs
- Non-substantial updates - technical

July 27, 2021 Community Services, Public Safety, Housing & Development Committee Meeting

- Policy questions on substantial changes to Draft Housing Element

August 12, 2021 2021-2029 Final Housing Element published for Public Review

August 18, 2021 Community Meeting

- Input from participants

Overview of Changes to Draft Housing Element

- Overview of changes to the Draft Housing Element since public review and City Council consideration in April 2021.
- Changes focus on three main areas:
 - Updated Regional Housing Needs Assessment (RHNA; Table F-3) site capacity; accessory dwelling units now account for 490 lower income units and refinement of unit allocation by “areas” in the City
 - Site inventory – Removal and addition of sites
 - Changes to Housing Element Program language due to City Council direction, and HCD feedback. Meeting will focus only on larger Program language changes

Minor edits to background and analysis Chapters A to F to address HCDs
Comments - Summary in Attachment 4

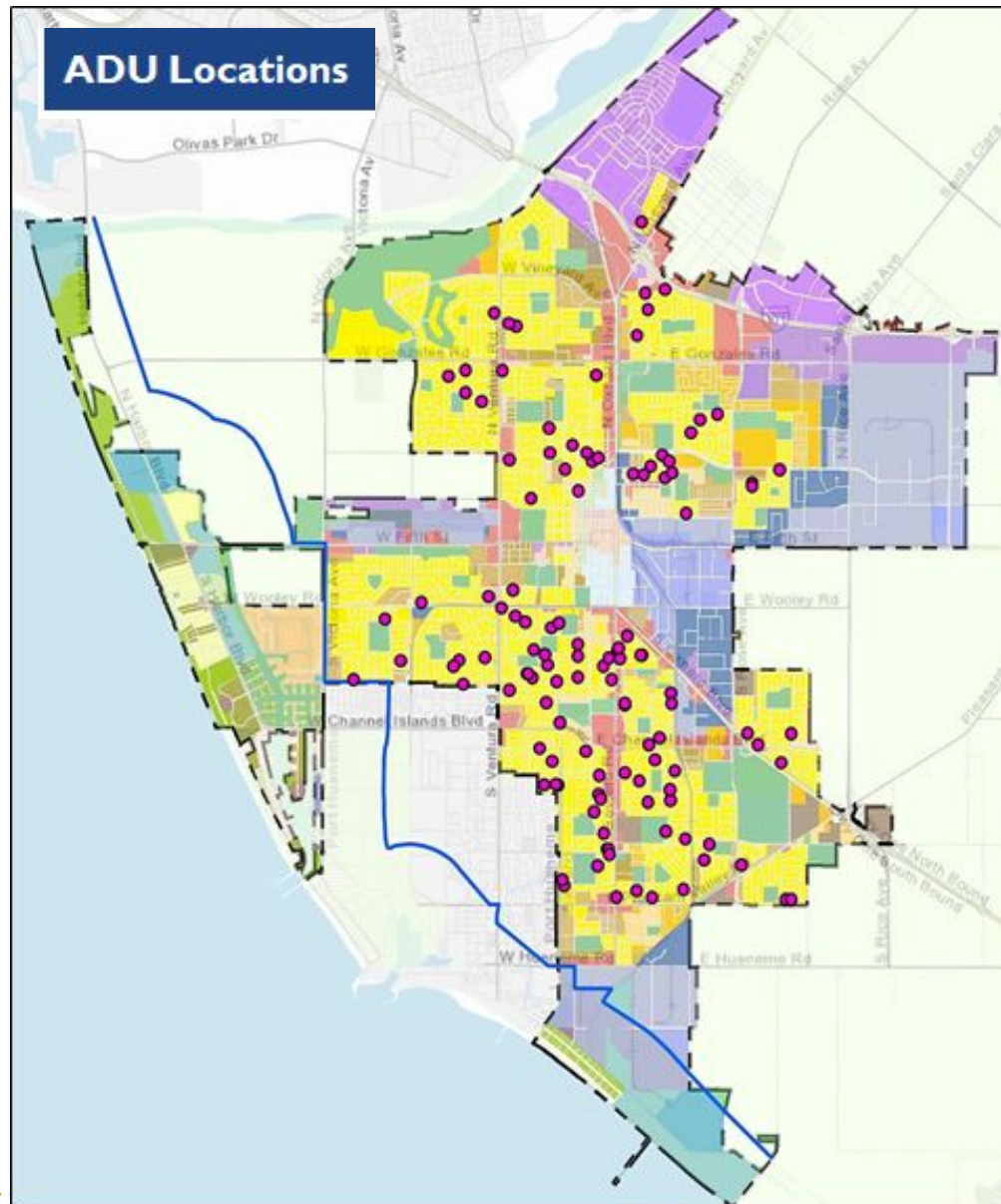
RHNA Overview of Site Capacity – Table F-3

Table F-3. Comparison of Site Capacity to 2021-2029 Regional Housing Needs Assessment

Income Group	Remaining RHNA Table D-3	Projected Accessory Dwelling Units	Vacant Sites Capacity [Suppl. 1]	Non-Vacant Sites Capacity [Suppl. 1]	Specific Plans [Suppl. 1]	Subtotal Remaining RHNA	Pending Annexations (Rio Urbana and Teal Club) ¹	Total Units Addressed	Surplus RHNA
Extremely Low	1,835	490	1,010	1,456	224	0	165	3,350	+439
Very Low									
Low	1,071								
Moderate	1,538	0	141	504	706	187	285	1,636	+98
Above Moderate	4,098	0	610	2,273	625	590	707	4,169	+117
TOTAL	8,542	490	1,761	4,233	1,555	777	1,157	9,427	

1. Information about annexations that support these numbers in Sections F.8 and F.9.

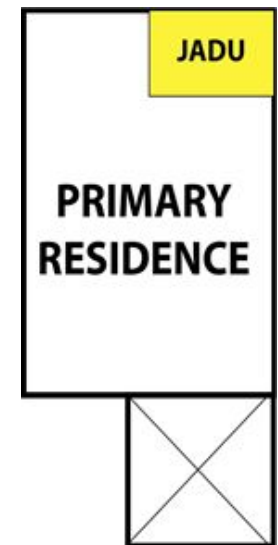
ADU & Jr. ADU



The Ultimate Guide to Pre-Approved ADU Plans in San Jose



Junior Accessory Dwelling Unit (JADU)



Sites Inventory - Removal and Additions

Changes to Sites in Response to Council and Community Input:

Removed due to owner not interested in residential development or did not want property included:

- 600 N. Harrison (Ventura Pacific)
- 2121 N. Oxnard Boulevard
- 624 W. Wooley Road site
- 1325 S Oxnard Blvd

Added sites due to owner interest / lower income inventory sites / entitled sites not developed yet:

- 1505 W. Ninth Street (Site 19)
- 1225 S. Oxnard and 1260 Saviers Rd. (Site 25)
- 5777 S. Saviers Rd. (Site 40)
- 416 W. Sixth Street (Site 41)
- 619 & 625 South C Street (Site 42)
- 2161 Etting Rd. (CEDC Farmworker Apartments) (Site 43)
- 234 Johnson Rd. (Johnson Road Apartments) (Site 44)

Notable Summary of Program Changes

Programs with changes since release of Draft Housing Element:

- **Programs 3 (Rezoning to meet RHNA)** – changes to reflect General Plan map/text and zoning map/text changes to implement Housing Element; similar changes to Program 30 and 31 to implement Housing Element
- **Program 5 (Parcel Assemblage/Lot Merger)** – changes to reflect Council adoption of fee waiver program (Ord. 2927) for sites noted in Supplement 1 of Final Housing Element
- **Program 6 (Zoning Code Amendment)** – committed to specific zoning ord. modifications, including creation of Site Plan Review process to implement by right provisions (by Dec. 2022)
- **Program 9 (Farmworker Housing Program)** – committed to creating brochure and continued engagement
- **Program 19 (Affirmatively Furthering Fair Housing)** – added Committee supported language to promote program

Notable Summary of Program Changes, Continued:

- **Program 41 (Farmworker Housing Study)** – City will seek grant funding, or other City secured sources of funding/staff time; 2022-2024
- **Program 42 (Collaboration with VC Housing Trust Fund)** – City will continue partnership; City will secure staff support or other forms of funding/2022-2023
- **Program 44 (New Program – ADU Accelerator Program)** – added program in response to HCD input, to pair lower income households with homeowners willing to deed restrict for affordability/City funding

General Plan Amendment and Zoning Change

Land Use Element, text and map amendments; and Oxnard City Code ordinance changes to implement the Final Housing Element. Including GP Amendment, and adoption of 5 ordinances, as follows:

General Plan Land Use Element, Text and Map Amendments:

- 2030 General Plan Land Use Element, Section 3.5 and Table 3.2
- Revise Map - Land Use Designation on 13 Parcels

Zoning Text and Map Amendment:

- Amend Oxnard City Code (OCC) Sections 16-135 & 16-136 (C-2 - General Commercial Zone)
- Amend OCC Section 16-162 & 16-163 (Business Research Park)
- Amend OCC Section 16-420 (Affordable Housing -AHP & -AHD Additive Zones). Repeal & Replace AAHOP
- Amend OCC Section 16-410 (Density Bonus)
- New OCC Section 16-523 (Site Plan Review)

General Plan Amendment

General Plan Land Use Element, Amendments

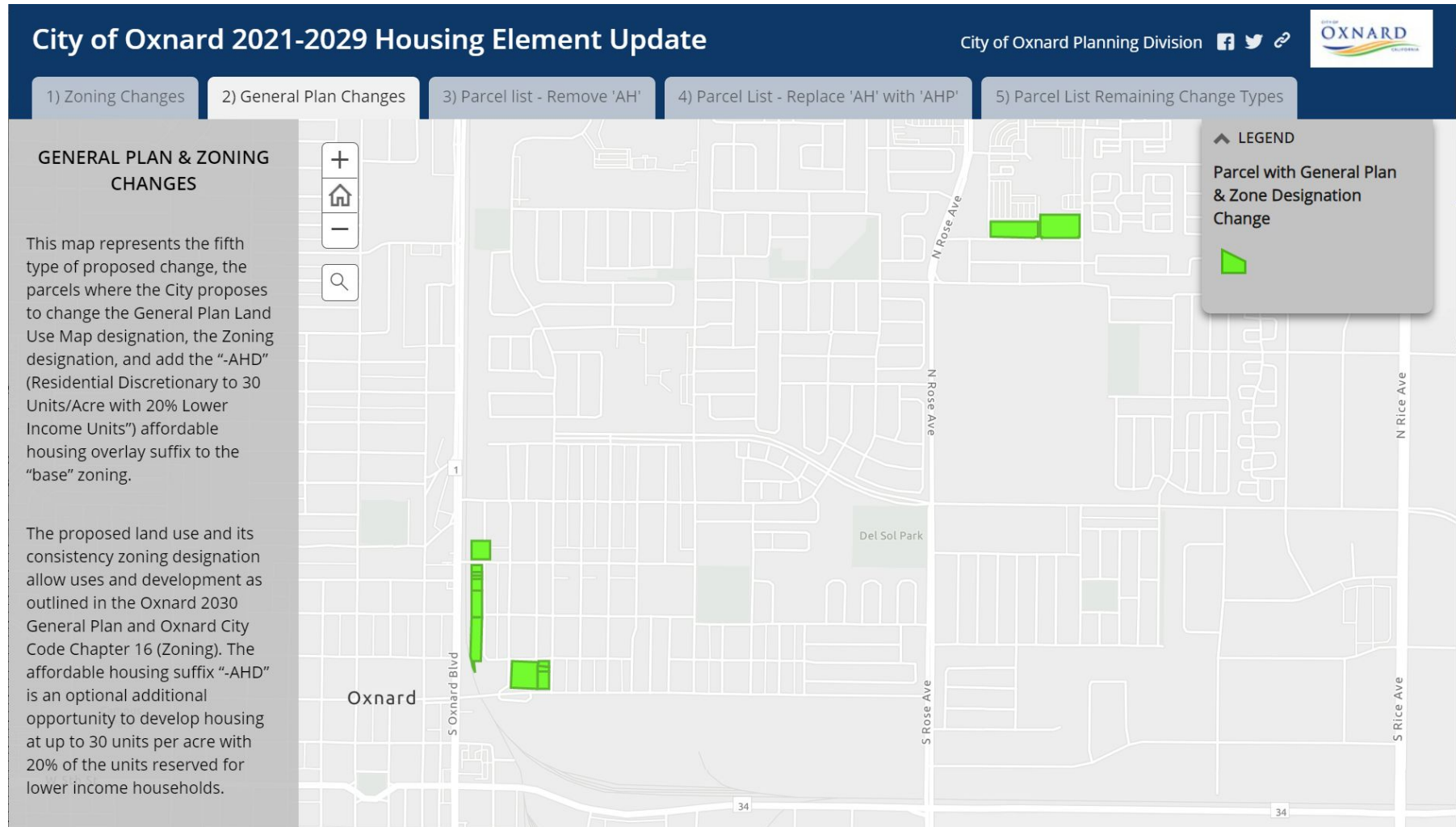
- 2030 General Plan Land Use Element, Section 3.5 and Table 3.2 (Attachment 5a)

General Plan Land Use Designation	Current Allowable Density & General Plan Land Use Element Text	Proposed Density & General Plan Land Use Element Text, Section 3.5 and Table 3.2
Business Research Park	0 du/acre; Housing not currently permitted. "Business and Research Park. [FAR is 0.60:1] Professional, administrative, research, and limited manufacturing uses along with limited commercial activities intended to support such uses, integrated into campus-like environments that are oriented towards arterials, freeways, airports, and harbors, and developed to high property and development standards."	30 du/acre add text "and residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD".
General Commercial	18 du/acre; "General. [FAR is 0.35:1] Retail centers and free-standing commercial uses along arterials, may also include office, residential uses up to 18 dwelling units per acre, live/work, work/live, and mixed uses."	30 du/acre add text "and residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD".

General Plan Amendment

General Plan Land Use Map Amendments

- Land Use Designation on 4 sites (13 parcels): <https://arcg.is/HmSS1>



Zoning Text Amendment

Zoning Text

- Amend OCC Section 16-135 & 16-136 (C-2 - General Commercial Zone)
- Amend OCC Section 16-162 & 16-163 (Business Research Park) (Attachments 5b and 5c)

Zoning	Current OCC Allowable Density & Text	Proposed OCC Density & Text
BRP (OCC <u>Section 16-162</u> Non-Industrial Uses, and <u>16-163</u> Industrial Land Uses by Zone: Industrial Land Use Matrix)	0 du/acre; Housing not currently permitted.	30 du/acre add text "Residential uses up to 30 units per acre are permitted in the BRP on parcels identified as AHP or AHD" as provided in section 16-420.
C2 (OCC Sections 16-135 Permitted Uses, 16-136 Related Uses, and 16-138 Lot Area Per Dwelling)	18 du/ac; "The permitted and related uses in the R-3 zone" (OCC 16-136) AND 72 du/acre; "Every main residential building shall have a lot area of <u>not less than 600 square feet per dwelling unit</u> , except for hotels or apartment hotels that have no cooking facilities in any individual room, suite or apartment." (OCC 16-138)	30 du/acre add text to 16-135 "The permitted and related uses in the R-4 zone on parcels identified as AHP as provided in section 16-420." add text to 16-136 "The permitted and related uses in the R-4 zone on parcels identified as AHP or AHD as provided in section 16-420" (No change to 16-138)

Zoning Text Amendment

- Repeal All Affordable Housing Opportunity Program (AAHOP)
- Amend OCC Section 16-420 - Affordable Housing (AH), Permitted (P) & -AH, Discretionary (D) Additive Zones (Attachment 5d)

Zoning	Current OCC Allowable Density & Text	Proposed OCC Density & Text
AAHOP - Remove overlay zone (OCC Section 16-420)	16-420E "(B) Maximum density - The allowable density of units per acre for the -AH additive zone is the amount shown on the zoning map. All sites allow <u>between 20 and 39 units per acre</u> . AAHOP project density is based on the site size less land dedications for roadway widening required by the 2030 general plan circulation diagram (Figure 4-1)."	NA (AAHOP text and overlay removed)
Affordable Housing Permitted (AHP) - New overlay zone (on C2 sites that were in 1 or 2 prior housing elements). (OCC Section 16-420)	NA	30 du/acre, Permitted ' By Right '. Text clarifies that residential development with a density of up to 30 units/acre that includes at least 20% lower income is permitted with a SPR (Non-Discretionary). The developer can access State Density Bonus Law in addition to using the densities allowed in the overlay. Text references R4 standards, attached dwelling unit standards and includes objective design standards.
Affordable Housing Discretionary (AHD) - New overlay zone (on C2 & BRP sites that were not in prior housing element) (OCC Section 16-420)	NA	30 du/acre, Discretionary . Text clarifies that residential development with a density of up to 30 units/acre that includes at least 20% lower income is permitted with an SUP (Discretionary). The developer can access State Density Bonus Law in addition to using the densities allowed in the overlay. Text will reference R4 & attached dwelling standards and includes objective design standards.

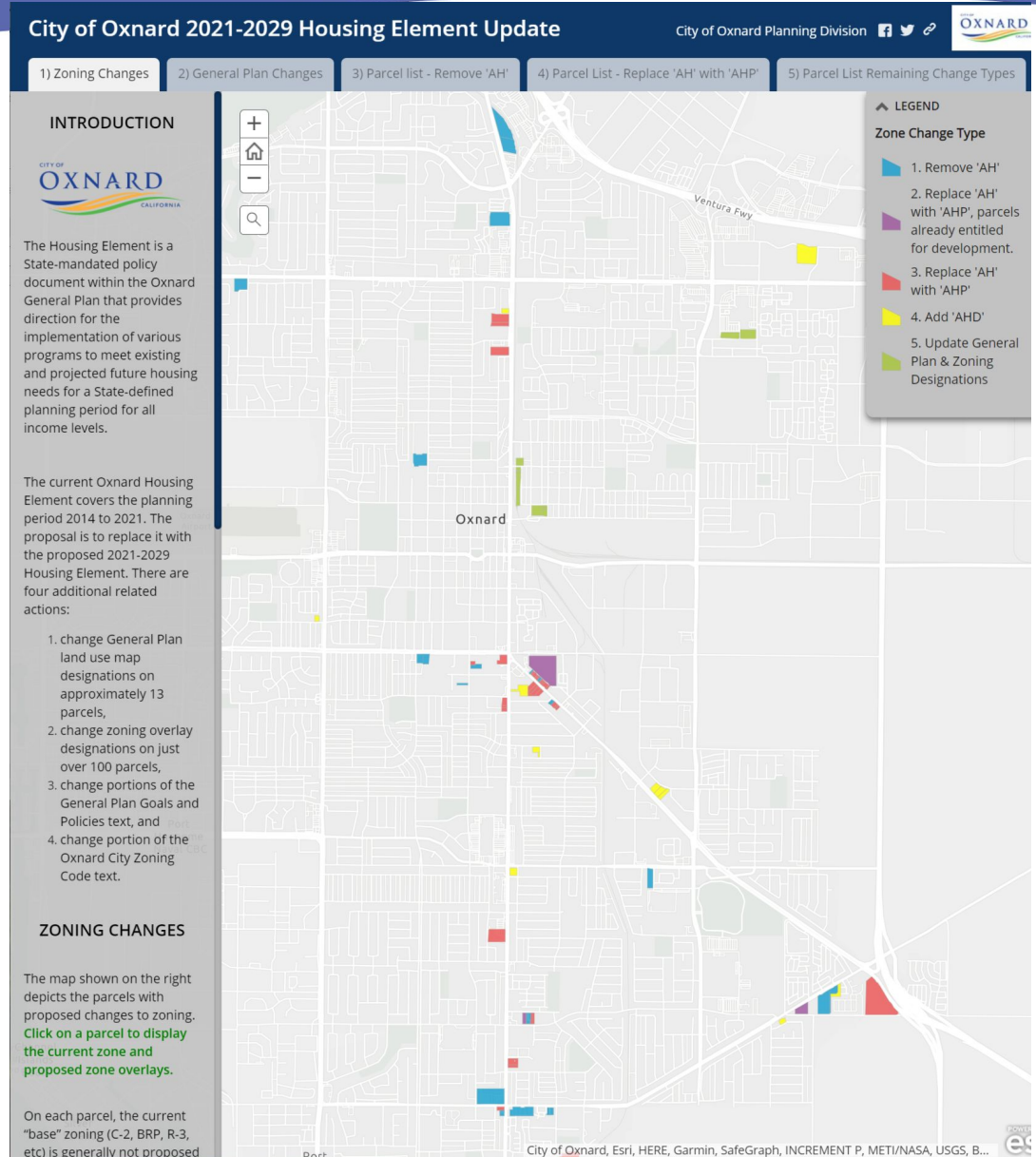
Zoning Text Amendment

- Amend OCC Section 16-410 (Density Bonus) (Attachment 5e)
 - Presently requires Planning Commission approval
 - Revise to same approval authority as associated Ministerial or Discretionary permit
 - Facilitate 'By Right' project approval at Ministerial level
- New OCC Section 16-523 (Site Plan Review) (Attachment 5f)
 - Ministerial approval required for 'By Right' projects on AHP zoned sites
 - Approval by Community Development Director
 - Review for Objective standards
 - Development Advisory Committee (DAC) review for consistency with Federal, State & Local Codes, Ordinances & Standards (saves time in Building Permit Review)
 - No Workshop, Public Hearing, or Public Notices

Zoning Map Amendment

- **Rezone AAHOP to AHP** for Housing Element 19 sites (41 parcels)
- **Add AHD** to New Housing Element sites 13 sites (25 parcels)
- **Remove AAHOP** from 36 parcels.
- **Rezone AAHOP to AHP on 8 Developed affordable parcels** (Gateway, Garden City, Ormond Beach Villas, etc.) to retain affordable zoning

<https://arcg.is/HmSS1>



COMMUNITY INPUT, Informed Process

- Work effort over the past 1½ yrs. Extensive collaboration/engagement with affordable housing advocates, developers, architects, Planning Commission, Committee, & Council. Surveys, correspondences, and interaction GIS engagement
- Community engagement informed and added in improving the Final Housing Element
- Topics/Concerns raised and responded to:
 - Streamlining Affordable Housing - ✓
 - Implement zone changes - ✓
 - Develop by right process - ✓
 - Update Inclusionary Housing Ord. - Program 10 by 2022/2023;
now recommended for early 2023
 - Develop affordable housing concessions - ✓

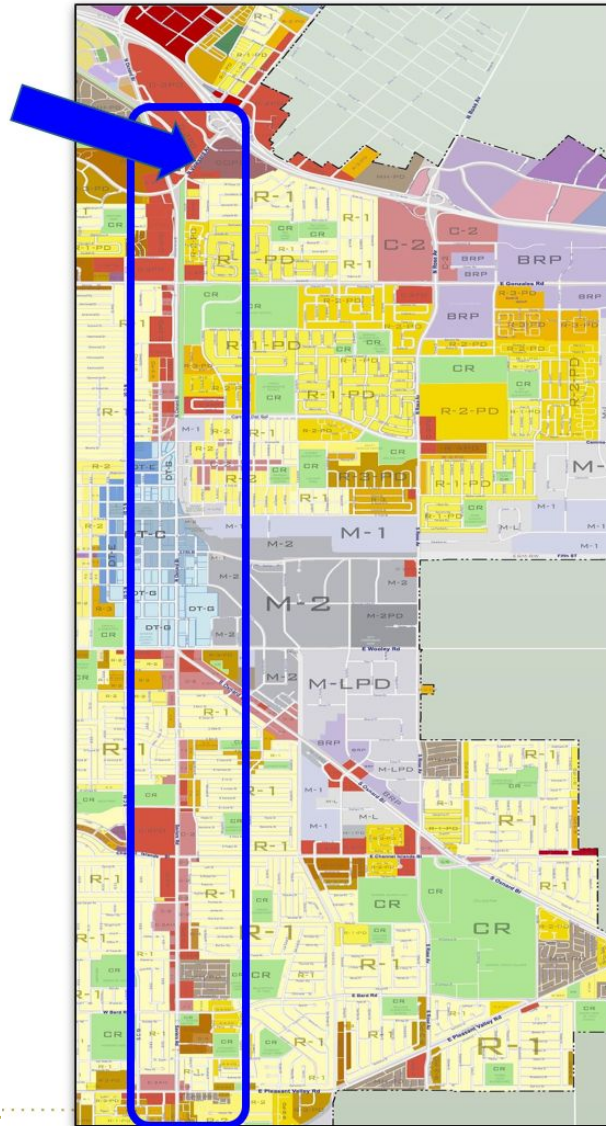
COMMUNITY INPUT, Informed Process

Topics/Concerns raised and responded to, continued:

- Parking Standards - ✓, addressed by State Law and Program 27
- BRP Standards - ✓
- Develop Efficiency Housing Types - ✓, & Programs 6 & 26
- Reduce ADU projection - ✓
- Develop Prohousing designation - Programs 33 & 35 which will assist in future designation

Sites: Density & HQTC Study Areas

OXNARD BLVD./SAVIERS RD. CORRIDOR



Community Outreach

- Early 2020 to present: Monthly meetings, survey and digital comment tools with Stakeholder (90 Subscribers) - affordable housing advocates, architects, developers, realtors, interested parties.
- Sept 21, 2020 to Oct 30, 2020 online mapping tool of preliminary sites for default density. (21 comments).
- October 22, 2020 Public Workshop on site selection process.
- January 2021 Survey to 45 owners of 68 sites identified in site selection process.
- March 24, 2021 Public Workshop on Draft Housing Element
- Draft Housing Element posted for public input
 - March 10 to April 16, 2021
 - May 14 to July 16, 2021 (during HCD 60-day Review)
 - August 12, 2021
- August 18, 2021 Community Meeting on Changes to Housing Element

Environmental Review

- Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01)
- Published for Public Review August 5, 2021
<https://www.oxnard.org/housing-element-update/>
- Public Comment Period through 5:00 p.m. on September 3rd

Next Steps and Schedule

- September 16th - Planning Commission reviews environmental document, draft Ordinances, and the Final Housing Element and makes a recommendation to the City Council
- October 5th - City Council considers these documents, and certifies the environmental document, conducts a first reading on the ordinances, adopts a resolution approving the General Plan Land Use Element Amendments, and adopts the Final Housing Element
- Prior to October 14th - City submits the Final Housing Element to HCD for certification

Recommendation

That the Planning Commission:

- Receive a presentation on the 2021-2029 Final Housing Element (6th Cycle Housing Element); and
- Open the public hearing and receive public input; and
- Review and provide input on the 2021-2029 Final Housing Element (“Housing Element”); and
- Review and provide input on Staff’s recommended text and map changes to the General Plan Land Use Element; and
- Review and provide input on the Draft amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City’s Final Housing Element; and
- Review and provide input on the recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element.



Regional Housing Needs Allocation (RHNA)

Income Category	Oxnard RHNA/ Number of Units	Income Limit*
Extremely Low	920	< \$33,850
Very Low	920	\$33,850 to \$56,450
Low	1,071	\$56,450 to \$90,350
Moderate	1,538	\$90,350 to \$117,350
Above Moderate	4,100	> \$117,350
Totals	8,549	n/a

*Ventura County HCD 2020 Income Limit for 4-person Household; updated limits released yearly in May.