CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commision

FROM: Jose Coyotl, Associate Planner

DATE: September 16, 2021

SUBJECT: **Project Name: TAT OXN, LLC. dba The Artist Tree - Commercial Cannabis Business Retail Special Use Permit (SUP)**; Planning and Zoning Permit No. 21-516-26 (Retail); Located at 600 North A Street (APN: 200-0-252-140).

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. 21-516-26 (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 2,546 square-foot commercial building on a 0.24-acre site located at 600 North A Street (APN: 200-0-252-140) within the General Commercial (C-2) 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, repainting the building, and relocation of a loading service doors (Attachment 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 Lauren Fontein ("**Applicant**"), 11330 Ventura Boulevard, Studio City, CA 91604, on behalf of TAT OXN, LLC, dba The Artist Tree.

3) **Existing & Surrounding Land Uses:** The 0.24-acre property is developed with a 2,546 square-foot commercial building, and 15 associated parking spaces. The project will be located within the 2,546 square-foot commercial building located at 600 North A Street. The nearest youth center is Wilson Park, located approximately 662 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 (C-2)	Commercial building.
North	CG	C-2	Second hand store.
South	CG	C-2	Commercial strip mall.
East	CG	C-2	Used automobile dealership.
West	CG	C-2	Multi-tenant commercial building.

4) Background Information:

Cannabis Regulations

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

On June 18, 2019, 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
The earliest building permit was issued in 1941. Since 1962, the property has been zoned General Commercial (C-2). In 1970, a Certificate of Occupancy was issued for a real estate office.

On March 19, 2012, the Planning and Environmental Services Manager approved Development Design Review (DDR) Permit No. 11-200-04 to allow facade and site improvements.

Commercial Cannabis Retail License Selection
On January 7, 2021, TAT OXN, LLC. dba The Artist Tree filed for a request to obtain a Commercial Cannabis Business Permit for a 2,524 square-foot cannabis retail facility.

On March 1, 2021, TAT OXN, LLC. dba The Artist Tree 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 TAT OXN, LLC. dba The Artist Tree 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.

As part of the project request the existing commercial building will be repainted. The proposed colors of the building are "Hidden Forest" (Dunn Edwards CE301) for the tower elements/architectural crown and "Silver Setting" (Dunn Edwards DE6359) for the remainder of the exterior walls (Attachment B).

In addition, the Applicant is requesting a 0.87% 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 2,524 square feet to 2,546 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 TAT OXN, LLC. dba The Artist Tree 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 (C-2) zone. The C-2 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 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 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 approximately 20-foot wide public alleyways along the north and east property lines. In order to minimize security issues unloading of cannabis products, the project will utilize a parking space as a loading zone along the east 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 15 parking spaces which includes: 2 Americans with Disabilities Act (ADA) compliant parking stalls, and 13 standard parking stalls. Required parking is provided as follows:

USE TYPE & SQUARE FOOTAGE	PARKING STANDARD	PARKING REQUIRED	PROPOSED	COMPLIES?
Shopping Center - Neighborhood 2,546 square feet	Vehicles: 1 per 250 square feet of area Bicycles: None, until the shopping center reaches 50,000 square feet of gross floor area	Vehicles: 10 Bicycles: 0	-13 Standard spaces - 0 compact spaces - 2 ADA - 0 motorcycle - 4 Bicycle spaces	Yes
	Total Provided Parking: :	10 Parking Spaces 0 Bicycle Spaces	15 Parking Spaces 4 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 April 13, 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 Wilson Neighborhood. On July 9, 2021, the site was posted with Project details and Community Workshop information, and the Developer mailed

out 1,582 meeting agenda notices to the residents of Carriage Square and Wilson neighborhoods. 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 one comment regarding the cannabis retail facility. The comment mentioned was in support of the project due to access and convenience accessing cannabis products in the immediate neighborhood instead of having to drive elsewhere.

9) Appeal Procedure:

In accordance with OCC Section 16-545, the Planning Commission's action on Planning and Zoning Permit No. 21-516-26 (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. TAT OXN, 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

CITY OF OXNARD CALIFORNIA
Oxnard Planning
September 1, 2021

PZ 21-516-26
Location: 600 N A Street
APN: 2000252140
The Artist Tree

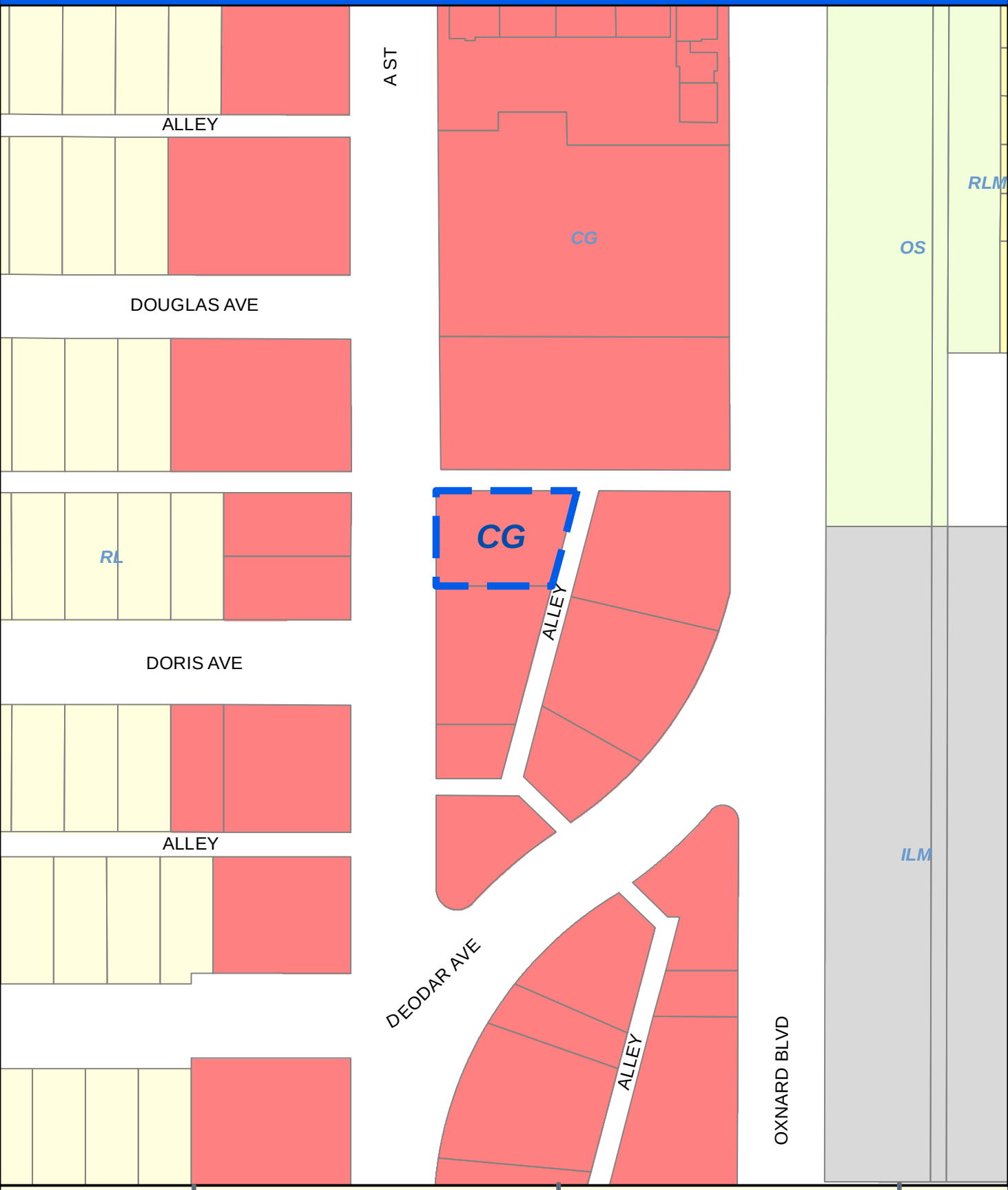
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

September 1, 2021

PZ 21-516-26
Location: 600 N A Street
APN: 2000252140
The Artist Tree

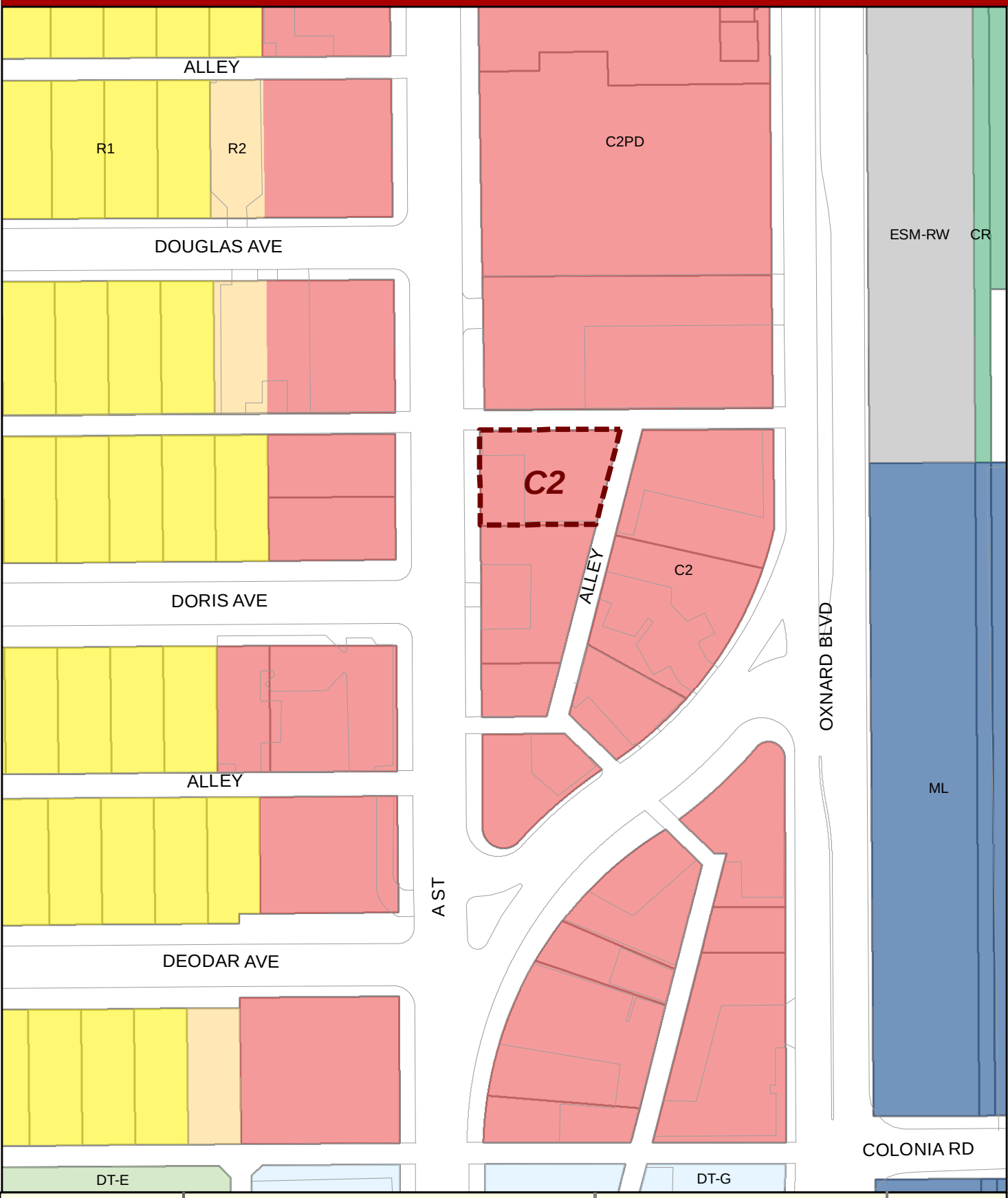
0 50 100 200 Feet

2030 General Plan Land Use Map

N W E S

1:1,500

Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

September 1, 2021

PZ 21-516-26
Location: 600 N A Street
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The Artist Tree

0 25 50 100 150 200 Feet

Zoning/Specific Plan Map

N W E S

1:1,500

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

September 1, 2021

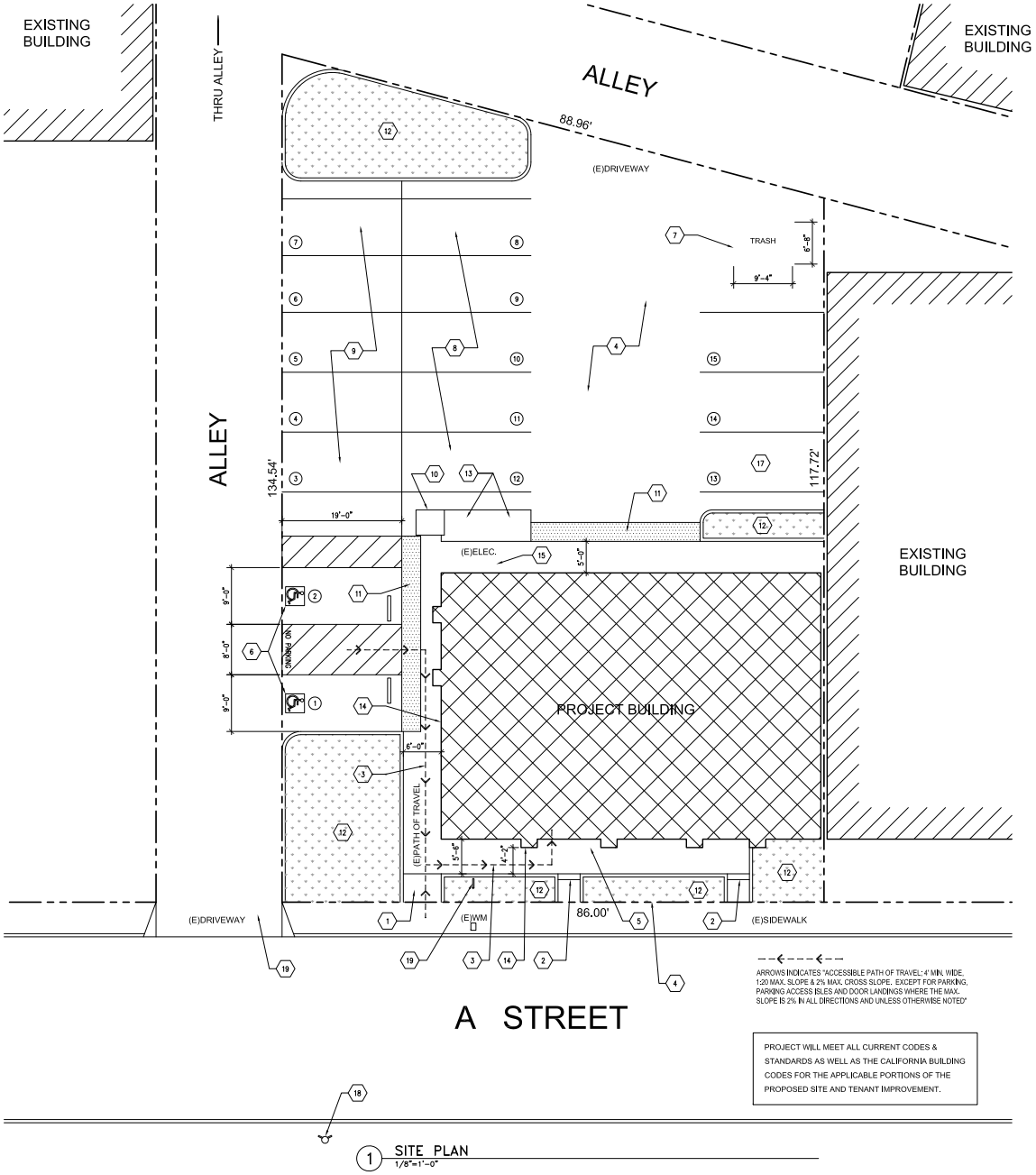
PZ 21-516-26
Location: 600 N A Street
APN: 2000252140
The Artist Tree

0 10 20 40 60 80 Feet

Aerial Map

N W E S

B. Reduced Project Plans



ARROWS INDICATES "ACCESSIBLE PATH OF TRAVEL: 4' MIN. WIDE, 1:20 MAX. SLOPE & 2% MAX. CROSS SLOPE. EXCEPT FOR PARKING, PARKING ACCESS ILES AND DOOR LANDINGS WHERE THE MAX. SLOPE IS 2% IN ALL DIRECTIONS AND UNLESS OTHERWISE NOTED"

PROJECT WILL MEET ALL CURRENT CODES & STANDARDS AS WELL AS THE CALIFORNIA BUILDING CODES FOR THE APPLICABLE PORTIONS OF THE PROPOSED SITE AND TENANT IMPROVEMENT.

1 SITE PLAN
1/8"=1'-0"

PROJECT ADDRESS

600 NORTH A STREET
OXNARD, CA 93030

ASSESSOR PARCEL NUMBER

200025214

SITE DATA

CONSTRUCTION TYPE:	TYPE V-B
ZONE:	C-2 (GENERAL COMMERCIAL)
OCCUPANCY GROUP:	M (RETAIL)
NUMBER OF STORIES:	1
GROSS SITE AREA:	10,589 SF

BUILDING AREA (GROSS SF)

PROJECT FLOOR AREA:	2,546 SF

PARKING CALCULATIONS

USE	AREA	PARKING RATIO	PARKING SPACES
RETAIL	2,546	1 PER 300 SF	8.5
REQUIRED PARKING SPACES:			**(8.5) 9**

PARKING SPACES PROVIDED:	
STANDARD SPACES	13
ACCESSIBLE SPACES	2
PROVIDED PARKING TOTAL:	**65**
PROVIDED BICYCLE PARKING:	**4**

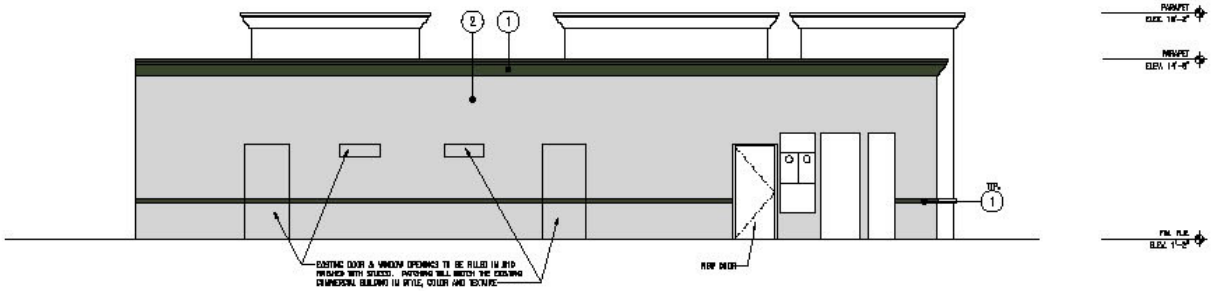
(X) Key Notes

1. EXISTING CURB RAMP
2. EXISTING STEPS
3. EXISTING ADA ACCESSIBLE PATH OF TRAVEL
4. FIRE TRUCK ACCESS
5. NEW NON-ILLUMINATED SIGNAGE ABOVE ENTRY
6. EXISTING VAN ACCESSIBLE PARKING SPACES
7. EXISTING TRASH ENCLOSURE
8. EMPLOYEE PARKING
9. CUSTOMER PARKING
10. EXISTING TRANSFORMER
11. EXISTING TRUNCATED DOME
12. EXISTING LANDSCAPING
13. NEW BIKE RACKS
14. NEW PAINT ENTIRE BUILDING
15. EXISTING ELECTRICAL SWITCHGEAR
16. EXISTING PARKING LOT - NO WORK
17. DESIGNATED TAT DELIVERY CAR PARKING
18. EXISTING FIRE HYDRANT
19. EXISTING BACKFLOW PREVENTER

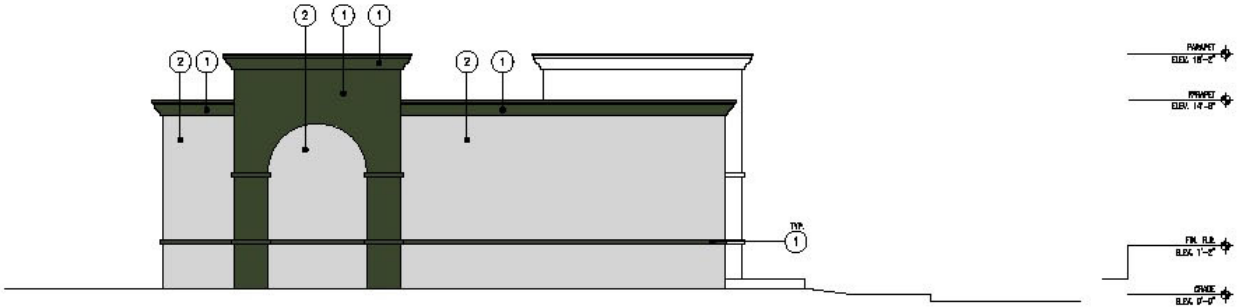
0 4' 8' 16' 24'

TAT OXN, LLC
dba THE ARTIST TREE
600 NORTH A STREET, OXNARD, CA 93030

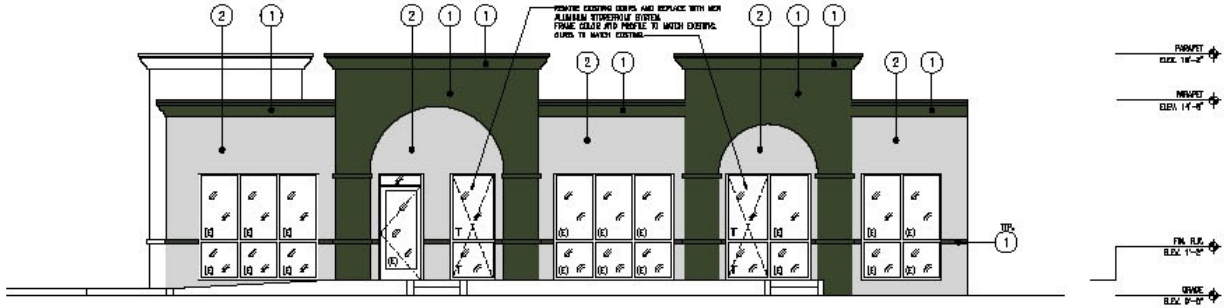
KEUN Architecture, Inc.
2329 Sparta Drive, Rnacho Palos Verdes, CA 90275
(310) 341-3436 kenahn@keunarch.com



3 PROPOSED REAR ELEVATION
1/4"=1'-0"



2 EXISTING SIDE ELEVATION – NO CHANGE
1/4"=1'-0"



T = TEMPERED GLASS

1 PROPOSED STREET ELEVATION
1/4"=1'-0"

EXTERIOR FINISH/MATERIAL LEGEND

NTM.	DESCRIPTION	MANUFACTURER	COLOR
1	PAINT	DUNN EDWARDS	DEC601, HIDDEN FOREST
2	PAINT	DUNN EDWARDS	DE6204, SILVER SETTING

TAT OXN, LLC
dba THE ARTIST TREE
600 NORTH A STREET, OXNARD, CA 93030

KEUN Architecture, Inc.
2828 Sparta Drive, Rancho Palos Verdes, CA 90275
(310) 541-2428 keunarch@keunarch.com

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 (CO_2) 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 permitee 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-l), neighborhood shopping center planned development (C-l-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 CO_2 gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO_2 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:

R. Chaparro 12/15/2020
City Clerk

APPROVED AS TO FORM:

12/8/2020
Stephen M. Fischer, City Attorney

D. TAT OXN, 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

CITY OF OXNARD CALIFORNIA

TAT OXN, LLC dba The Artist Tree
Lauren Fontein
11330 Ventura Blvd
Studio City, CA 91604
(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.

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 1800)	Phase 3 percentage	Total Ranking Based upon Phase 2 and 3
1	CCB 2021-03	SGI Oxnard LLC	2343 N. Oxnard Blvd. Oxnard CA	No	1,196	99.67%	1,800	100.00%	2,996
2	CCB 2021-28	TAT OXN LLC dba The Artist Tree	600 N. A Street Oxnard CA	No	1,195	99.58%	1,798	99.89%	2,993
3	CCB 2021-23	Haven #8 LLC dba Haven	220 S. A Street Oxnard CA	No	1,196	99.67%	1,792	99.56%	2,988
4	CCB 2021-26	TD Enterprise LLC dba Oxnard Holistics	1013-1015 Harbor Blvd. Oxnard CA	No	1,179	98.25%	1,792	99.56%	2,971
5	CCB 2021-27	Blue Enterprises Oxnard LLC dba Cookies Oxnard	2655 N. Vineyard Ave. Oxnard CA	No	1,187	98.92%	1,783	99.06%	2,970
6	CCB 2021-32	EEL Oxnard LLC dba Catalyst-Oxnard	4749 S. Rose Ave Oxnard CA	No	1,173	97.75%	1,792	99.56%	2,965
7	CCB 2021-24	Harbor Management Group LLC dba Safeport	2150 Trabajo Dr Oxnard CA	No	1,187	98.92%	1,775	98.61%	2,962
8	CCB 2021-15	Blooming Organics LLC dba Elevate Oxnard	2731 E. Vineyard Ave. Oxnard CA	No	1,151	95.92%	1,763	97.94%	2,914
9	CCB 2021-31	Boxnard LLC	1970 N. Ventura Road Oxnard CA	No	1,191	99.25%	1,722	95.67%	2,913
10	CCB 2021-14	Blooming Organics LLC dba Elevate Downtown Oxnard	156 S. A Street Oxnard CA	No	1,148	95.67%	1,763	97.94%	2,911
11	CCB 2021-13	Kind Lifestyle Market LLC dba Kind Lifestyle Market	911 S. Oxnard Blvd. Oxnard CA	No	1,187	98.92%	1,705	94.72%	2,892
12	CCB 2021-10	Yuma Way CA LLC dba Releaf on Vine	2544 E. Vineyard Ave. Oxnard CA	No	1,191	99.25%	1,678	93.22%	2,869
13	CCB 2021-43	HPC of Oxnard LLC	360 W. Esplanade Dr. Oxnard CA	No	1,156	96.33%	1,683	93.50%	2,839
14	CCB 2021-19	Advocate Society LLC dba Advocate Society	2550 E. Vineyard Ave. Oxnard CA	YES	1,196	99.67%	1,642	91.22%	2,838
15	CCB 2021-07	Vineyard Retail LLC dba Legendary Organics Oxnard	2561 N.Vineyard Ave. Oxnard CA	No	1,160	96.67%	1,668	92.67%	2,828
16	CCB 2021-34	Canna Connect Corp dba Culture Cannabis Club	138 S. A Street Oxnard CA	No	1,175	97.92%	1,633	90.72%	2,808
17	CCB 2021-44	South Oxnard Investment dba Traditional Oxnard	1804 Saviers Road Oxnard CA	No	1,178	98.17%	1,617	89.83%	2,795
18	CCB 2021-38	FGH Retail Services LLC	2320 N. Rose Ave. Oxnard CA	YES	1,187	98.92%	1,567	87.06%	2,754
19	CCB 2021-45	99 High Tide - La Sirena	138 S. A Street Oxnard CA	YES	1,176	98.00%	1,567	87.06%	2,743
20	CCB 2021-37	The Set Oxnard LLC dba The Set	1744 Saviers Road Oxnard CA	No	1,177	98.08%	1,555	86.39%	2,732
21	CCB 2021-36	Hempathy LLC dba Oxnard Healing Center	2981 Ventura Blvd. Oxnard CA	Yes	1,157	96.42%	1,567	87.06%	2,724
22	CCB 2021-02	Pure CA LLC	156 S. A Street Oxnard CA	No	1,187	98.92%	1,533	85.17%	2,720
23	CCB 2021-16	California Erudite Ventures dba HerbNJoy	211 E. Fifth Street Oxnard CA	No	1,185	98.75%	1,533	85.17%	2,718
24	CCB 2021-25	JC Oxnard Ventures LLC dba Beyond Hello	600 S. Victoria Ave. Oxnard CA	No	1,143	95.25%	1,533	85.17%	2,676
25	CCB 2021-47	Hijole Friole dba Wheelhouse/Station 320	320 S. Oxnard Blvd. Oxnard CA	Yes	1,120	93.33%	1,542	85.67%	2,662
26	CCB 2021-20	Sweet Flower Oxnard LLC	2360 N. Oxnard Blvd. Oxnard CA	No	1,192	99.33%	1,458	81.00%	2,650
27	CCB 2021-04	Authentic Oxnard LLC	1450 S. Oxnard Blvd. Oxnard CA	No	1,196	99.67%	1,450	80.56%	2,646
28	CCB 2021-48	E7 Oxnard LLC	430 Meta Street Oxnard CA	No	1,187	98.92%	1,442	80.11%	2,629
29	CCB 2021-12	High Farma Inc dba High Farma	136 W. First Street Oxnard CA	Yes	1,159	96.58%	1,450	80.56%	2,609
30	CCB 2021-49	Sol Natural Inc dba Kindly	141 S. A Street, Suite 105 Oxnard CA	Yes	1,170	97.50%	1,433	79.61%	2,603
31	CCB 2021-50	MED Enterprise Inc	2731 Vineyard Ave. Suite C Oxnard CA	Yes	1,174	97.83%	1,422	79.00%	2,596
32	CCB 2021-29	JBIA Inc dba The High Class (THC)	2141 E. Channel Islands Blvd. Oxnard CA	Yes	1,143	95.25%	1,433	79.61%	2,576
33	CCB 2021-51	TeraGreen LLC	2801 Paseo Mercado Oxnard CA	Yes	1,187	98.92%	1,388	77.11%	2,575
34	CCB 2021-33	Coastal Retail Oxnard LLC dba Coastal	805 Ventura Blvd. Oxnard CA	No	1,187	98.92%	1,380	76.67%	2,567
35	CCB 2021-11	Yuma Way CA LLC dba Releaf on Saviers	3454 Saviers Road Oxnard CA	No	1,186	98.83%	1,367	75.94%	2,553
36	CCB 2021-01	Urban Leef LLC	905 S. A Street Oxnard CA	No	1,137	94.75%	1,400	77.78%	2,537
37	CCB 2021-17	Adam Knopf dba Golden State Greens	3600 W. Fifth Street Oxnard CA	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)	156 S. A Street Oxnard CA	Yes	1,175	97.92%	1,317	73.17%	2,492
39	CCB 2021-18	Ash's Third LLC dba UpNorth	3570-C Saviers Road Oxnard CA	No	1,187	98.92%	1,288	71.56%	2,475
40	CCB 2021-46	99 HT/GSG LLC dba 99 High Tide	360 W. Esplanade Dr. Oxnard CA	Yes	1,092	91.00%	1,375	76.39%	2,467
41	CCB 2021-35	DBO Investments OX LLC dba From the Earth	228 S. A Street Oxnard CA	No	1,159	96.58%	1,292	71.78%	2,451
42	CCB 2021-30	Armory Oxnard LLC dba Armory Oxnard	923 E. Ventura Blvd. Oxnard CA	No	1,191	99.25%	1,202	66.78%	2,393
43	CCB 2021-39	PCH Retail Partners VII LLC dba Emjay	211 E. Fifth Street Oxnard CA	No	1,078	89.83%	1,292	71.78%	2,370
44	CCB 2021-41	Blazzin Hydroponics Inc dba Oxnard Greens (3700 W. Fifth)	3700 W. Fifth Street Oxnard CA	Yes	1,175	97.92%	1,167	64.83%	2,342
45	CCB 2021-05	323 Cooper Road LLC dba Neighborgood	323 Cooper Road Oxnard CA	Yes	1,102	91.83%	1,192	66.22%	2,294
46	CCB 2021-06	Inland Empire Consulting LLC dba Vibe By California - Oxnard	1037 & 1039 S. Ventura Rd. Oxnard CA	No	1,166	97.17%	1,075	59.72%	2,241
47	CCB 2021-09	S&S Financial Group Inc	138 S. A Street Oxnard CA	No	1,018	84.83%	1,105	61.39%	2,123
48	CCB 2021-21	C.I.D. Pacific LLC dba Channel Islands Dispensary	1031 S. Ventura Blvd. Oxnard CA	Yes	1,061	88.42%	1,025	56.94%	2,086
49	CCB 2021-08	Green Dragon Collective	229 S. Oxnard Blvd. Oxnard CA	No	1,018	84.83%	917	50.94%	1,935
50	CCB 2021-22	Progrow Group Inc dba RedHeye	1515 S. Oxnard Blvd. Oxnard CA	No	1,187	98.92%	683	37.94%	1,870
51	CCB 2021-42	J&J Holdings Investments LLC dba First on A	216 W. First Street Oxnard CA	Yes	978	81.50%	600	33.33%	1,578

E. Notice of Exemption

COMMUNITY DEVELOPMENT DEPARTMENT
OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

NOTICE OF EXEMPTION

TAT OXN, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP); PLANNING AND ZONING PERMIT NO. 21-516-26 (Retail): A request to permit the operation of a commercial cannabis retail facility within an existing 2,546 square-foot commercial building on a 0.24-acre site located at 600 North A Street (APN: 200-0-252-140) within the General Commercial (C-2) 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 Lauren Fontien on behalf of TAT OXN, LLC. dba The Artist Tree.

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

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 area

   In 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.

G. 2030 General Plan Consistency Chart

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	***Mitigate Land Use Conflicts*** Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	X		The Project proposes to locate within an established commercial building 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	***Commercial Revitalization and Redevelopment*** 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, cales and property valuation.	X		
Policy CD-4.4	***Commercial Area Aesthetics*** Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities.	X		
Policy CD-15.5	***Share of Regional Taxable Sales*** 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	***Retain Local Talent*** 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	***Attract New Businesses*** 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	***Industrial and Commercial Development Standards*** 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	***Police Review of Development Projects*** 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	***Crime Prevention Device Requirements*** Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.	X		
Policy ICS-19.5	***Incorporating Security Design Principles*** Encourage crime prevention and defensible space through design principles such as those employed though 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	***Handling of Hazardous Materials*** 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	18 feet No Change	YES
Front Yard Setback OCC Sec. 16-139	10 feet	1 foot No Change	No, the site is legal nonconforming.
Side Yard Setback OCC 16-140	5 feet, 0 feet when a lot is zoned general commercial abuts another lot so zoned.	0 feet No Change	YES
Rear Yard Setback OCC Sec. 16-141	15 feet for buildings over 16 feet in height.	70 feet No Change	YES
Vehicle Parking Requirements for General Commercial OCC Sec. 16-622	<u>Cannabis Retail</u> One parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study. Total Required: 10 Parking Space Total Parking Required: 10	15 Parking Spaces	YES
Bicycle Parking Requirements - Commercial OCC Sec. 16-623	Not required for shopping centers less than 50,000 square feet.	4 spaces	YES
Motorcycle Parking Requirements - Commercial OCC Sec. 16-624	Uses with more than 25 automobile parking spaces shall provide one designated space for use by motorcycles, Required Motorcycle Parking: 0	0 spaces	YES
Outdoor Loading and Storage Areas OCC Sec. 16-644	1 loading space per 0-15,000 - 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: 0	The building is legal nonconforming and does not provide a loading area. However, the closest parking space adjacent to the building's service door will be reserved for product deliveries.	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-l, C-l-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 the General Commercial (C-2) zone.	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 company or	The project is in compliance with the C-2 zone (see Attachment H). The property is not	YES

Sec. 11-473(C)	association	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 (Wilson Park) is approximately 662 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 (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- 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 general commercial 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 general commercial 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. though 9:00 pm.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 square feet or as stipulated in a city traffic engineer approved sparking study.	The project meets the parking requirements.	YES, AS CONDITIONED
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. 21-516-26 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A 2,546 SQUARE-FOOT CANNABIS RETAIL FACILITY WITHIN AN EXISTING COMMERCIAL BUILDING ON A 0.24-ACRE SITE (APN: 200-0-252-140) LOCATED AT 600 NORTH A STREET, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on September 16, 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. 21-516-26 filed by Lauren Fontein on behalf of TAT OXN, LLC. dba The Artist Tree 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 (C-2). The Project is surrounded immediately by commercial buildings and further out by 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 (C-2) 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 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 (C-2) 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 .024-acre lot. Pursuant to the C-2 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 zone, including, but not limited to, maximum building height,side and rear setbacks, lot coverage, landscaping, parking standards, and equipment screening standards. The existing building is locate within the front yard setback and is considered legal, nonconforming; however, the proposal will not change the encroachment into the front yard seback. The project site has a frontage and vehicular access from a public alleyway off A Street. Proposed interior tenant improvements to the site will be reviewed for compliance with C-2 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 North A Street, 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 15 vehicles, including 2 accessible parking spaces and 13 standard parking spaces. In order to minimize security issues unloading of cannabis products, the project will utilize a parking space as a loading zone along the east side of the buildings accessed by a service door to the tenant space. The project is consistent with City parking requirements. The project proposes to include bicycle parking spaces, and the project has been conditioned to design bicycle spaces 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. 21-516-26 (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. 21-516-26 (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 16, 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, Applicantshall 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*).

<u>State Law and Regulations Compliance</u>

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)*

<u>COMMERCIAL</u>

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 4 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 4 bicycle spaces, to be provided on site near the main front entrance of the building located at 600 North A Street. 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 (C-2) 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 permitee 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 21-516-26. 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 2,546 square feet inside the building as identified on PZ No. 21-516-26 floor plans presented at the Planning Commission public hearing on September 16, 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. 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.

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 on 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.

<u>Operations and Inspections</u>

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 and 108-114.

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.

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.

<u>Cannabis Deliveries</u>

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 "600" shall be painted on the exterior of each rear door of the business in numerals that are 3-inches in height.

150. The unit's address "600" Shall be painted on the roof of the business 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.

154. A defensive plant species shall be planted and maintained in the landscape areas at the northwest and northeast corners of the property to discourage habitation. This landscaping element shall be maintained so that it fills but does not go beyond the planter area and is no taller than 24-inches above grade.

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)

183. Applicant shall instal bike racks in accordance with CIty standards at locations approved by the City Traffic Engineer. (TR-73)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

184. 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)

185. Existing water services and meters not meeting City standards shall be upgraded. (DS)

186. Show all applicable existing and proposed utilities (sewer, water, storm, gas, elect.) affected by the proposed improvement on the site engineering plan. (DS)

187. 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 16th 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 16th 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 21-516-26
TAT OXN, LLC. - DBA The Artist Tree
Commercial Cannabis Business Retail
Special Use Permit (SUP)
600 North A Street

Planning Commission Hearing
By: Jose Coyotl, Associate Planner

September 16, 2021

CITY OF OXNARD CALIFORNIA

Project Description

- A request to permit the operation of a commercial cannabis retail facility within an existing 2,546 square-foot commercial building on a 0.24-acre.

- 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
  - Installation of new bicycle storage area
  - relocation of a loading service door

- Cannabis retail operations will be conducted between 9:00 AM to 9:00 PM daily.

- Application filed by Lauren Fontein

Project Location

Subject Site: 600 North A Street

General Plan & Zoning Maps

General Plan Land Use Designation

Commercial General (CG)

Zoning Designation

General Commercial (C-2)

Existing Site

Subject Site: 600 North A Street

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial (C-2)	Commercial building.
North	CG	C-2	Second hand store.
South	CG	C-2	Commercial strip mall.
East	CG	C-2	Used automobile dealership.
West	CG	C-2	Multi-tenant commercial building.

Existing Conditions

Street view looking east.

Background: Development History

- The earliest building permit was issued in 1941. Since 1962, the property has been zoned General Commercial (C-2). In 1970, a Certificate of Occupancy was issued for a real estate office.

- On March 19, 2012, the Planning and Environmental Services Manager approved Development Design Review (DDR) Permit No. 11-200-04 to allow facade and site improvements.

Background: Cannabis Regulations

- 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.)

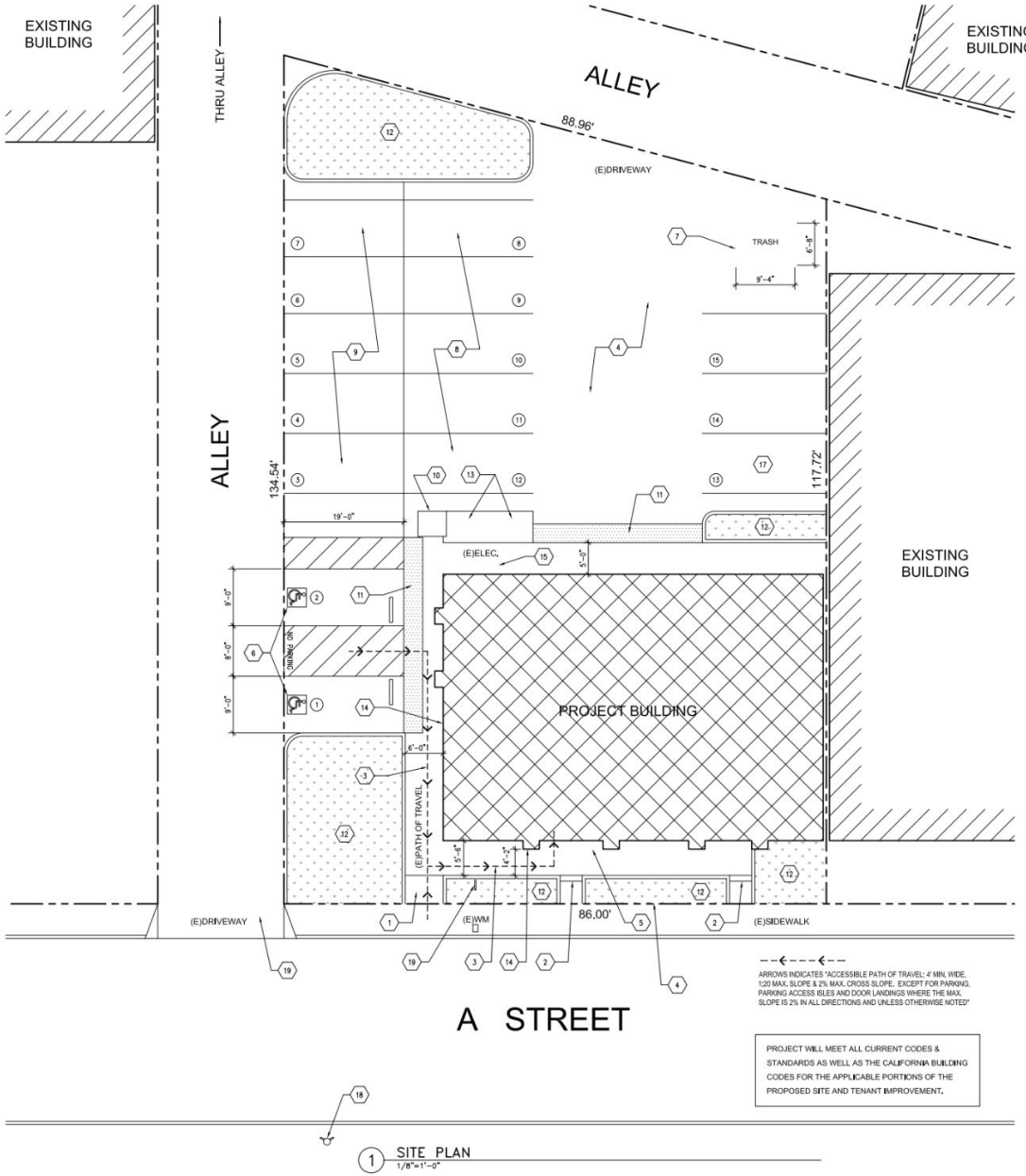
- On December 1, 2020, City Council adopted Ord. No. 2994 establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII ("Code").

Commercial Cannabis License Selection

- On January 7, 2021, TAT OXN, LLC. DBA The Artist Tree filed for a request to obtain a Commercial Cannabis Business Permit for a 2,524 square foot cannabis retail facility.

- On March 1, 2021, TAT OXN, LLC. DBA The Artist Tree was awarded a conditional Commercial Cannabis Business Permit for cannabis retail. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit TAT OXN, LLC. DBA The Artist Tree is required to receive approval of a SUP as specified within OCC Section 11-457.

Site Plan



PROJECT ADDRESS

600 NORTH A STREET
OXNARD, CA 93030

ASSESSOR PARCEL NUMBER

200025214

SITE DATA

CONSTRUCTION TYPE:	TYPE V-B
ZONE:	C-2 (GENERAL COMMERCIAL)
OCCUPANCY GROUP:	M (RETAIL)
NUMBER OF STORIES:	1
GROSS SITE AREA:	10,589 SF

BUILDING AREA (GROSS SF)

PROJECT FLOOR AREA:	2,546 SF

PARKING CALCULATIONS

USE	AREA	PARKING RATIO	PARKING SPACES
RETAIL	2,546	1 PER 300 SF	8.5
REQUIRED PARKING SPACES:			**(8.5) 9**

PARKING SPACES PROVIDED:

STANDARD SPACES	13
ACCESSIBLE SPACES	2
PROVIDED PARKING TOTAL:	**65**
PROVIDED BICYCLE PARKING:	**4**

Key Notes

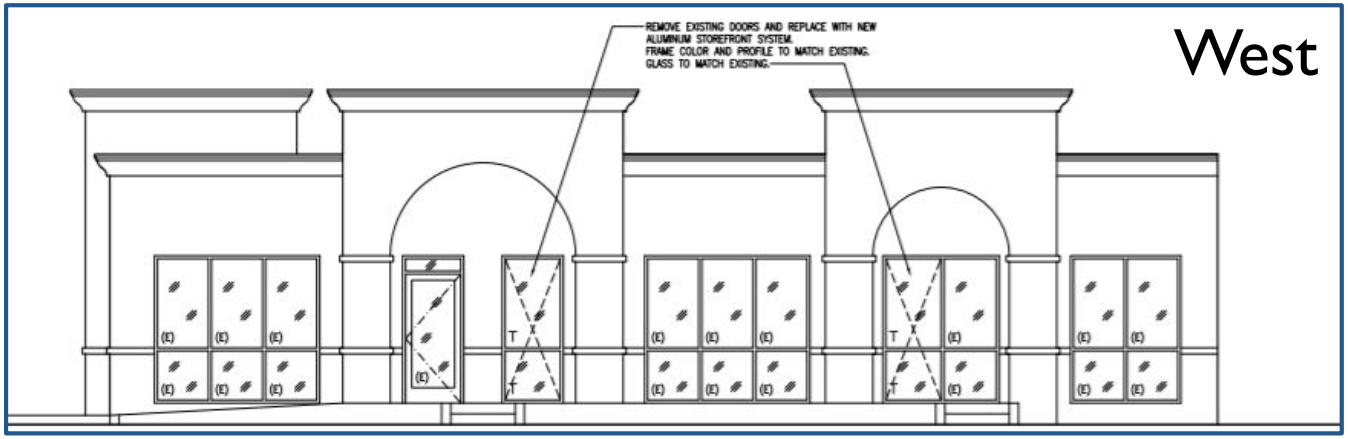
1. EXISTING CURB RAMP
2. EXISTING STEPS
3. EXISTING ADA ACCESSIBLE PATH OF TRAVEL
4. FIRE TRUCK ACCESS
5. NEW NON-ILLUMINATED SIGNAGE ABOVE ENTRY
6. EXISTING VAN ACCESSIBLE PARKING SPACES
7. EXISTING TRASH ENCLOSURE
8. EMPLOYEE PARKING
9. CUSTOMER PARKING
10. EXISTING TRANSFORMER
11. EXISTING TRUNCATED DOME
12. EXISTING LANDSCAPING
13. NEW BIKE RACKS
14. NEW PAINT ENTIRE BUILDING
15. EXISTING ELECTRICAL SWITCHGEAR
16. EXISTING PARKING LOT - NO WORK
17. DESIGNATED TAT DELIVERY CAR PARKING
18. EXISTING FIRE HYDRANT
19. EXISTING BACKFLOW PREVENTER

0 4' 8' 16' 24'

TAT OXN, LLC
dba THE ARTIST TREE
600 NORTH A STREET, OXNARD, CA 93030

KEUN Architecture, Inc.
2329 Sparta Drive, Rnacho Palos Verdes, CA 90275
(310) 341-3436 kenahn@keunarch.com

Elevations


West
REMOVE EXISTING DOORS AND REPLACE WITH NEW ALUMINUM STOREFRONT SYSTEM. FRAME COLOR AND PROFILE TO MATCH EXISTING. GLASS TO MATCH EXISTING.
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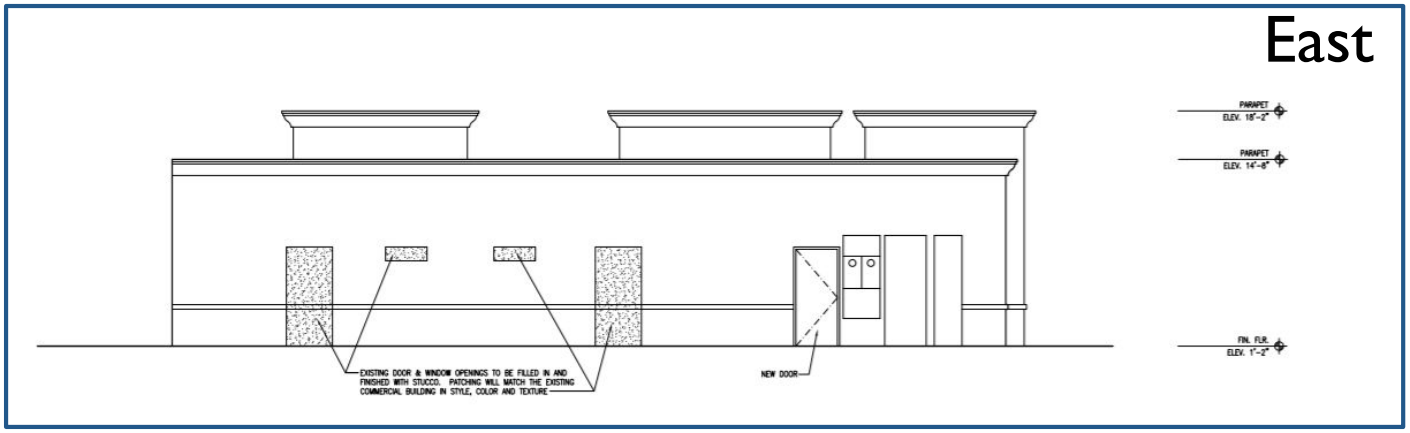
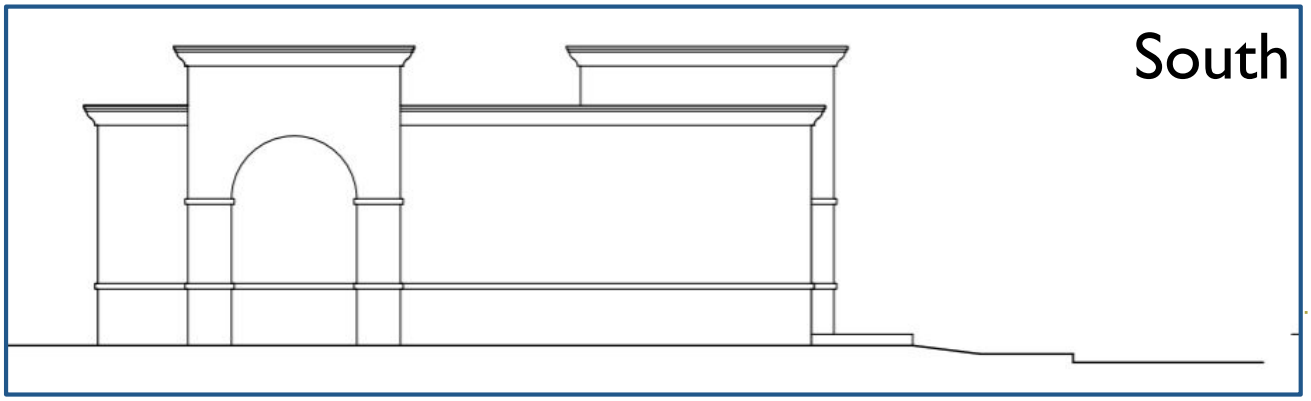
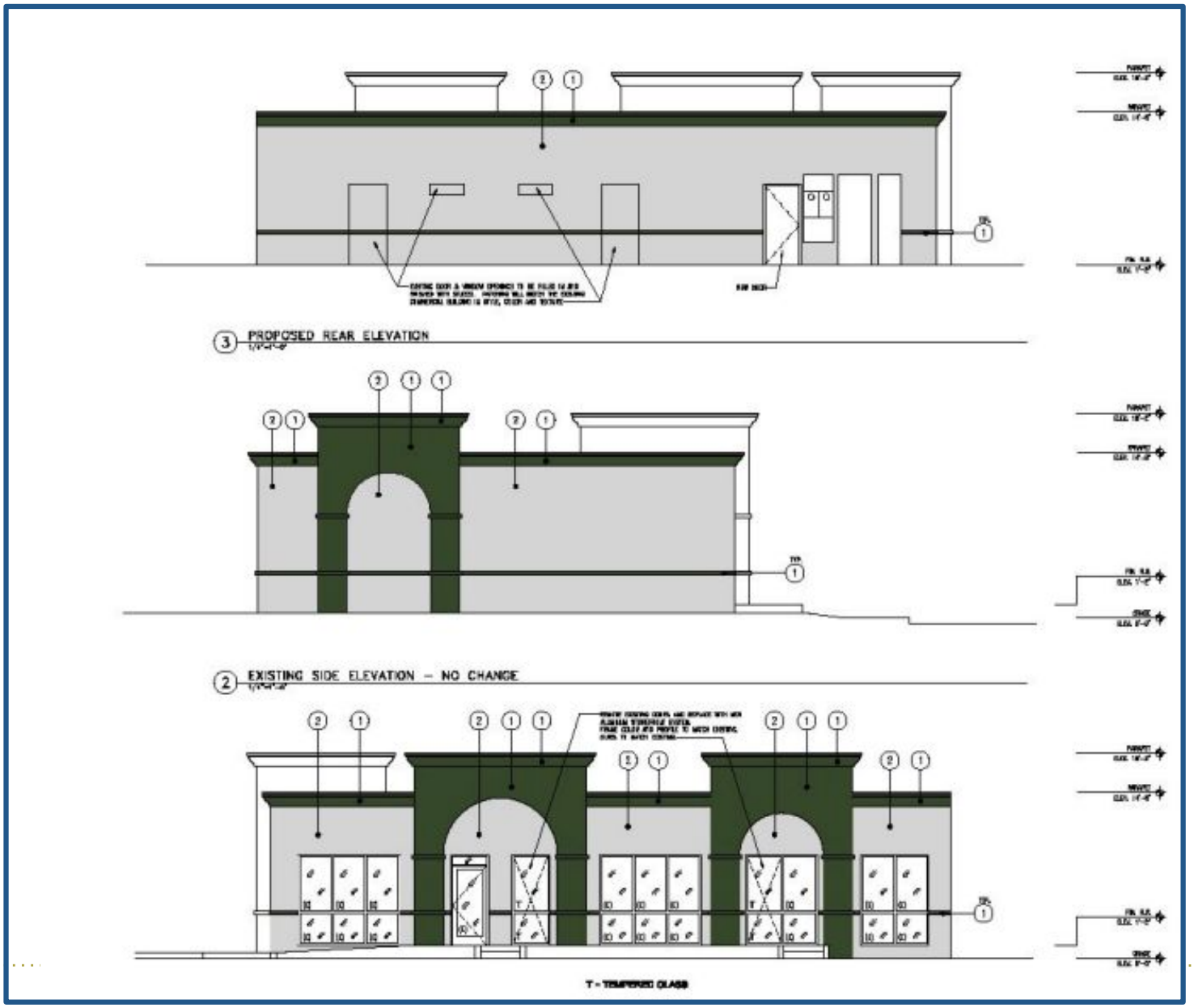

East
PARAPET ELEV. 16'-2"
PARAPET ELEV. 14'-8"
FIN. FLR. ELEV. 1'-2"
EXISTING DOOR & WINDOW OPENINGS TO BE FILLED IN AND FINISHED WITH STUCCO. PATCHING WILL MATCH THE EXISTING COMMERCIAL BUILDING IN STYLE, COLOR AND TEXTURE
NEW DOOR


South

Elevation - Proposed Repainting



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 Wilson 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 1,582 meeting agenda notices to the residents of the Carriage Square and Wilson Neighborhoods.
- The meeting was attended by approximately 52 members of the public and persons had an opportunity to ask questions.

Public Comments

- Staff received one comment:
  - Support of the project due to access and convenience accessing cannabis products in the immediate neighborhood instead of having to drive elsewhere.

- 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.

<u>Retail Operating Conditions</u>

- **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.

<u>Police Conditions</u>

- **Conditions # 80-152:** Security features will be implemented as required by adopted cannabis Ordinance.

Key Conditions of Approval (Cont.)

Fire Department Conditions

- **Conditions #153-172:** 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. 21-516-26 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

End of Presentation

CITY OF OXNARD CALIFORNIA

Planning Commission Hearing: September 16, 2021

CITY OF
OXNARD
CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

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

DATE: September 16, 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; 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; amending the Density Bonus ordinance approval authority; and creating a ministerial Site Plan Review process; 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; Attachment 1); and
b) Open the public hearing and receive public input; and
c) Review the Draft Initial Study and Mitigated Negative Declaration (IS/MND) and recommend City Council approval of the environmental document (Attachment 2); and

d) Adopt Resolution 2021-XX recommending City Council adopt the 2021-2029 Final Housing Element ("Housing Element") update to replace in its entirety the current 2013-2021 Housing Element as Chapter 8 within the 2030 General Plan, and text and map changes to the General Plan Land Use Element (Attachment 3); and
e) Adopt Resolution 2021-XX recommending City Council approval of text amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City's Final Housing Element (see Attachment 4); and
f) Adopt Resolution 2021-XX recommending City Council approval of zoning map amendments (see Attachment 5) to facilitate construction of housing units as stipulated in the Final Housing Element.

2) Background: On September 2, 2021, the Planning Commission conducted a public hearing on the aforementioned Housing Element actions (see Attachment 6), excluding prior draft ordinances; Attachments 5a-f have been removed as attachments since they are recommended for adoption by the Planning Commission within this staff report).

At the September 2, 2021 Planning Commission meeting, the Planning Commission considered the Final Housing Element, including the General Plan Land Use Element text and map amendments; and five Housing Element implementing ordinances. Input from the Planning Commission and participants (oral and written) are summarized below. Indicated topics are discussed further under the analysis portion of this staff report:

- Just Cause & Rent Stabilization - Question: A Planning Commissioner asked "Why Rent Stabilization and Just Cause ordinances weren't included in the Final Housing Element?" Answer: The Community Services, Public Safety, Housing & Development (Committee) will be discussing these concepts at their September 14, 2021 meeting with further direction and feedback to be provided by the City Council. Ultimately, the Housing Department will continue to work with advocacy groups to implement City Council directives on these two topics.
- Farmworker Housing Study - Question: A Planning Commissioner asked "What are best practices utilized by other communities to address farmworker housing?" Additionally, a comment was made that the City should be a leader in this area and do more than provide a brochure (Program 9). Answer: A number of actions within Programs 9 and 41 in addition to Program 43 (annual workshop) will help ensure that the City has an active role in housing farmworkers. As Attachment 7 identifies, timing for completion of this study is intended to parallel County of Ventura work efforts, for completion by Dec. 2024. Timing for completion of this study was clarified in the Sept. 2, 2021 County of Ventura Housing Element staff report/Exhibit 3; Errata No. 1 to the Final Housing Element reflects the updated County timing.
- Timing for updates to the City's Oxnard City Code (OCC), Chapter 16/Zoning Ordinance/Code updates - Question: A Planning Commissioner expressed interest

in moving the efficiency housing ordinance regulations up in timing for completion. Answer: Program 6 (Zoning Code Amendment) was updated in the Final Housing Element (August 2021) to reflect a time frame of 'end of fiscal year 2022-2023' for a zoning code update to comply with several housing element state laws, including density bonus, supportive housing, low-barrier navigation center, studying where single room occupancy can be accomodated, and other housing accomodations. This timing was modified to take into consideration departmental work plans, and budget needed for these updates.

- High Quality Transit Corridor Study (HQTC) - Question: A Planning Commissioner asked about the timing to complete the study in Program 33. Answer: Program 33 (US 101, down Oxnard Boulevard Corridor, HQTC) reflects a time frame of 'end of fiscal year 2023-2024.' The timing to complete the work cannot be moved up due to work and contracts currently under way. The definition of HQTC was also clarified: HQTC is a street with a route that has 15 minute headways from mass transit providers.
- Site Plan Review public notice - Question: A Commissioner asked about adding a public notice provision for the proposed ministerial Site Plan Review process. Answer: A public hearing will not be held for qualified projects within the "Affordable Housing Permitted" overlay, and will not require a public notice. This topic is discussed further below under Analysis.
- Integration, Segregation, Displacement, Affirmative Furthering of Fair Housing (AFFH) - Question: How did the City address the AFFH issues, specifically integration and segregation and other items identified in the HCD Findings letter? Answer: Chapter B (Existing Housing Needs) of the Draft Housing Element was updated substantially in the current Final Housing Element (August 2021) to address state guidance on AFFH that was published in May 2021, including analysis on patterns of segregation and integration. Following HCD's review of the draft Housing Element, City staff also presented program recommendations to the Committee (July 27, 2021) to incorporate additional action items into Program 19 (AFFH) to address the May 2021 state guidance. The Commission also received a comment from the public requesting additional language in Program 19. This topic is discussed further below under Analysis.
- Inclusionary Ordinance timing - Question: Why was the timing to update the inclusionary ordinance moved up? Answer: Program 10 (Inclusionary Housing Program) was updated in the current Final Housing Element (August 2021) to reflect a time frame of 'end of fiscal year 2022-2023' to update and codify the City's Inclusionary Housing Ordinance.
- Additive Zone Design Standards - Question: The Commission received a comment from the public that design standards would increase costs and that some requirements are arbitrary. Answer: This topic is discussed further below under Analysis.
- Accessory Dwelling Unit pre-approved plans - Question: How will this program work and how will the template ADU plans work for Oxnard. Answer: Program 36 (Pre-Approved ADU) was updated in the current Final Housing Element (August 2021) to reflect a time frame of 'end of fiscal year 2023-2024' to align with

Ventura County Association of Governments (VCOG's) timing on development of their "Regional ADU Program" which will include design plans for a less expensive prefabricated, stand-alone ADUs and several free templates for ADU garage conversion to be made available to homeowners. Program 36 in the City's Final Housing Element includes evaluation of ADU provisions developed by the VCOG to determine how they can be utilized in the permitting of ADUs in the City.

- Site Location - Question: The Commission received a comment from the public that the Supplement 1 sites and the Transit Corridor are located in areas with higher crime rates. Answer: The HQTC is located where the greatest population need for access to High Quality Transit is located. Program 33 (Oxnard Boulevard Corridor, HQTC) is intended to provide funding for street improvements and identify multifamily housing opportunity sites. Through implementation of the program, housing sites located within the corridor will benefit by having greater access to high quality transit, major transit stops (in which proximity of housing developments within ½ mile of a major transit stop is encouraged substantially under state Density Bonus law), and will benefit from a future corridor specific plan or inclusionary zoning overlay that incorporates the information secured through a City initiated infrastructure study, adds incentive zoning, and is consistent with Gold Coast Transit Districts mass transit and circulation planning and the Southern California Association of Governments (SCAG) 2045 Regional Transportation Plan.
- Increasing density - Question: The Commission received a comment from the public regarding concern for costs to the City to support the proposed density on sites identified in the Housing Element. Answer: The default density of 30 dwelling units per acre is mandated by the HCD for our location and for sites identified to meet the Regional Housing Needs Assessment (RHNA) allocated to the City by SCAG for housing for lower income households. Therefore neither density or RHNA may be reduced. Further, the City Council supported this base density for lower income in late Fall 2020.

Additional background on the Housing Element process is provided in the Planning Commission staff report for the September 2, 2021 hearing, and on the City's Housing Element Update webpage at https://www.oxnard.org/housing-element-update/.

3) **Analysis:** As discussed in the Planning Commission staff report for the hearing on September 2, 2021, amendments to the General Plan Land Use Element and Zoning text and map changes are being processed concurrently with the 6th Cycle Housing Element so that at the time of 6th Cycle Housing Element adoption, the appropriate zones are in place to accommodate and implement the sites identified in Supplement 1 of the Housing Element, including the City's lower income RHNA allocation. The lower income RHNA sites must accommodate at least 30 dwelling units per acre, which is the default density defined by the State Department of Housing and Community Development (HCD) for jurisdictions in metropolitan counties. This density is intended to accommodate the economies of scale needed to produce

affordable housing. The City will update the General Plan land use designation and rezone with the corresponding zoning designation on 11 parcels, and the City will update just the zoning on approximately 63 parcels, predominately by adding an affordable housing additive zone (-AHP or -AHD) on top of the existing zoning that will allow the development of 30 dwelling units per acre. The City will also remove the -AH suffix associated with the retiring AAHOP program from approximately 36 parcels.

Since publication of the September 2nd and 16th Planning Commission staff reports, City staff have received comments from a few affordable housing advocates and developers regarding the draft ordinances (see Attachment 7). The larger and more substantial comments and suggested edits were provided for two of the five following new ordinances which are needed to implement the Final Housing Element: 1) Site Plan Review process; and 2) Affordable Housing, Permitted (AHP) and Discretionary (AHD) additive zone provisions. As a result of discussions with these interested parties, staff has updated the aforementioned ordinances in specific areas; new language is in bold with revisions struck through (see Attachments 4, a-e). However, as staff did not agree with all of the requested edits, not all requested changes were made to the two ordinances. Information on why these edits were not made is found below.

Recommended Ordinance Changes:

- Replace the word "Project" in the Site Plan Review and Additive Zone ordinances. - A "project' as defined under the California Environmental Quality Act (CEQA) is an activity that (1) is a discretionary action by a governmental agency and (2) will either have a direct or reasonably foreseeable indirect impact on the environment (Pub. Res. Code, § 21065). The multifamily development applications that will be reviewed on the AHP zoned sites under the Site Plan Review process will be ministerial in nature, meaning that they are not considered a 'project' under CEQA. To avoid misinterpretation of the ordinances as requiring CEQA review as a project, the term "project" has been replaced with "development" where appropriate in the aforementioned ordinances. The revisions are marked in bold in the draft ordinances in Attachments 4a-e. Edits were made to address the written input that was provided to staff.

- Additive Zone Mixed-use Development Standard in General Commercial, C-2 zone. A public comment indicated that the requirement under proposed OCC Section 16-420G (B) for mixed-use commercial and residential development is unclear on how to apply the standard. The text for this requirement mirrors existing OCC Section 16-142 for dwellings in the C-2 zone, which states "Buildings having commercial 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 C-2 zone for commercial floors and the R-3 zone for the residential floors." The City has successfully used this provision for mixed-use development in the

C-2 zone, and the provision would be consistent with application outside of the Downtown. For example, the C-2 zone requires a 10-foot front yard setback, while the R-4 zone requires a 20-foot setback; therefore an office or commercial business on the first floor of a development could be located 10-feet from the front property line, while the 2nd floor would be set back 20-feet from the front property. This space can be used to create a second floor patio or other outdoor space above the ground floor commercial use; this intent is to avoid a monotonous flat street facing elevation, through second floor setbacks/design, and to provide some additional privacy for those that live in the residential units above ground floor commercial uses outside the Downtown area. A clarification has been added to Section 16-420G (B) clarifying that this section applies only to C-2 zoned sites. The revisions are marked in bold in the draft ordinances in Attachment 4a. Edits were made to clarify processes and to address the written input that was provided to staff.

- Additive Zone Adjustment to Development Standards. The State Housing Element law that requires accommodating appropriate zoning (30 du/ac) for lower income RHNA and 'by-right' processing of development on prior Housing Element sites (Government Code Section 65583.2) does not require that the City allow any adjustments to development standards beyond those permitted under Density Bonus legislation. However, during workshops on the Housing Element, several advocates expressed concern over the loss of this feature for 100% affordable housing projects when the AAHOP program is repealed. The current AAHOP ordinance allows a 10% adjustment to development standards, "as necessary, to ensure requested densities and ensure quality development is achieved for projects which are 100% affordable" This feature helps to reduce project costs for affordable housing developers, as minor revisions can be made to development standards while reserving Density Bonus Concessions for larger development standards. Therefore this feature was carried forward from the AAHOP ordinance to provide an incentive for 100% affordable projects. The AAHOP ordinance was adopted prior to current updates to the state Density Bonus legislation that are more generous for Concessions for 100% affordable projects (currently four concessions, parking reductions, and height increase of 3-stories and parking waiver for development located within ½ mile of a major transit stop). Therefore, inclusion of this provision for 100% affordable projects, which can be layered with the current Density Bonus, allows more modification or Concessions from the OCC than was available at the time that AAHOP was adopted. However, the provision still represents a reasonable incentive to encourage affordable housing with 100% lower income units and staff recommends that this provision be retained as written in the additive zone standards.

  A public comment indicated that the 10% adjustment is too low and requested the adjustment be increased from 10% to 25% to align with the OCC Planned Development (PD) permit provisions (OCC Section 16-271). The PD provisions are discretionary and associated with a Special Use Permit (SUP); meaning the 25% modification is not an automatic provision, but should Findings be made, the

decision makers (Planning Commission and City Council) may choose to grant the requested modification. The modification can be denied, reduced and/or require conditions of approval to minimize impact. Therefore, the PD discretionary provisions are not comparable to the 10% adjustment allowed for the new Site Plan Review ministerial process. Implementation of the Council supported 10% deviation for ministerial developments instead of a 25% PD discretionary process cannot be argued as discriminatory and a violation of the Fair Housing Act because the 25% provision is discretionary and not automatic. Further, coupled with Density Bonus law, extensive concessions and reduction in development standards coupled with the 10% modification provides significant development flexibility. Therefore, further modification of the adjustment to development standards from 10% to 25% is not recommended.

- Additive Zone Design Standards. Under the proposed (OCC Section 16-420) Additive Zone ordinance, affordable and predominantly market rate multifamily development (20% affordable) in both the AHP and AHD additive zones would be subject to the objective design standards. HCD guidance on review of by-right development specifies that the by-right provision does not preclude a jurisdiction from imposing objective design review standards. As an example given by HCD, the Director can review the design merits of a development and call for design-related modifications based on those standards, but can not exercise subjective discretionary judgment to reject, deny or modify the development. Therefore the proposed design standards are intended to be objective, and are pulled from sources such as HUD, SB35 provisions, the Downtown Code, and objective design standards adopted by other California jurisdictions such as Santa Rosa and Irvine.

  - 16-420H (B)(7) Material Change. A public comment indicated that the proposed requirement is expensive and could also be addressed with a color change, or the requirement could be reduced to 30% to 40% of the facade. The requirement to provide a material change between the 1st and upper floors on 75% of the building for buildings that are 3-stories or taller was aimed at being consistent with the language in the City's Downtown Code which calls for "a distinct base, middle and top" and a "heavier" material should go below the "lighter" material." The percentage came from the adopted regulations of another jurisdiction to provide a number for the objective standard. Recognizing that the concern is predominately with the cost of material, staff recommends a revision to also allow a color change, provided the color change occurs with a change in architectural fenestration or facade articulation so the change of material or color is architecturally purposeful. The revisions are marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

  - 16-420H (B)(8) Parking Setback. A public comment indicated that the provision would be difficult to implement with 30 dwelling units per acre. The intent of the requirement is to avoid the front of the parcel being developed

with a parking lot rather than placing parking behind, under or wrapped by the building. Both market rate and affordable developers within the Downtown area have been able to meet these standards. Parking requirements may be further reduced by the Density Bonus. Staff recommends that the text be retained as written.

- 16-420H (C)(4)&(5) Massing/Articulation. A public comment indicated that the number standard for minor massing and roofline articulation 'every 50 feet' is arbitrary and should be removed. The 50-foot dimension was included in design standards to avoid subjective interpretation. Given the historic lot pattern in Oxnard, 50 feet is not arbitrary. Although there are many architects with good judgement, that is not true of all architects. Without the numeric design standards, the requirement would only require minor massing breaks such as a varying setback, building entry or recesses, which could be limited to only one place on a building and result in a monotonous facade. Staff recommends that the text be retained as written.

- 16-420H (C)(6) Maximum Height adjacent to the Single Family, R-1 district boundary. A public comment indicated that the requirement would be difficult to implement for a 40-50 foot tall building. The intent of this provision is to be sensitive to the edge condition between the R-1 zone and higher density development. Since the zone designation is on the parcel, and not the street or alley, this provision is predominately applicable to parcels that are located immediately adjacent to an R-1 zone. As written, the maximum building height within 20 feet of the adjacent R-1 property line would be 25 feet, and a one-for-one setback would be required for each additional foot in height. However, the maximum building height in the R-1 zone is 35 feet. To match the maximum height in the R-1 zone, the 25 foot maximum height in the design standard has been increased to 35 feet. The rest of the standard was revised to repeat a provision from the Oxnard Downtown code (OCC Section 16-145) that would accommodate podium parking and additional stories up to 56 feet. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- 16-420H (D) Site Design. A public comment requests that open space areas be replaced with common open space, and that 'direct interaction' be clarified. The intent of the open space requirement was to reference common open space areas and areas that may be used as common open space, such as parks. Staff has recommended language to clarify the requirement for direct interaction. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- 16-420H (E)(6) Refuse enclosures. A public comment requests removal of refuse enclosure design standards because they indicated that the standards are already part of code (in reference to subsections a through d) or overreaching (subsection e). Inclusion of City required design guidelines helps to ensure that

they are included within the initial site design. The intent of the requirement for trash enclosures to not be located within 20 feet of a residence, or more than 100 feet from a residential unit is reasonable as it provides adequate access for residents to utilize waste stream facilities. However, staff recommends this standard be modified slightly to allow enclosures to be located up to 150 feet from a building, instead of 100 feet, to be consistent with the City Material Management and Enclosure Design Guidelines. The Police Department also requested that an additional standard be included to require landscaping around refuse enclosures to prevent graffiti, as it is required as a standard condition on discretionary projects. This condition will be added in the future to the City Material Management and Enclosure Design Guidelines, which are required under 16-420H (E)(6)(a). The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- Additive Zone Special Development Requirements. Under the proposed (OCC Section 16-420I) Special Development Requirements, standards are intended to ensure compatible uses with adjacent industrial or commercial zoned property. A public comment expressed concern that the sites identified as -AHP or -AHD should have already taken into consideration site limitations and surrounding use to determine adequate sites for the Housing Element. The City's Housing Element anticipates potential land use conflicts with residential and non-residential uses and sets implementation standards to reduce those conflicts. The referenced issue areas (i.e. air quality, hazards, noise, and etcetera) are regulated by either agencies (i.e Ventura County, Air Pollution Control District and Certified Unified Program Agency (CUPA)) and / or the Oxnard City Code. Additionally, it is possible that the AHD additive zone may be added to other parcels in the future; therefore, these requirements are needed to ensure land use compatibility. The requirement helps to ensure that future multifamily or mixed-use developments are not subject to noise, odor, air emissions, contamination or other incompatible conditions while also allowing other non-residential uses to be allowed within areas which currently allow non-residential uses. Staff recommends that the text be retained as written.

  In discussions with the Police Department regarding the proposed Special Development Requirements, they requested t.he addition of the following additional requirements:

  - 16.420I(A) The Oxnard Police requested the addition of Complete sidewalk circulation systems and bus stops. These requirements, in collaboration with Community Development, Public Works, Gold Coast Transit, and the Police, are currently imposed on all new residential development projects. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

  - 16-420I (B)& (E) A public comment pointed out that residential disclosures and health risk assessments should not only be required for discretionary

applications. The word 'discretionary' has been removed. Revisions were also made to address Fire Department comments. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- 16-420I (I)(2) A public comment requested that the comprehensive tenant screening process be removed, as it conflicts with housing first requirements; the word "screening" was not intended to be discriminatory, but screening for safety and security. The language was refined to address the Police Department's intended concern. The addition of access control systems and secure postal and parcel delivery was added, as these are required as standard conditions on all new multi-family residential development projects. The revision is marked in bold in the draft ordinances in Attachments 4a. Edits were made to address the written input that was provided to staff.

- Additive Zone Findings**.** A public comment questioned the inclusion of Findings (proposed ordinance Section 16-420K) within the Additive zone ordinance. Findings can and should be required, as they provide a way for the City to justify a decision or justify an opponent's challenge of an action on a project. Findings for ministerial projects are to be objective and are intended to be answered with "yes" or "no", whereas discretionary findings can be subjective. SB 35 provides a solid example of a ministerial permit process. The legislature adopted Findings for the SB 35 ministerial permits and inserted them into Government Code Section 65913.4(a). Findings in the Additive zone Ordinance Amendments Section 16-420K(K) are largely based on SB 35's Findings for ministerial review of affordable housing development. The Findings in Section 16-420K(A) through 16-420K(E) of the Additive Zone mirror the State's California Environmental Quality Act guidelines Section 15192 threshold requirement for exemptions for affordable housing and infill projects. Those project sites that meet the definition of exemption from the State CEQA Guidelines, are less than 5 acres, and would not require environmental review. These are generally the parcels which will have the AHP additive zone. Staff recommends that the text be retained as written.

- Site Plan Review Application Requirements. A public comment requested revision to Section 16-523.2 text that state submittal requirements may be increased or waived on a project-specific basis. This sentence was replaced with text stating that the City may ask for additional material to address questions or concerns during the review process. The revision is marked in bold in the draft ordinances in Attachments 4e. Edits were made to address the written input that was provided to staff.

- Site Plan Review (SPR) Public Notice. To comply with the State definition of By-Right (65583), the Site Plan Review process is non-discretionary, which means the public agency is required to act on a development using fixed standards and the agency cannot use discretionary judgement. Development is allowed by-right. Therefore, the Site Plan Review process does not include public meetings, hearings

or public notification. However, for transparency, the Site Plan Review permits will be identified on the City's Development Project List (see Section 16-523.5) that is posted on the City's website and updated quarterly. The revision is marked in bold in the draft ordinances in Attachments 4e. Edits were made to address the written input that was provided to staff.

- Appeal Provisions. A public comment requested the addition or revision of the appeal provisions identified in the Density Bonus Ordinance Section 16-410F(E) and Site Plan Review Ordinance Sections 16-523.9 and 16-523.10(F). The City Attorney's office reviewed the requested revision to the appeal language and has accepted the requested changes. Edits were made to address the written input that was provided to staff. The revision is marked in bold in the draft ordinances in Attachments 4d and 4e.

General Comments Regarding Final Housing Element Program Language:

- Affordable Furthering Fair Housing (Program 19) - Program 19 in the Draft Housing Element was updated substantially in the current Final Housing Element (August 2021) to address state guidance on Affirmative Furthering of Fair Housing (AFFH) that was published in May 2021. City staff presented program recommendations to the Committee (July 27, 2021) to incorporate additional action items into Program 19 (AFFH) to address the May 2021 state guidance.

  A public comment requested that that Program 19 be revised to include the following action item: "The City will meet with developers to encourage construction of housing that will be affordable on a teacher's salary and partner with organizations such as United Way to address disparities in access to strong educational opportunities. In addition, the City will facilitate partnerships with the school district and organizations such as People's Self-Help Housing to provide onsite educational programming for affordable multifamily housing developments." Staff does not object to the addition of this action item, though it should include a broader collection of developers and advocates. The City does promote affordable housing programs through the City's affordable housing planning page.

  Staff recommends that Program 19 be updated to include a bullet item which reflects the City's affordable housing page. Suggested language:

  "The City will continue to promote affordable housing programs and opportunities in collaboration with the Housing Department and economic development organizations and affordable housing advocates. See https://www.oxnard.org/city-department/community-development/oxnard_affordable_housing/. These organizations will also be consulted during the City's Annual Housing Element Workshop (Program 43)." With City Council's concurrence on October 5th this program revision would be made prior to submittal of the Final Housing Element to HCD for certification.

A public comment requested that the Final Housing Element included recognition of the importance of furthering affordable homeownership housing production as well as affordable rental opportunities in response to racial disparities in homeownership rates. The City is addressing these needs through existing Programs 11, 12, and 19. Staff recommends that the text be retained as written.

- Prohousing. A public comment requested that the Final Housing Element include adopted language from the Ventura County Planning Commission Housing Element to "apply for and strive to receive and maintain the State's Prohousing Designation by demonstrating a sufficient number of policies that contribute to accelerating housing production." The City continues to evaluate the prohousing designation program and will consider the formal HCD prohousing designation with further actions to implement housing, development, and transit/mobility studies and recommendations. As discussed in the September 2nd Planning Commission staff report and presentation, the City has developed a number of programs which demonstrate prohousing without securing the HCD formal prohousing designation. City staff believes there are opportunities to take advantage of the HCD prohousing/grant program, but staff will be waiting for information to inform the designation boundary and full scope/program elements. Programs 33 and 35, in addition to the AHP/ADH/additive program, BRP housing (Program 35), High Quality Transit Corridor (HQTC) (Program 33) study and Vehicle Miles Traveled (VMT) analysis, and Program 6 OCC modifications, all will facilitate prohousing). Staff recommends that the text be retained as written and no program additions are needed at this time.

Next Steps and Process:

The Draft OCC ordinances were made available with the September 2nd Planning Commission staff report, on August 26th. Staff has implemented many of the requested proposed ordinance revisions, and will continue to work with the affordable housing advocates and developers throughout the Housing Element update process. The draft ordinances will be presented to City Council on October 5th. Staff acknowledges that additional ordinance refinement may be needed over time. State Housing Element law has changed substantially within the last few years and has placed new requirements on jurisdictions with only minimal guidance on how agencies should implement them. Because the requirements are new, no jurisdiction could be exemplified as having 'tried and true' codes that successfully resulted in more affordable housing. Therefore some revisions to the two new ordinances and changes to existing codes are envisioned as the City moves forward to implement the Final Housing Element and is able to evaluate the text amendment's success in accommodating and encouraging multifamily housing. Program 43 (Annual Housing Element Workshop) provides an opportunity to evaluate the success of all of the Final Housing Element Programs, including zoning code amendments to accommodate RHNA, default density and by-right development.

4) **General Plan Land Use Element and Oxnard City Code (OCC) Actions:** A detailed discussion on the proposed General Plan text and map Amendment, each zoning text and map amendment is provided in the September 2, 2021 Planning Commission staff report. The following zoning text amendments must be adopted concurrently with the Housing Element to allow 30 dwelling units per acre on sites identified in Supplement 1 of the Final Housing Element, including updating permitted uses in the General Commercial (C-2) and Business and Research Park (BRP) zones, creating Affordable Housing additive zones and regulations (AHP and AHD) that allow 30 dwelling units per acre, creating a new ministerial Site Plan Review (SPR) processes and objective development standards for by-right projects. For clarity these are listed below and described in detail in this September 2nd staff report:

   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) - revise approval authority
   F. Draft - OCC Section 16-523 (Site Plan Review) - New Process

5) **Final Housing Element Program Changes:** An Errata memo has been provided in Attachment 7 that summarizes written comments on the Final Housing Element. Minor typographical and non substantive edits are summarized in this document with changes made prior to submittal of the amended Final Housing Element to HCD for certification.

6) **General Plan Conformity:** An analysis of General Plan conformity is contained in Attachment 8. Both the General Plan Land Use and the Housing Elements (complete repealing and readoption) are proposed actions to occur by the City Council on October 5, 2021. As outlined in the September 2nd and this staff report, these Elements will be internally consistent to ensure the Land Use Element supports actions and development densities allowed within the Housing Element. The City's 2030 General Plan also contains other Elements: Community Development, Sustainable Community, Infrastructure and Community Service (aka "Circulation Element"), Environmental Resources, Safety & Hazards, and Military Compatibility.

   The 2030 General Plan and Program Level Environmental Impact Report (PEIR) analyzed traffic impacts based on level of service (LOS). The General Plan establishes a desired LOS for roadways of LOS C at most intersections within the City. There are exceptions to this standard approved by Council at five intersections (see page 4-7 of https://www.oxnard.org/wp-content/uploads/2017/06/Oxnard-2030-General-Plan-Amend-06.2017-SM.pdf). LOS is a measuring tool to compare capacity and delay of motorists (or other users) of the street system and is graded between free flow conditions (LOS A) and failure (LOS F) where significant congestion could occur.

LOS is not meant to be an all encompassing tool for multi-modal traffic analysis or how people travel from place to place, rather it reflects how intersections and road segments may operate under certain conditions. For this reason the State passed Senate Bill (SB) 743 which requires the use of Vehicle Miles Traveled (VMT) as the tool to identify environmental impacts; this same tool is not, however, used in our 2030 General Plan Conformity analysis since the City still utilizes LOS.

In order to consider General Plan conformity, a summary review was conducted using LOS. The study evaluated LOS for the Housing Element using traffic forecasts from the Ventura County Transportation Commission (VCTC) model and identifying twenty (20) intersections which could have the potential to change as a result of the Housing Element Update. It is important to note that due to the pandemic, new traffic counts were not available and instead historical data was used. This scenario has changed traffic volumes and patterns and may not reflect current conditions.

Based upon the results of the analysis we identified that some of the intersections may potentially exceed the LOS C established in the 2030 General Plan for the 2029 timeline. This is somewhat caused by the acceleration of delivery of all housing by 2029. When comparing the same list to the full General Plan buildout and mitigations that were analyzed in the General Plan PEIR, most intersections continue to operate at an acceptable LOS. Additionally, the Housing Element LOS analysis is not able to consider additional traffic reduction strategies that are consistent with the Housing Element update such as increased mixed use development, higher density housing sites or infill development that may have reduced traffic volume characteristics. One focus of the upcoming 2045 General Plan update, which will kick off in mid-2022, will be to reevaluate the Circulation Element and traffic forecasts for a future horizon year that exceeds the year we are studying here (2021-2029). Any deficiency will be looked at in more detail and will be addressed through that process.

Currently the City is undertaking a number of transportation related studies that will improve the transportation, pedestrian, and environment including:

- Update to the Local Roadway Safety Plan;
- Update to the Bicycle Safety Master Plan;
- Execution of a Sustainable Transportation Planning grant;
- (Mid 2022) Begin Comprehensive update to the City's General Plan, including updates to the Circulation Element and revisiting the LOS "C" standard;
- Development of CEQA VMT thresholds which will encourage transportation demand management mitigation measures and mobility options for development; and
- Develop Standards for all modes of Transportation for operational purposes, design and safety.

7) **California Environmental Quality Act (CEQA) Review:** The Housing Element is subject to review in accordance with CEQA. With the passage of Senate Bill (SB) 743, environmental analysis and environmental documents no longer use LOS but instead utilize VMT. The VMT analysis is intended to support the State's goals in reducing

greenhouse gas (GHG) emissions, encouraging infill development, and improving public health via increased active transportation. The switch from LOS to VMT in environmental documents is intended to ensure that the multi-modal environmental impacts are addressed in a holistic fashion, considering the interrelationship of climate, transportation, and land use patterns in environmental documents and land use decisions.

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 ended on September 3, 2021. Comments on the IS/MND were minor in nature, and did not raise any new significant impacts, need for mitigation, or changes to any conclusions. Written response will be provided to these organizations ten days prior to City Council approval of the IS/MND. Comments were received from the following organizations (see Attachment 9):

- Ventura County, Air Pollution Control District - No revisions necessary; comment supports Site Plan Review provisions in Section 16-420I (Special Development Requirements)
- Ventura County, Watershed Protection District - No revisions necessary; reply will clarify City process and Housing Element sites
- Ventura County, Agricultural Commissioner's office - No revisions necessary; reply will clarify City process and Housing Element sites
- CalTrans District 6 - No revisions necessary; reply will clarify the City's parking requirements and Housing Element Programs
- Santa Ynez Band of Chumash Indians, Tribal Elders - No revisions necessary; state required consultation due to General Plan Amendment acknowledged and City's legal compliance met
- State of California – Natural Resources Agency, Department of Fish and Wildlife – revisions to MND mitigation measures required and new conditions of approval recommended; as part of City Council certification of the IS/MND mitigation measures will be added

8) Community Outreach: A notice of public hearing was posted in the Ventura County Vida newspaper, and mailed to all property owners of parcels subject to General Plan land use and zoning map changes. The City also set up a website for owners to verify the General Plan map and zone map changes to their property at **https://arcg.is/HmSS1**. Staff received public inquiries from two property owners requesting clarification on the zone changes for their specific properties. Other than the summary of discussions with the affordable housing advocates and developers summarized above under background and/or analysis, no additional discussion has been received from members of the public since the September 2, 2021 Planning Commission meeting and preparation of this staff report.

Attachments:

1. 2021-2029 Final Housing Element (6th Cycle Housing Element - see https://www.oxnard.org/wp-content/uploads/2021/08/Adoption-Final_8-13-21_tracked.pdf)
2. Draft Initial Study and Mitigated Negative Declaration (IS/MND - see https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HEU-IS-MND-Public-Review-Draft.pdf)
3. Resolutions for General Plan Amendments:
   a. 2021-2029 Housing Element and related text changes (PZ 20-620-03)
   b. 2030 General Plan Land Use Element, Section 3.5 and Table 3.2 (PZ 21-620-02)
   c. 2030 General Plan Land Use Map amendments (PZ 21-620-03)
4. Resolutions for Zoning Code Text Amendments (PZ 21-580-03):
   a. Draft City Council Ordinance - OCC Section 16-420 (Affordable Housing -AHP & -AHD Additive Zones) amendments - New Provisions
   b. Draft City Council Ordinance - OCC Section 16-135 & 16-136 (C-2 - General Commercial Zone) amendments
   c. Draft City Council Ordinance - OCC Section 16-162 & 16-163 (Business Research Park) amendments
   d. Draft City Council Ordinance - OCC Section 16-410 (Density Bonus) amendments
   e. Draft City Council Ordinance - OCC Section 16-523 (Site Plan Review) - New Provisions
5. Resolution for Zoning Map Amendments (PZ 21-580-04)
6. September 2, 2021 Planning Commission Staff Report on the Final Housing Element - (see https://oxnardca.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=3334)
7. Written comments on the Final Housing Element and associated OCC actions, including Housing Element Errata (Levy letter (undated); Email to Maria Navarrete, Evangelistic Center Church September 2, 2020; Veronica Garcia/People's Self-Help Housing Sept. 2, 2021; Debbie Mitchell, September 2, 2021 letter; and Barbara Marci-Ortiz email dated September 1, 2021)
8. 2030 General Plan Conformity Determination
9. Written comments received on the IS/MND
10. Staff Presentation

Attachment 1

2021-2029 Final Housing Element
(6th Cycle Housing Element – see https://www.oxnard.org/wp-content/uploads/2021/08/Adoption-Final_8-13-21_tracked.pdf)

Attachment 2

Draft Initial Study and Mitigated Negative Declaration
(IS/MND - see https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HEU-IS-MND-Public-Review-Draft.pdf)

Attachment 3

Resolution for General Plan Amendments

RESOLUTION NO. 2021 – [PZ 20-620-03]

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL AMEND THE 2030 GENERAL PLAN GOALS AND POLICIES DOCUMENT BY ADOPTING THE 6th Cycle 2021-2029 HOUSING ELEMENT UPDATE (PZ 20-620-03), AMENDING FIGURE 3-1, LAND USE MAP (PZ 21-620-03); AND AMENDING SECTION 3.5 LAND USE DESIGNATIONS AND STANDARDS (PZ 21-620-02). FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as the directed by the California State Legislature; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing"; and

WHEREAS, the housing element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, the City of Oxnard 2030 General Plan was adopted on October 11, 2011; and the operative documents of the Oxnard 2030 General Plan consist of the (1) Background Report (2006), and the (2) Goals and Policies which includes the HCD-certified 2006-2014 Housing Element as Chapter 8; and

WHEREAS, the City Council adopted the 2013-2021 Housing Element update on December 13, 2016, and the Mid-Cycle 2013-2021 Housing Element update on October 10, 2017. Both updates were certified by HCD; and

WHEREAS, proposed Planning and Zoning (PZ) Permits Nos. 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 and Research Park land use designation standards 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; 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; amending the Density Bonus ordinance approval authority; and creating a ministerial Site Plan Review process; 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; collectively and, with concurrent adoption, comprehensively amend the 2030 General Plan, Goals and Policies Housing Element Chapter 8 and Community Development Chapter 3 Commercial General and Business and Research Park land use designations and related policies, uses and development standards; and

WHEREAS, the City of Oxnard (City) falls within the metropolitan planning region covered by the Southern California Association of Governments (SCAG) and for each housing element planning cycle, SCAG is required to determine the share of the regional housing needs to be allocated to each city and unincorporated county area within the SCAG region, and this process is called the Regional Housing Need Assessment (RHNA); and

WHEREAS, the total SCAG RHNA allocation for the 2021-2029 Housing Element planning period was 8,549 housing units for Oxnard intended to accommodate current and projected growth housing need based on population and economic analyses and projections; and

WHEREAS, on October 22, 2020, City Staff held the first public workshop on the process for the 2021-2029 Housing Element and reviewed the site selection process for proposed market-rate and affordable housing development sites. Staff also circulated an online mapping tool from September 21, 2020 through October 30, 2020 to request public input on sites suitable for addressing the City's RHNA numbers in the Housing Element; and

WHEREAS, 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 Downtown, and owner response was incorporated into site selection for affordable housing development site; and

WHEREAS, the City prepared a draft 2021-2029 Housing Element that was made available to the public for initial review and comment between March 10, 2021 and April 16, 2021; and

WHEREAS, ON March 24, 2021, staff held a community meeting to discuss the 2021-2029 Draft Housing Element.

WHEREAS, On April 1, 2021 the Planning Commission held a public meeting to review and comment on the Draft 2021-2029 Draft Housing Element and 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; and

WHEREAS, On April 13, 2021, the Community Services, Public Safety, Housing & Development (Committee) held a public meeting on the Draft 2021-2029 Draft Housing Element, and 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; and

WHEREAS, On April 29, 2021, the City Council held a public meeting on the Draft 2021-2029 Draft Housing Element and directed staff to submit the Draft to HCD with the additional programs recommended by the Committee; and

WHEREAS, on May 14, 2021, the updated Draft 2021-2029 Housing Element was published for public review and submitted to HCD for 60-day review. During HCD's review period, staff held discussions with HCD staff that identified several changes which are needed to address HCD's input. Following HCD's review, HCD sent a Findings letter dated July 13, 2021 that stated that the Draft 2021-2029 Housing Element addresses many statutory requirements of State housing element law and identified revisions necessary to comply with State housing element law; and

WHEREAS, on July 27, 2021 City 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 (dated July 13, 2021). 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; and

WHEREAS, City staff prepared a 2021-2029 Final Housing Element Update, incorporated by reference as Attachment "3a," that reflects Committee and City Council direction on program and policy changes to respond to HCD's written correspondence and community input. The 2021-2029 Final Housing Element Update was made available to the public for review and comment between August 5, 2021 and September 3, 2021; and

WHEREAS, 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 and to receive community input. City staff received a comment 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; and

WHEREAS, the Land Use Designation Standards in Section 3.5 of the 2030 General Plan Goals and Policies document presently allow Residential up to 18 dwelling units per acre in the Commercial General land use designation, and does not list residential as a permitted use in the Business and Research Park land use designations; and.

WHEREAS, to accommodate state Housing Element law to allow default density of up to 30 units per acre on parcels identified in Supplement 1 of the 2021-2029 Final Housing Element Update, staff prepared text additions to the Land Use Designation Standards in Section 3.5 of the 2030 General Plan Goals and Policies document to allow "residential uses up to 30 units per acre shall be permitted on parcels identified as AHP or AHD" in the General Commercial and Business and Research Park land use designations, as identified in Attachment '3b"; and.

WHEREAS, to accommodate residential development on parcels identified in Supplement 1 of the 2021-2029 Final Housing Element Update, the land use designation of thirteen parcels representing four Housing Element sites, as identified in the attachment "3c," will be amended from Limited Manufacturing or Public/Semi Public to General Commercial or Business Research Park on Figure 3-1 Land Use Map of the 2030 General Plan Goals and Policies document to be more compatible with multifamily residential land use; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element;

WHEREAS, City staff prepared a 2030 General Plan consistency evaluation that finds that the 2021-2029 Final Housing Element Update is consistent with the 2030 General Plan; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, the Planning Commission finds that the 2021-2029 Final Housing Element Update identifies and analyzes the current and future housing needs of residents within the City of Oxnard (City) and establishes housing goals, policies, and programs to meet the needs; and

WHEREAS, 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; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the proposed 2021-2029 Final Housing Element Update and associated Land Use Designation and Land Use Map updates are consistent with the City of Oxnard 2030 General Plan and the certified Coastal Land Use Program; and.

WHEREAS, the proposed 2021-2029 Final Housing Element Update and associated Land Use Designation and Land Use Map updates meet the requirements of state law (Government Code Section 65880 *et seq.*) and associated regulations relating to Housing Elements; and.

WHEREAS, consistent with the requirements of state law, the proposed 2021-2029 Final Housing Element Update identifies and analyzes the current and future housing needs within the City of Oxnard and identifies goals, policies and programs to provide certain services and ensure adequate opportunities for housing of all income levels for the planning period set by the State of California; and

WHEREAS, the City submitted the proposed draft 2021-2029 Housing Element Update to the Department of Housing and Community Development (HCD) for review on May 14, 2021; and.

WHEREAS, pursuant to a letter to the City dated July 13, 2021 and discussions with City staff and additional changes, HCD staff determined that the proposed draft 2021-2029 Housing Element addresses many statutory requirements of State housing element law, and will comply with state housing law when the noted deficiencies are addressed, adopted by the City of Oxnard, and submitted to HCD for certification; and

WHEREAS, changes have been made to the draft 2021-2029 Housing Element Update document reviewed by HCD that address the issues raised by HCD as referenced in its letter of July 13, 2021 which should allow HCD to determine that the 2021-2029 Final Housing Element Update meets the statutory requirements of state housing law; and.

WHEREAS, the City has met all legal requirements for public outreach and obtaining public input relating to the proposed 2021-2029 Final Housing Element Update.

WHEREAS, before making its recommendation regarding the proposed 2021-2029 Final Housing Element Update, the Planning Commission held a duly noticed public hearing on September 16, 2021 in which all those who wished to speak were given the opportunity to do so; and.

WHEREAS, in addition, before making its recommendation regarding the 2021-2029 Final Housing Element Update, the Planning Commission considered all evidence in the record, including written comments and public comments.

NOW, THEREFORE, the Planning Commission of the City of Oxnard hereby resolves as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

Section 2. The Planning Commission recommends that the City Council amend the 2030 General Plan to incorporate the 2021-2029 Final Housing Element Update in its entirety as Chapter 8; update General Plan Land Use Element (Chapter 3) text by amending the General Commercial and Business and Research Park land use designation standards 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); and amend 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, as indicated in Attachments 3a, 3b and 3c which are incorporated herein by this reference to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of September, 2021, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Daniel Chavez Jr., Chair

ATTEST: _____
Scott Kolwitz, Secretary

Attachment 3a

2021-2029 Final Housing Element
https://www.oxnard.org/housing-element-update/

Attachment 3b

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 3c

2030 General Plan Land Use Element Map Amendments

Site ID#	Address	APN	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

Attachment 4

Resolution for Zoning Code Text Amendments

RESOLUTION NO. 2021 – [PZ 21-580-03]

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT FIVE ORDINANCES (ZONING TEXT AMENDMENTS) AMENDING CHAPTER 16 (ZONING CODE) OF THE OXNARD CITY CODE 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; 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; AMENDING THE DENSITY BONUS ORDINANCE APPROVAL AUTHORITY; AND CREATING A MINISTERIAL SITE PLAN REVIEW PROCESS, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city and any land outside its boundaries which in the planning agency's judgment bears relation to its planning; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as the directed by the California State Legislature; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing"; and

WHEREAS, the housing element requires review and certification by the State of California, Department of Housing and Community Development (HCD); and

WHEREAS, proposed Planning and Zoning (PZ) Permits Nos. 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; 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; amending the Density Bonus ordinance approval authority; and creating a ministerial Site Plan Review process; 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; collectively and, with concurrent adoption, comprehensively amend the 2030 General Plan, Goals and Policies Housing Element Chapter 8 and Community Development Chapter 3 Commercial General and Business and Research Park land use designations and related policies, uses and development standards; and

WHEREAS, on October 6, 2020, the City Council held a public meeting on preparation of the 2021-2029 Housing Element and directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 dwelling units per acre to reach the total 2021-2029 RHNA lower income allocation; and

WHEREAS, the City prepared a draft 2021-2029 Housing Element that was made available to the public for initial review and comment between March 10, 2021 and April 16, 2021; and

WHEREAS, On April 1, 2021 the Planning Commission held a public meeting to review and comment on the Draft 2021-2029 Draft Housing Element and 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; and

WHEREAS, on May 14, 2021, the updated Draft 2021-2029 Housing Element was published for public review and submitted to HCD for review. Following HCD's 60-day review period, HCD sent a Findings letter dated July 13, 2021 that stated that the Draft 2021-2029 Housing Element addresses many statutory requirements of State housing element law and identified revisions necessary to comply with State housing element law; and

WHEREAS, City staff prepared a 2021-2029 Final Housing Element Update that reflects Committee and City Council direction on program and policy changes to respond to HCD's written correspondence and community input. The 2021-2029 Final Housing Element Update was made available to the public for review and comment between August 5, 2021 and September 3, 2021; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider

approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the 2021-2029 Final Housing Element contains policies, and programs that serve to implement and achieve 2021-2029 Housing Element intent and goals, and that five zone code amendments are required by HCD to be adopted in conjunction with the 2021-2029 Housing Element to accommodate State default density of 30 du/acre on select sites to reach the total 2021-2029 RHNA lower income allocation and to allow "by-right" development on Housing Element vacant and non-vacant parcels that were identified as affordable housing sites in prior Housing Elements, as required by California Government Code 65583.2; and

WHEREAS, the five Zone Code amendments are incorporated by reference and attached as the following exhibits:

- Attachment "4a" Draft City Council Ordinance repealing 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;
- Attachment "4b" Draft City Council Ordinance amending the text in the General Commercial (C-2) zone to allow up to 30 dwelling units per acre with 20% lower income units on parcels with the "-AHP" or "-AHD" additive zone suffix;
- Attachment "4c" Draft City Council Ordinance amending the text in the Business and Research Park (BRP) zone to allow up to 30 dwelling units per acre with 20% lower income units on parcels with the "-AHP" or "-AHD" additive zone suffix;
- Attachment "4d" Draft City Council Ordinance amending the Density Bonus ordinance approval authority; and
- Attachment "4e" Draft City Council Ordinance creating a ministerial Site Plan Review process.

WHEREAS, the intent of each of the zone code amendments was presented to the Planning Commission at its September 2, 2021 public hearing and the text of each zone code amendment was made available for public review beginning on August 26, 2021; and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2021-2029 Final Housing Element, and IS/MND - No. 2021-01 is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Zone Text Amendment PZ No. 21-580-03.

NOW, THEREFORE, the Planning Commission of the City of Oxnard resolves as follows:as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

Section 2. The Planning Commission finds, for the above stated reasons and the reasons set forth in the staff report, that the proposed ZTA presented as Attachments 4a, 4b, 4c, 4d & 4e herein will not result in significant environmental impacts.

Section 3. The Planning Commission, based on the findings set forth herein, recommends that the City Council of the City of Oxnard adopt ZTA PZ No. 21-580-03 attached hereto as Attachments 4a, 4b, 4c, 4d & 4e and incorporated herein by this reference to this Resolution.

Section 4. The Secretary shall certify the adoption of this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of September 2021, by the following vote:

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 on the 16th day of September, 2021, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Daniel Chavez Jr., Chair

ATTEST: _____
Scott Kolwitz, Secretary

Attachment 4a

Zoning Text Amendment to OCC Section 16-420 Affordable Housing Additive Zone

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD CREATING 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 IN DIVISION 7C OF ARTICLE V OF CHAPTER 16 OF THE OXNARD CITY CODE (OCC) SECTIONS 16-420A THROUGH 16-420K, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 21-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) repealing the All-Affordable Housing Opportunity Program (AAHOP) in its entirety from Chapter 16, Article VII, Section sections 16-523A through 16-523H, and replacing it with the "Affordable Housing -AHP and -AHD Additive Zones" to implement the 2021-2029 Housing Element. The proposed ordinance provides zoning designations and standards for the development of affordable multifamily housing at 30 dwelling units with 20% lower income units per acre in OCC Chapter 16, Article VII, Section sections 16-420A through 16-420K; and

WHEREAS, in 2013 the City Council adopted the first AAHOP ordinance to provide opportunity for developers and the non-profit sector to develop all-affordable residential development to help reach the City's Regional Housing Need Allocation (RHNA); and

WHEREAS, due to changes in state Housing Element law, on October 6, 2020, the City Council held a public meeting on preparation of the 2021-2029 Housing Element and directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 dwelling units per acre to reach the total 2021-2029 RHNA lower income allocation; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land

Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the Planning Commission adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 21-580-03 (Zone Text Amendment) for implementation of the City's housing element; and

WHEREAS, on October 5, 2021, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 21-580-03 (Zone Text Amendment) in accordance with the OCC, and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds proposed Zoning Text Amendment is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan, as amended under 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 and PZ No. 21-620-02, update to 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); and

WHEREAS, the adoption of ZTA to City's General Commercial zone would facilitate development in the Affordable Housing Permitted (AHP) and Affordable Housing Discretionary (AHD) Additive Zones at the default density of 30 du/acre, provided that a minimum of 20% of units are affordable to lower income households to help the City reach its regional housing needs allocation (RHNA), per State requirements; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan, to establish reasonable standards relating to the provision of affordable housing in specific zones in the City.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Oxnard City Code Chapter 16, Article V, Division 7C entitled "Affordable Housing -AHP and -AHD Additive Zones", sections 16-420A through 16-420K are hereby amended to read as follows:

"***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 **lower income** 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 **needed and** 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 **12**-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 **as determined in the Annual Report**. **The determination on if a replacement site is needed and required will be based on results of the City's Annual Report which will be submitted to the California Department of Housing and Community Development (HCD) on a yearly basis.** 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 **development ~~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 **developments ~~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 **development** ~~**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 - **applicants** ~~**projects**~~ shall pay all applicable impact fees, provide appropriate design and engineering studies, and otherwise follow the applicable entitlement process for **development** ~~**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 **developments** ~~**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 **developments** ~~**projects**~~ which are 100 percent affordable the following shall apply. For a **development** ~~**project**~~ with between 10 and 40 units, one manager's unit is exempt from the affordability requirement. For a **development** ~~**project**~~ between 41 and 80 units, up to two manager's units are exempt from the affordability requirement. For **development** ~~**projects**~~ of 81 or more units, up to three manager's units are exempt from the affordability requirement. **Developments** ~~**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 **developments** ~~**projects**~~ **permitted** ~~**developed**~~ under this Division may be subdivided in a manner that portions of the **development** ~~**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) Maximum building heights for residential development in the -AHP and -AHD additive zones of five stories shall be permitted but shall not exceed 56 feet. Ground floors shall have a minimum plate height of 12 feet and shall not exceed 16 feet.

(C) Buildings **within the C-2 zone** 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.

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

(E) Adjustment to development standards – **housing developments** ~~**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 **developments** ~~**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 **development** ~~**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 **developments** ~~**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 **developments** ~~**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 **development** ~~**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 **or color change** between the first floor and upper floors **when in alignment with a change in architectural fenestration or facade articulation. The change in material or color shall occur** 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 **proposed** ~~**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**~~ **35** feet. From this point, the building height may be increased **to a ground level of up to 16 feet to allow for podium parking and four additional stories of 10 feet each with a combined maximum height of 56 feet** ~~**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 **common** open space areas **and parks**, a minimum of one window from each dwelling shall be located to overlook common area **and parks**.

(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 **housing developments ~~projects~~** must have direct interaction with the public right-of-way. **When ground floor residential units are proposed, the residential units which front the public right-of-way shall locate kitchens and other living spaces (but not bedrooms) to front on the public right-of-way. These residential units may have covered patios and decks which can be constructed within the front yard setback within 5 feet of the property line provided the patios or decks have steps and or gates which lead directly to the public right-of-way. Second and third floor residential units are encouraged to place kitchens and other living spaces (but not bedrooms) to overlook the public right-of-way. These residential units may have decks and or balconies which encroach up to 10 feet into the front yard back**.

(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) Frontage improvements consistent with Public Works plates. The frontage improvements shall be designed to connect with and transition into adjacent existing frontage improvements.

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

(10) 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 **shall** ~~**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**~~ **150** feet from a residential unit. No minimum distance from dwellings is required if dumpsters are located within a fully enclosed room.

~~**(f) All refuse enclosures shall incorporate landscape elements to protect enclosures from graffiti and to discourage habitation.**~~

SEC. 16-420I. Special Development Requirements.

For **developments** ~~**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 **development** ~~**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.
(7) Complete sidewalk circulation systems and bus stops.

(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 **developments** ~~**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)**, California Office of Emergency Services (OES), Certified Unified Program Agency (CUPA) and Ventura County, Air Pollution Control District (APCD)** to the Director**. The HRA shall be reviewed and approved by the City and qualified experts approved by the City following APCD or California Air Pollution Control Officers Association (CAPCOA) guidelines** prior to approval of any future ~~**discretionary**~~ residential or residential mixed use **development** ~~**project**~~, and HRA recommendations shall be incorporated into the **development** ~~**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.
- **1000 feet from industrial facility which emits toxic air contaminants (TACs) identified by the following sources:**
    - **CARB Toxic Emission Inventory**
    - **EPA Toxic Release Inventory**
    - **CARB Toxic Air Contaminant Identification List**
    - **EPA List of Air Toxics**
    - **Ventura County APCD Air Toxic Annual Report or Similar APCD List**

- ~~**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 **developments** ~~**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 **development** ~~**project**~~.

(G) *Noise standards.*

(1) Individual **developments** ~~**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. **Developments** ~~**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 **development** ~~**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 **developments** ~~**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. Access control systems to control passage into common areas; and
v. Secure postal and parcel delivery
vi. Quick removal of graffiti; and
vii. 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 **developments** ~~**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 **affordable housing** ~~**projects**~~ with lower quality design compared with market-rate projects. Affordable **developments** ~~**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 **developments** ~~**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 **development** ~~**project**~~s consistent with the project evaluated in the environmental document, or the **development** ~~**project**~~ is otherwise exempt from the California Environmental Quality Act.

(B) The **development** ~~**project**~~ and other projects approved prior to the approval of the **development** ~~**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 **development** ~~**project**~~ does not have a significant effect on historical resources pursuant to Section 21084.1 of the Public Resources Code.

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

(E) The **development** ~~**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."

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 4. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on October 5, 2021, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 5tht day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____

John Zaragoza, Mayor

ATTEST:

_____

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

Attachment 4b

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE GENERAL COMMERCIAL ZONE PERMITTED AND RELATED USES IN DIVISION 9 OF ARTICLE III OF CHAPTER 16 OF THE OXNARD CITY CODE SECTIONS 16-135 AND 16-136, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 21-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to the General Commercial zone permitted and related use to implement the 2021-2029 Housing Element. The proposed modification is 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) in OCC Chapter 16, Article III, Section 16-135 (Uses Permitted) and 16-136 (Related Uses); and

WHEREAS, in 2013 the City Council adopted the first AAHOP ordinance to provide opportunity for developers and the non-profit sector to develop all-affordable residential development to help reach the City's Regional Housing Need Allocation (RHNA); and

WHEREAS, due to changes in state Housing Element law, on October 6, 2020, the City Council held a public meeting on preparation of the 2021-2029 Housing Element and directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 dwelling units per acre to reach the total 2021-2029 RHNA lower income allocation; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the Planning Commission adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 21-580-03 (Zone Text Amendment) for implementation of the City's housing element; and

WHEREAS, on October 5, 2021, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 21-580-03 (Zone Text Amendment) in accordance with the OCC, and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds proposed Zoning Text Amendment is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan, as amended under 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 and 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); and

WHEREAS, the adoption of ZTA to City's General Commercial zone would facilitate development in the Affordable Housing Additive Zones at the default density of 30 du/acre, provided that a minimum of 20% of units are affordable to lower income households, per State requirements; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan, to accommodate default density relating to the provision of affordable housing in specific zones in the City.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Section 16-135(A)(42) is added to the Oxnard City Code to read as follows:

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

Section 2. Section 16-136(A)(2) is amended to read as follows:

”(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;”

Section 3. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 4. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City’s Zoning Code.

Section 5. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act (“CEQA”) pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Section 6. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council’s adoption of the Ordinance.

Section 7. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on October 5, 2021, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 5tht day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____

John Zaragoza, Mayor

ATTEST:

_____

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

Attachment 4c

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

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE BUSINESS AND RESEARCH PARK ZONE PERMITTED USES IN DIVISION 11 OF ARTICLE III OF CHAPTER 16 OF THE OXNARD CITY CODE (OCC) SECTIONS 16-162 AND 16-163, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 21-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to the Business and Research Park zone permitted use to implement the 2021-2029 Housing Element. The proposed modification is 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) in OCC Chapter 16, Article III, Section 16-162 (Non-Industrial Use) and 16-163 (Industrial Land Uses by Zone: Industrial Land Use Matrix); and

WHEREAS, in 2013 the City Council adopted the first AAHOP ordinance to provide opportunity for developers and the non-profit sector to develop all-affordable residential development to help reach the City's Regional Housing Need Allocation (RHNA); and

WHEREAS, due to changes in state Housing Element law, on October 6, 2020, the City Council held a public meeting on preparation of the 2021-2029 Housing Element and directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 dwelling units per acre to reach the total 2021-2029 RHNA lower income allocation; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the Planning Commission adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 21-580-03 (Zone Text Amendment) for implementation of the City's housing element; and

WHEREAS, on October 5, 2021, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 21-580-03 (Zone Text Amendment) in accordance with the OCC, and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds proposed Zoning Text Amendment is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan, as amended under 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 and 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); and

WHEREAS, the adoption of ZTA to City's Business Research Park zone would facilitate development in the Affordable Housing Additive Zones at the default density of 30 du/acre, provided that a minimum of 20% of units are affordable to lower income households, per State requirements; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan, to accommodate default density relating to the provision of affordable housing in specific zones in the City.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Oxnard City Code Chapter 16, Article III, Division 11 entitled "Industrial Zones", sections 16-162, and 16-163 are amended to read, as follows **(Only underlined portions are to be added)**:

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.

Industrial Land Use Matrix						
Key: ***Blank: Not Allowed P: Permitted Use (Requires a Zone Clearance)*** ***SUP: Special Use Permit DDR: Development Design Review Permit***						
Land Use	***Zone District***					
	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,			P	P	P	

but not limited to, canvas, cloth, stones, wood products, and leather						
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				
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.		SUP				
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 upholstering	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		

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 4. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on October 5, 2021, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 5tht day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____

John Zaragoza, Mayor

ATTEST:

_____

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____

Stephen M. Fischer, City Attorney

Attachment 4d

Zoning Text Amendment to OCC Section 16-410 Density Bonus

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE DENSITY BONUS ORDINANCE APPROVAL AUTHORITY IN DIVISION 7A OF ARTICLE IV OF CHAPTER 16 OF THE OXNARD CITY CODE (OCC) SECTIONS 16-410B, 410-F AND 410-R, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 21-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) pertaining to approval authority for the City's Density Bonus. The proposed modification is to allow Density Bonus permit approval by the approval authority authorized to approve the associated discretionary or ministerial permit approval for the underlying development permit in OCC Chapter 16, Article IV, Section 16-410B (Definitions), 16-410F (Content of Application), and 16-410R (Determination on Density Bonus and Affordable Housing Incentive Program Requests); and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the Planning Commission adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 21-580-03 (Zone Text Amendment) adding a definition of Approval Authority and authorizing Density Bonus permit approval by the approval authority authorized to approve the

associated discretionary or ministerial permit for the underlying development permit is necessary for implementation of the City's housing element; and

WHEREAS, on October 5, 2021, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 21-580-03 (Zone Text Amendment) in accordance with the OCC, and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds the proposed Zoning Text Amendment is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms or an intensification of land uses as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan; and

WHEREAS, the adoption of ZTA to City's density bonus ordinance would facilitate 'by-right' development reviewed through ministerial Site Plan Review, 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; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Oxnard City Code Chapter 16, Article IV, Division 7A entitled "Density Bonus and Related Incentives and Concessions Program", sections 16-410B, 16-410F and 16-410R are amended to read as follows **(Only underlined portions are to be added)**:

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

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)(l)-(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. 16-410F. 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)(l));

(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 16-410O;

(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 **application** is nondiscretionary unless the city adopts written findings justifying the denial of the density bonus. **The Approval Authority's decision shall only be appealable if the permit is denied. An appeal shall be granted if the Approval Authority's decision does not include written findings or if the written findings do not justify the denial consistent with state or local law.**

(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)

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 4. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on October 5, 2021, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 5tht day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____

John Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

Attachment 4e

Zoning Text Amendment
Creating OCC Section 16-523 Site Plan Review

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD CREATING A MINISTERIAL SITE PLAN REVIEW PROCESS IN DIVISION 2A OF ARTICLE VII OF CHAPTER 16 OF THE OXNARD CITY CODE (OCC) SECTIONS 16-523 THROUGH 16-523.12, RELATED TO THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 21-580-03, filed by the City of Oxnard Community Development Department, to amend Chapter 16 of the Oxnard City Code (OCC) creating a ministerial Site Plan Review (SPR) process to implement the 2021-2029 Housing Element. To comply with State law, the proposed ordinance provides a process for conducting a ministerial (non-discretionary) review of by-right development in OCC Chapter 16, Article VII, Section sections 16-523 through 16-523.12; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the Planning Commission adopt Resolution 2021-XX recommending that the City Council approve Planning & Zoning Permit No. 21-580-03 (Zone Text Amendment) for implementation of the City's housing element; and

WHEREAS, on October 5, 2021, the City Council of the City of Oxnard conducted a duly noticed public hearing to consider the Applicant's request to approve Planning and Zoning Permit No. 21-580-03 (Zone Text Amendment) in accordance with the OCC, and

WHEREAS, the City Council received written and verbal comments from the public; and

WHEREAS, the City Council finds proposed Zoning Text Amendment is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed ZTA does not involve any direct physical changes to the environment. There are no changes in landforms as a part of the proposed ZTA and all public services for existing land uses will remain as-is, with no changes and no diminishment of service or safety; and

WHEREAS, the proposed ZTA to Chapter 16 of the OCC would establish specific provisions consistent with the action items and policy directives in the 2030 General Plan, as amended under 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 and PZ No. 21-620-02, update to 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); and

WHEREAS, the adoption of ZTA to City's General Commercial zone would facilitate by-right development in the Affordable Housing Permitted (AHP) Additive Zones at the default density of 30 du/acre, provided that a minimum of 20% of units are affordable to lower income households, per State requirements; and

WHEREAS, the City Council determined that this action is exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Sections 15060(c)(2) and (3) and 15061(b)(3) as this ZTA is a regulatory action which will not result in direct or reasonably foreseeable indirect physical change in the environment and when it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment are not subject to CEQA; and

WHEREAS, it is in the public interest, consistent with the 2030 General Plan, to establish a process for ministerial review of development relating to the provision of affordable housing in specific zones in the City.

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Oxnard City Code Chapter 16, Article VII, Division 2A entitled "Site Plan Review Permit", sections 16-523 through 16-523.12 are amended to read, as follows:

"***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 Modification to Site Plan Review Permit
16-523.11 As-Built Development
16-523.12 CEQA

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.**The City may ask an applicant to clarify, or provide additional materials to address questions or concerns**

during the review process. ~~**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. **The Site Plan Review permit will be identified by the Community Development Department on the City's Development Project List.**

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**~~ **36** 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: **An application for 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**~~**. An appeal shall be granted if the Director's decision does not include written findings or if the written findings do not justify the denial consistent with state or local law.**

SEC. 16-523.10. ~~MINOR~~ MODIFICATIONS TO SITE PLAN REVIEW PERMITS.

(A) **Minor Modification: Minor** ~~Modifications~~ **changes** to **an approved** Site Plan Review permit ~~**are applicable for changes**~~ that substantially conform to the approved or issued permit **are eligible for review as a Minor Modification**. 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 **under a Minor Modification**, 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 **M~~m~~**inor **M~~m~~**odification 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 **M~~m~~**inor **M~~m~~**odification shall be set by resolution of the city council.

(E) Upon review of the application **for a Minor Modification**, 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 **M~~m~~**inor **M~~m~~**odification to a Site Plan Review is final and is not subject to appeal, except as follows: **An application for 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. **An appeal shall be granted if the Director's decision does not include written findings or if the written findings do not justify the denial consistent with state or local law.**

(G) **Major Modification: Changes to an approved Site Plan Review permit that do not qualify as Minor Modifications under Subsection A or B shall be reviewed under a new Site Plan Review application.**

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~~ M~~m~~**odification **under Section 16-523.10**. The Site Plan Review permit for the as-built development may allow for **~~minor~~ M~~m~~**odification to the existing development pursuant to Section **16-523.10** as allowed under the **~~minor~~ M~~m~~**odification process.

SEC. 16-523.12. 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."

Section 2. If any section, sentence, clause or phrase of this Ordinance is determined to be invalid, illegal or unconstitutional by a decision or order of any court of competent jurisdiction, then decision or order shall not affect the validity and enforceability of the remaining portions of this Ordinance. The City Council declares that it would have passed and adopted this Ordinance, and each section, sentence, subsection, clause, phrase, part or portion thereof, regardless of the fact that any one or more sections, sentences, subsections, clauses, phrases, be declared invalid or unconstitutional.

Section 3. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 4. Exempt from CEQA. The City Council determines and finds that the adoption of this Ordinance is exempt from review under the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) and (3) and 15061(b)(3) of the Guidelines to the California Environmental Quality Act because the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Therefore, CEQA does not apply to this action.

Section 5. Pursuant to Government Code Section 36933(c)(1), the City Attorney was designated to prepare, and the City Clerk published, a summary of this Ordinance, and a certified copy the Ordinance was posted in the Office of the City Clerk a minimum of five days before the City Council's adoption of the Ordinance.

Section 6. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on October 5, 2021, to become effective thirty (30) days thereafter.

PASSED AND ADOPTED this 5tht day of October, 2021 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____
John Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

Attachment 5

Resolution for Zoning Map Amendments

RESOLUTION NO. 2021 – [PZ 21-580-04]

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL APPROVE ZONE CHANGES TO PARCELS TO ACCOMMODATE THE AMENDMENT AND ADOPTION OF THE 2021-2029 HOUSING ELEMENT, INCLUDING THE REPEAL OF THE AH- OVERLAY ZONE ASSOCIATED WITH THE ALL-AFFORDABLE HOUSING OPPORTUNITY PROGRAM (AAHOP), THE ADDITION OF THE NEWLY CREATED AFFORDABLE HOUSING, PERMITTED (-AHP) AND AFFORDABLE HOUSING, DISCRETIONARY (-AHD) ADDITIVE ZONE ON SELECT SITES, AND REZONING 11 PARCELS FROM LIMITED MANUFACTURING TO GENERAL COMMERCIAL. FILED BY CITY OF OXNARD, COMMUNITY DEVELOPMENT DEPARTMENT,, 214 SOUTH C STREET, OXNARD, CA, 93030.

WHEREAS, Government Code Section 65300 requires each legislative body and planning agency to prepare and adopt a comprehensive, long-term general plan for the physical development of the city; and

WHEREAS, the California State Legislature identified the State's major housing goal as the attainment of a decent home and suitable living environment for every Californian and due to the critical role that local planning programs play in achieving this goal, the California State Legislature requires that all jurisdictions prepare and periodically review and update a housing element as the directed by the California State Legislature; and

WHEREAS, Government Code Section 65583 lists requirements of the housing element wherein each housing element must contain "an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled program actions for the preservation, improvement, and development of housing"; and

WHEREAS, proposed Planning and Zoning (PZ) Permits Nos. 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 and Research Park land use designation standards 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; 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; amending the Density Bonus ordinance approval

authority; and creating a ministerial Site Plan Review process; 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; collectively and, with concurrent adoption, comprehensively amend the 2030 General Plan, Goals and Policies Housing Element Chapter 8 and Community Development Chapter 3 Commercial General and Business and Research Park land use designations and related policies, uses and development standards; and

WHEREAS, on October 6, 2020, the City Council held a public meeting on preparation of the 2021-2029 Housing Element and directed staff to discontinue the AAHOP program and instead rezone select housing element sites to the State default density of 30 dwelling units per acre to reach the City's total 2021-2029 Regional Housing Needs Assessment (RHNA) lower income allocation; and

WHEREAS, City staff prepared a 2021-2029 Final Housing Element Update that reflects Committee and City Council direction on program and policy changes to respond to HCD's written correspondence and community input. The 2021-2029 Final Housing Element Update was made available to the public for review and comment between August 5, 2021 and September 3, 2021; and

WHEREAS, the Planning Commission held a public hearing on September 2, 2021 to review and provide input on the 2021-2029 Final Housing Element, Staff's recommended text and map changes to the General Plan Land Use Element, Draft amendments to Chapter 16 of the Oxnard City Code and recommended zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element; and

WHEREAS, the Planning Commission held a public hearing on September 16, 2021 to consider approving resolutions recommending that the City Council of the City of Oxnard amend the 2030 General Plan by adopting the 2021-2029 Final Housing Element Update and incorporating it as Chapter 8 of the 2030 General Plan (General Plan Amendment PZ No. 20-620-03), text and map changes to the General Plan Land Use Element (General Plan Land Use Element/Text and Map Amendment Nos. PZ 21-620-02 and PZ 21-620-03), amendments to Chapter 16 of the Oxnard City Code (Zoning Code Text Amendments No. PZ 21-580-03), and zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element (Zoning Map Amendments No. PZ 21-580-04); and

WHEREAS, the 2021-2029 Final Housing Element contains policies, and programs that serve to implement and achieve 2021-2029 Housing Element intent and goals, and Zoning Map amendments are required by HCD to be adopted in conjunction with the 2021-2029 Housing Element to accommodate State default density of 30 du/acre on select sites to reach the total 2021-2029 RHNA lower income allocation and to allow "by-right" development on Housing Element vacant and non-vacant parcels that were identified as affordable housing sites in prior Housing Elements, as required by California Government Code 65583.2; and

WHEREAS, Attachment "5a" provides a list of parcels with each parcels' current zoning and proposed zone change, respectively, to accommodate the 2021-2029 Final Housing

Element, including the following categories of zone change:

- The 'AH' suffix associated with the retiring All-Affordable Housing Opportunity Program (AAHOP) will be removed from 36 parcels that are not included in Supplement 1 of the Final 2021-2029 Housing Element; and
- The 'AH' suffix associated with AAHOP will be removed and replace with newly created Affordable Housing, Permitted (-AHP) additive zone Affordable Housing, Discretionary (-AHD) additive zone on 41 parcels included in Supplement 1 of the Final 2021-2029 Housing Element; and
- The newly created Affordable Housing, Discretionary (-AHD) additive zone will be affixed on 14 parcels included in Supplement 1 of the Final 2021-2029 Housing Element; and
- Eleven parcels will be rezoned from Limited Manufacturing to General Commercial Planned Development AHD consistent PZ No. 21-620-02 GPA Text Amendment to be more compatible with multifamily residential land use; and
- Eight parcels that have been developed/entitled under AAHOP will also be rezoned with the AHP additive zone to retain development options for the parcel under an affordable zone designation.

WHEREAS, the zoning map changes were presented to the Planning Commission at its September 2, 2021 public presentation, each property owner was notified by mail, and the zoning map changes and a list of affected parcels were made available for public review beginning on August 23, 2021 on the City website at https://arcg.is/HmSS1; and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, 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; and

WHEREAS, the documents and other material that constitute the record of proceedings upon which the 2030 General Plan, 2021-2029 Final Housing Element, Zoning text and map amendments and IS/MND - No. 2021-01 is located in the Planning Division, and the custodian of the record is the Planning Manager; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Zoning Map Amendment PZ No. 21-580-04.

NOW, THEREFORE, the Planning Commission of the City of Oxnard resolves as follows:

Section 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

Section 2. The Planning Commission recommends that the City Council adopt proposed Zoning Map Amendment PZ No. 21-580-04, which is attached hereto as Attachment 5a and

incorporated herein by this reference to this Resolution.

PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 16th day of September 2021, by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

_____
Daniel Chavez Jr., Chair

ATTEST: _____
Scott Kolwitz, Secretary

Attachment 5a

Map of sites is provided at https://arcg.is/HmSS1

The 'AH' suffix associated with the retiring All-Affordable Housing Opportunity Program (AAHOP) will be removed from the following parcels that are not included in Supplement 1 of the Final 2021-2029 Housing Element:

APN10	SITE ADDRESS	Current Zoning Map Designation	Proposed Zoning Map Designation
1390260250	2121 N OXNARD BL	C2 - PD + AH	C2 - PD
1420010345	2420 N OXNARD BL	C2 - PD + AH	C2 - PD
1420021010	2420 N OXNARD BL	C2 - PD + AH	C2 - PD
1810055015	1801 N JOLIET PL	R1 + AH	R1
1880110455	HARBOR BL	COASTAL RP + AH	COASTAL RP
2000291345		R3 - PD + AH	R3 - PD
2030050190	750 W WOOLEY RD	R1 + AH	R1
2030050245	624 W WOOLEY RD	R2 + AH	R2
2030062020	1239 S C ST	R2 + AH	R2
2030070270	1160 S C ST	R2 + AH	R2
2040020320	S OXNARD BL	C2 - PD + AH	C2 - PD
2040020360	S OXNARD BL	C2 - PD + AH	C2 - PD
2040020380	S OXNARD BL	C2 - PD + AH	C2 - PD
2040073010	1325 S OXNARD BL	C2 + AH	C2
2050141325	125 W PLEASANT VALLEY RD	C2 + AH	C2
2210231015	1350 E CHANNEL ISLANDS BL	R2 - PD + AH	R2 - PD
2220011100	5577 S SAVIERS RD	C2 - PD + AH	C2 - PD
2220011260	5513 SAVIERS RD	C2 + AH	C2
2220012155	250 E PLEASANT VALLEY RD	C2 + AH	C2
2220041190	444 E PLEASANT VALLEY RD	R2 + AH	R2
2220041270	E PLEASANT VALLEY RD	R2 + AH	R2
2220082295	407 W HUENEME RD	C2 + AH	C2
2220082575	451 W HUENEME RD	C2 + AH	C2
2220082625	527 W HUENEME RD	C2 + AH	C2
2220082635	541 W HUENEME RD	C2 + AH	C2
2220082645	551 W HUENEME RD	C2 + AH	C2
2220082655		C2 + AH	C2
2220102185	5111 SAVIERS RD	C2 - PD + AH	C2 - PD
2220102195	5141 S SAVIERS RD	C2 - PD + AH	C2 - PD
2220102250		C2 - PD + AH	C2 - PD
2220102270		C2 - PD + AH	C2 - PD
2220160120	264 JOHNSON RD	R2 + AH	R2
2220160130	286 JOHNSON RD	R2 + AH	R2

2250014225		R2 + AH	R2
2250014250	2295 ETTING RD	R2 + AH	R2
2250014265	PLEASANT VALLEY RD	R2 + AH	R2

The 'AH' suffix associated with AAHOP will be removed from the following parcels and affixed with Affordable Housing, Permitted (-AHP) additive zone:

APN10	SITE ADDRESS	Current Zoning Map Designation	Proposed Zoning Map Designation
2000082190	1205 N OXNARD BL	C2 - PD + AH	C2 PD AHP
2000100020	1345 N OXNARD BL	C2 - PD	C2 PD AHP
2000100030	1345 N OXNARD BL	C2 - PD	C2 PD AHP
2030070280	1132 S C ST	C2 - PD + AH	C2 PD AHP
2030070340	1101 S SAVIERS RD	C2 + AH	C2 AHP
2030120410	1369 S SAVIERS RD	C2 + AH	C2 AHP
2030120480	1309 S SAVIERS RD	C2 + AH	C2 AHP
2030120500	1361 S SAVIERS RD	C2 + AH	C2 AHP
2040020110	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020140	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020210	1210 S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020270	1246 S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020280	1246 S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020330	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020340	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020370	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020390	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020400	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040020410	S OXNARD BL	C2 - PD + AH	C2 PD AHP
2040060030	1225 S OXNARD BL	C2 + AH	C2 AHP
2040060040	1243 S OXNARD BL	C2 + AH	C2 AHP
2040060120	1251 S OXNARD BL	C2 + AH	C2 AHP
2040060130	1263 S OXNARD BL	C2 + AH	C2 AHP
2040073020	1345 S OXNARD BL	C2 + AH	C2 AHP
2040073170	1401 S OXNARD BL	C2 + AH	C2 AHP
2040073180	1401 S OXNARD BL	C2 + AH	C2 AHP
2050443085	3501 S SAVIERS RD	C2 + AH	C2 AHP
2220011110	5777 S SAVIERS RD	C2 - PD + AH	C2 PD AHP
2220011305	161 W HUENEME RD	C2 - PD + AH	C2 PD AHP
2220082555	201 W HUENEME RD	C2 + AH	C2 AHP
2220082565	227 W HUENEME RD	C2 + AH	C2 AHP
2220082585	W HUENEME RD	C2 + AH	C2 AHP
2220082595	W HUENEME RD	C2 + AH	C2 AHP
2220102010	PLT VALLEY & SAVIERS	C2 - PD + AH	C2 PD AHP

2220152025	4700 S SAVIERS RD	R4 PD +AH	R4 PD AHP
2220152085	4684 S SAVIERS RD	R4 PD +AH	R4 PD AHP
2220160150	300 JOHNSON RD	R2 PD + AH	R2 PD AHP
2220160165	320 JOHNSON RD	R2 PD + AH	R2 PD AHP
2230041020	5536 CYPRESS RD	R2 + AH	R2 AHP
2230090015	5482 CYPRESS RD	R2 + AH	R2 AHP
2250014180		R2 + AH	R2 AHP

The Affordable Housing, Discretionary (-AHD) additive zone will be affixed onto the following parcels included in Supplement 1 of the Final 2021-2029 Housing Element:

APN10	SITE ADDRESS	Current Zoning Map Designation	Proposed Zoning Map Designation
1830173315		C2	C2 AHD
2000334075	1601 N OXNARD BL	C2 - PD	C2 PD AHD
2040060260	1260 SAVIERS RD	C2	C2 AHD
2040083010	271 E FIR AV	R3	R3 AHD
2040083150	260 E ELM ST	R3	R3 AHD
2130031375		BRP	BRP AHD
2130031385		BRP	BRP AHD
2130090285		BRP	BRP AHD
2190018035	2900 S SAVIERS RD	C2	C2 AHD
2200274115	IVES AV	BRP	BRP AHD
2200274135	IVES AV	BRP	BRP AHD
2200274145	IVES AV	BRP	BRP AHD
2250014275	PLEASANT VALLEY RD	R2	R2 AHD
2250053305	2100 E PLEASANT VALLEY RD	C2 - PD	C2 PD AHD

The following parcels will be rezoned from Limited Manufacturing to General Commercial Planned Development AHD consistent PZ No. 21-620-02 GPA Text Amendment to be more compatible with multifamily residential land use:

APN10	SITE ADDRESS	Current Zoning Map Designation	Proposed Zoning Map Designation
2010051110	121 COOPER RD	ML	C2 PD AHD
2010113010	118 COOPER RD	ML	C2 PD AHD
2010113020	169 N HARRISON AV	ML	C2 PD AHD
2010113030	161 N HARRISON ST	ML	C2 PD AHD
2010113120	145 N HARRISON AV	ML	C2 PD AHD
2010113140	125 S HARRISON AV	ML	C2 PD AHD
2010113150	155 N HARRISON AV	ML	C2 PD AHD
2010116045	301 E THIRD ST	ML	C2 PD AHD
2010129060		ML	C2 PD AHD
2010129070		ML	C2 PD AHD
2010129080		ML	C2 PD AHD

The following parcels that have been developed/entitled under AAHOP will also be rezoned with the AHP additive zone to retain development options for the parcel under an affordable zone designation:

APN	SITE ADDRESS	Current Zoning Map Designation	Proposed Zoning Map Designation
204002026	1250 S OXNARD BL	R3 - PD + AH	R3 - PD - AHP
222001127	5527 S SAVIERS RD	C2 + AH	C2 + AHP
222001128	5527 S SAVIERS RD	C2 + AH	C2 + AHP
222016010	234 JOHNSON RD	R2 + AH	R2 + AHP
223004103	5690 CYPRESS RD	R2 - PD + AH	R2 - PD + AHP
223004104	5690 CYPRESS RD	R2 - PD + AH	R2 - PD + AHP
225001402	ETTING ROAD	R2 + AH	R2 + AHP
222001129	5489 S SAVIERS RD	C2 + AH	C2 + AHP

Attachment 6

September 2, 2021 Planning Commission Staff Report on the Final Housing Element
https://oxnardca.civicclerk.com/Web/UserControls/DocPreview.aspx?p=1&aoid=3334

Attachment 7

Written comments on the Final Housing Element and associated OCC actions, including Housing Element Errata

LEVY
AFFILIATED HOLDINGS, LLC

201 WILSHIRE BOULEVARD
SECOND FLOOR
SANTA MONICA, CA 90401
TEL: (310) 883-7900
FAX: (310) 883-7910

City of Oxnard
Community Development Department
214 S. 'C' Street
Oxnard, CA 93030

Attn: Vytautas Adomaitis, Community Development Director

Re: Business Research Park Overlay Zone to Allow Residential Uses (21-620-01 (GPA) & 21-580-02 (ZTA))

Dear Mr. Adomaitis:

My name is Nathaniel Levy. I represent levy Affiliated Holding company's acquisition of the parcel located at 1640 Ives Ave consisting of 3 APN numbers, 220-0-274-115, 135, and 145 approximately 2.91 acres in the city of Oxnard. Said property is zoned Business Research Park ("BRP"). These are un-developed lots facing S. Oxnard Blvd, just south of Statham Street on Ives Ave.

We have been following the City's Housing Element Update and noted that housing is being considered for BRP zoned properties to assist the City meet its Regional Housing Needs Assessment goals. I have also had discussions with Heather Davis and Kathleen Mallory, Planning & Sustainability Manger and Scott Kolwitz, Planning and Environmental Services Manager of the Community Development Department concerning the upcoming overlay zone hearing.

If the city should approve the overlay zone to include multi-family at this site, we plan to develop approximately 100-130 units at this site location. At least 20% of the units would be affordable units. We have engaged Architects, engineers, and geologists to aid in preliminary drawings and soil testing and are prepared to move forward with the development should the city council approve the overlay ordinance.

We believe there is a housing shortage in Oxnard and this overlay proposal would help create new housing development sites within the city.

We endorse a plan to deliver to the City Council a new ordinance that will allow residential uses in the BRP zone via a Zone Text Amendment (Overlay Zone).

Sincerely,

Nathaniel Levy

CITY OF OXNARD CALIFORNIA

Mallory, Kathleen <kathleen.mallory@oxnard.org>

Fw: [EXT] Re: 624 W. Wooley

1 message

Heather Davis <hdavis@rinconconsultants.com> Thu, Sep 9, 2021 at 1:08 PM
To: "Mallory, Kathleen" <kathleen.mallory@oxnard.org>

Heather Davis, Senior Environmental Planner
Rincon Consultants, Inc.
Environmental Scientists | Planners | Engineers
805-214-8352
rinconconsultants.com

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

Ranked 2019 "Hot Firm" and "Best Firm to Work For" by Zweig Group
Please consider the environment before printing this email.

From: maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org>
Sent: Thursday, September 2, 2021 9:00 AM
To: Heather Davis <hdavis@rinconconsultants.com>
Cc: Lai, Dee <dee.lai@oxnard.org>
Subject: [EXT] Re: 624 W. Wooley

CAUTION: This email originated from outside of Rincon Consultants. Be cautious before clicking on any links, or opening any attachments, until you are confident that the content is safe .

Thank you for your reply.

Maria Navarrete
Office Manager
Evangelistic Center Church
805-483-2482
maria@evangelisticcenterchurch.org

From: Heather Davis <hdavis@rinconconsultants.com>
Sent: Wednesday, September 1, 2021 6:58 PM
To: maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org>
Cc: Lai, Dee <dee.lai@oxnard.org>
Subject: 624 W. Wooley

Hi Maria,

I left a message on your voice mail, but wanted to follow up with this email in case you have any questions.

The City is repealing the All-Affordable Housing Opportunity Program (AAHOP) as part of the Housing Element Update and removing the associated -AH overlay zone from all properties that had been zoned with this overlay. What this means is that the -AH overlay will be removed from the property at 624 W. Wooley, and the property will continue to be zoned R2. The rezone will not impact your existing church use on the property.

The City is replacing the AAHOP program with a new affordable housing program that will allow multifamily development on specific sites identified in the Housing Element. The new overlay zone associated with this program is not proposed for your property. However, as part of the Housing Element update, the City has included a program to evaluate opportunities for housing on institutional properties (properties owned by organizations having a social, educational, or religious purpose such as churches, schools and hospitals). Program elements would be explored over the next 3 years. I wanted to make you aware of that program in case your church is interested in development of affordable housing on the site in the future.

Please let me know if you have any further questions.

Heather Davis, Senior Environmental Planner
Rincon Consultants, Inc.
Environmental Scientists | Planners | Engineers
805-214-8352
rinconconsultants.com

RINCON CONSULTANTS, INC.
Environmental Scientists | Planners | Engineers
rinconconsultants.com

Ranked 2019 "Hot Firm" and "Best Firm to Work For" by Zweig Group
Please consider the environment before printing this email.

From: Lai, Dee <dee.lai@oxnard.org>
Sent: Wednesday, September 1, 2021 2:46 PM
To: maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org>
Subject: Fwd: [Ask Planning Action] Fw: Planning Division Notice

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Hi Maria,

Thank you. I have forwarded your email to Heather Davis to respond to you as soon as possible.

Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214
S C Street | Oxnard, CA 93030
O:
805.385.7878

www.oxnard.org

CITY OF OXNARD CALIFORNIA

We welcome you back to the Service Center!

Our doors are opened to the public from 8:00 a.m. to NOON, Monday through Thursday and on our open Fridays. Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

When visiting the Service Center, please wear a mask and observe social distancing guidelines until further notice.

---------- Forwarded message ---------
From: **maria evangelisticcenterchurch.org** <maria@evangelisticcenterchurch.org>
Date: Wed, Sep 1, 2021 at 2:43 PM
Subject: Re: [Ask Planning Action] Fw: Planning Division Notice
To: Lai, Dee <dee.lai@oxnard.org>

I have attached the notice.

Thank you,

Maria Navarrete
Office Manager
Evangelistic Center Church
805-483-2482
maria@evangelisticcenterchurch.org

From: Lai, Dee <dee.lai@oxnard.org>
Sent: Wednesday, September 1, 2021 12:12 PM
To: maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org>
Subject: Re: [Ask Planning Action] Fw: Planning Division Notice

Hello Maria,

Thank you for your email. What notice are you referring to?
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214
S C Street | Oxnard, CA 93030
O:
805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

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- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org.
  Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

When visiting the Service Center, please wear a mask and observe social distancing guidelines until further notice.

On Wed, Sep 1, 2021 at 11:54 AM maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org> wrote:

Hello,

Our church has a question, how will this affect us in the future?

Maria Navarrete
Office Manager
Evangelistic Center Church
805-483-2482
maria@evangelisticcenterchurch.org

From: Gustavo Mejia <gustavo.mejia30@gmail.com>
Sent: Tuesday, August 31, 2021 8:58 PM
To: maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org>
Cc: albertoc0896@gmail.com <albertoc0896@gmail.com>; jmelos2005@yahoo.com <jmelos2005@yahoo.com>; pastornelsonfeliciano3@gmail.com <pastornelsonfeliciano3@gmail.com>; cordova65@yahoo.com <cordova65@yahoo.com>
Subject: Re: Planning Division Notice

Hi All:
Just wondering how this would affect us in the future?
Just wondering.
Thank you.

On Mon, Aug 30, 2021 at 11:56 AM maria evangelisticcenterchurch.org <maria@evangelisticcenterchurch.org> wrote:

> Hello,
>
> We received this notice for the parsonage.
>
> I wanted to provide it for your info and records.
>
> Thank you,
>
> **Maria Navarrete**
> Office Manager
> Evangelistic Center Church
> 805-483-2482
> maria@evangelisticcenterchurch.org

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

[Ask Planning Action] F. PUBLIC HEARING -Agenda Item 3. Project Name: City of Oxnard 2021-2029 Final Housing Element

1 message

Debbie Mitchell <debbiem@companyv.com> Thu, Sep 2, 2021 at 2:45 PM
Reply-To: debbiem@companyv.com
To: "info@danielchavezjr.com" <info@danielchavezjr.com>, "Perello, Bert" <bert.perello@oxnard.org>
Cc: planning@oxnard.org, "Golden, Ashley" <ashley.golden@oxnard.org>, Gabe Teran <gabe.teran@oxnard.org>

Hello,
I do not have email addresses for many of these individuals so am hoping my attachment may make it to them!
Sorry this is being sent after 2 pm!

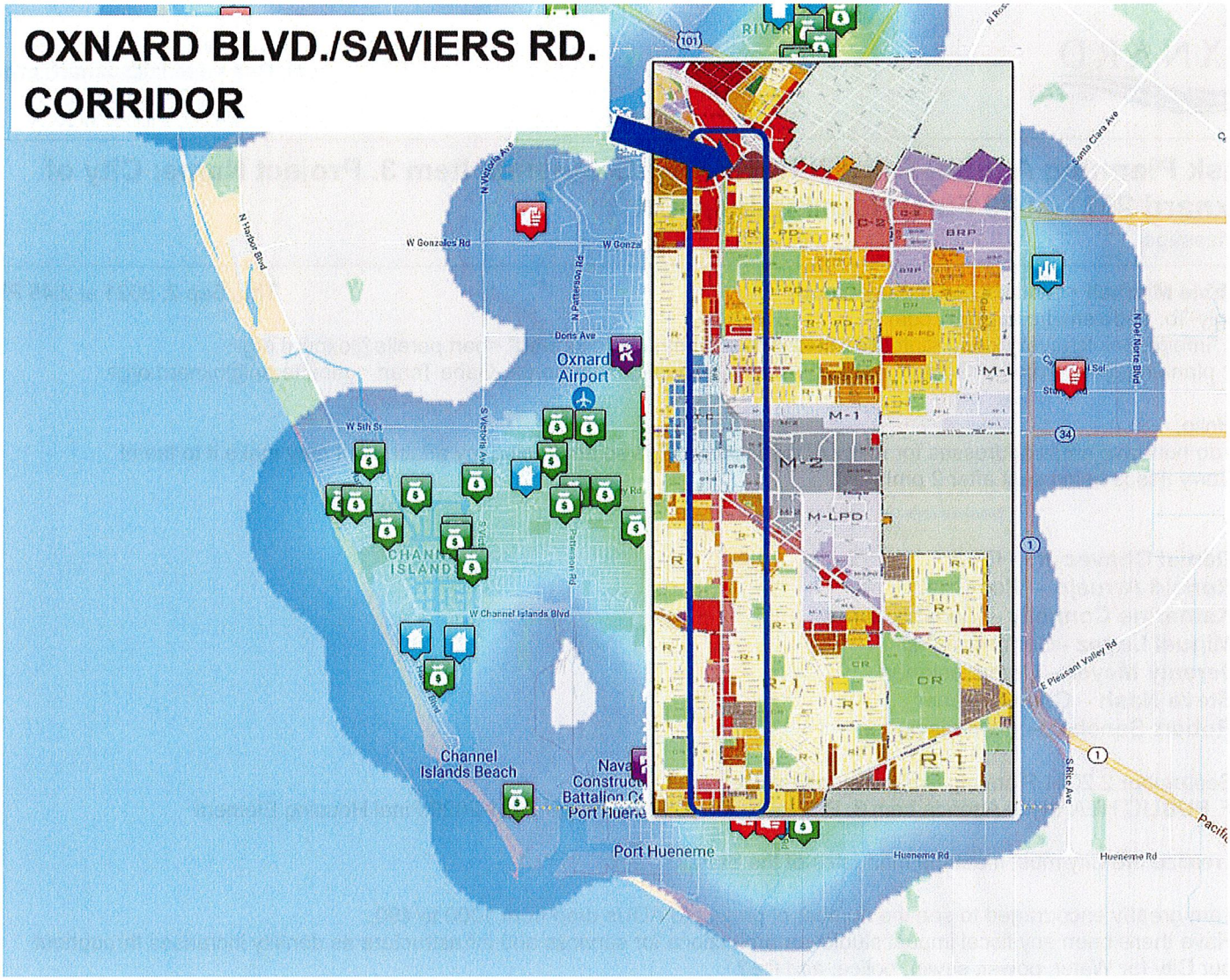
Daniel Chavez Jr. – Chair
Ronald Arruejo – Vice-Chair
Katherine Connelly – Commissioner
Miguel Lopez –Commissioner
Jeremy Meyer – Commissioner
Steve Nash – Commissioner
Robert Sanchez – Commissioner

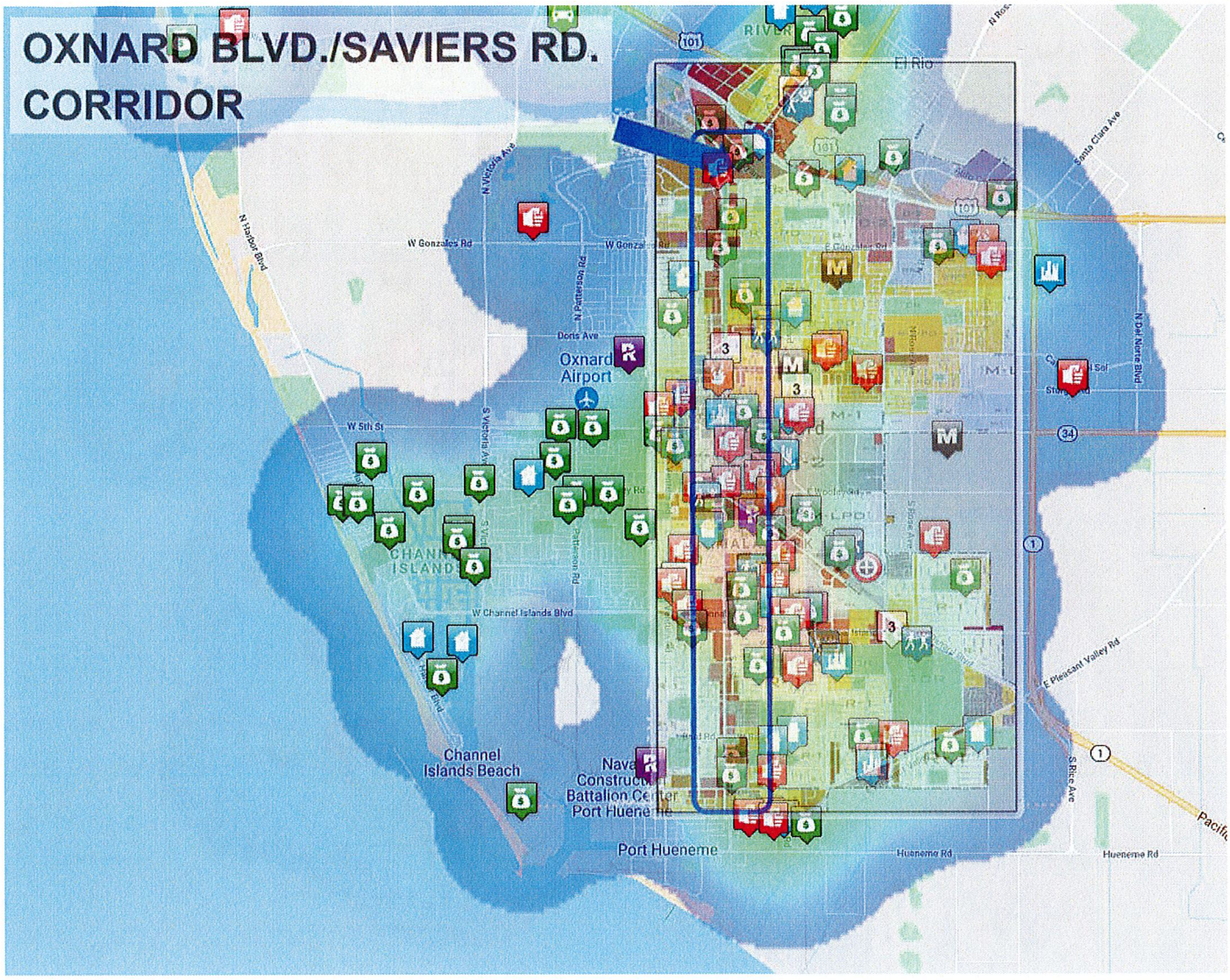
September 2 2021 Planning Commission Meeting
F. PUBLIC HEARING -Agenda Item 3. Project Name: City of Oxnard 2021-2029 Final Housing Element

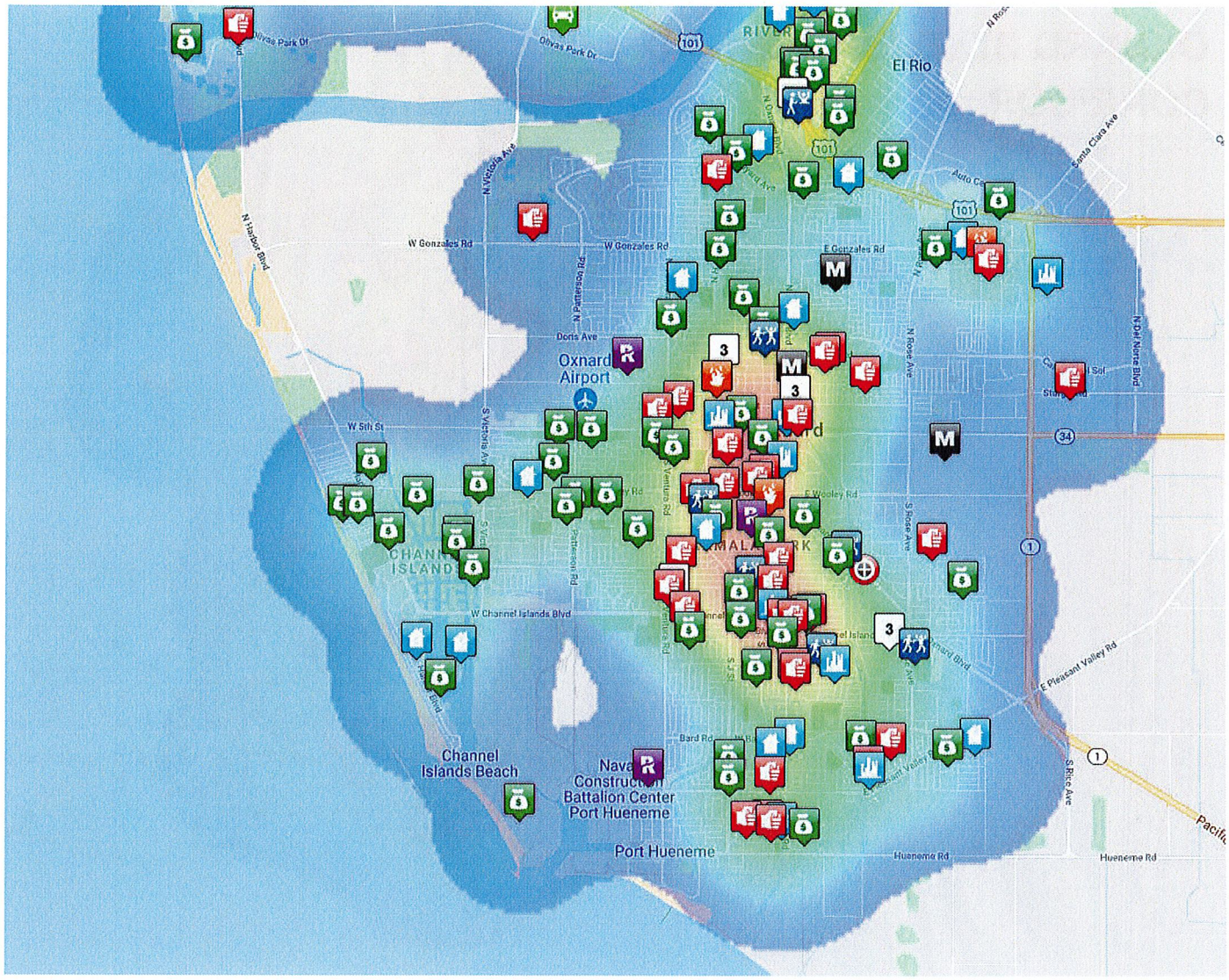
I realize the City must meet the mandates of the State.

I am greatly encouraged to see the number of projected ADUs drop from 1000 to 490.
Have there been any fiscal impact studies or projections for services and infrastructure as density increases throughout our City for Water, power, sewer, police, and fire?
Overlay of the corridor map onto the crime and density map provided by Lexis Nexis shows an area of the City that is already showing a disproportionate level of distress and crime.

OXNARD BLVD./SAVIERS RD. CORRIDOR




OXNARD BLVD./SAVIERS RD.
CORRIDOR
El Rio
W Gonzales Rd
N Victoria Ave
N Harbor Blvd
Doris Ave
Oxnard
Airport
W 5th St
S Victoria Ave
N Patterson Rd
W Channel Islands Blvd
Channel
Islands Beach
Port Hueneme
Hueneme Rd
E Pleasant Valley Rd
S Rice Ave
Santa Clara Ave
N Del Norte Blvd



The depressing thing long term is that this all comes out of everyone's quality of life.

The fiscal impact of absorbing the state mandates to accommodate low income housing through MANDATED density does not address the cost to infrastructure that will eventually cost all tax payers.
The Transportation corridor proximity will not address the parking needs of additional density.
I am concerned that the increased housing density will result in an increased crime density as well.
Transportation corridor planning in other Cities – like Santa Monica have failed to result in improvements of anything.
I feel that residents may best support the needs of the City in terms of our communication to representatives at the state level and would like more information on the costs and concerns and optional solutions the City may have if they were not busy meeting mandates of the State?
Thank You!
Sincerely
Debbie Mitchell

Debbie Mitchell
1-310-804-2382
debbiem@companyv.com

Sept-2-21_F-PUBLIC-HEARING-Agenda-Item-3-Project-Name-City-of-Oxnard-2021-2029-Final-Housing-Element.pdf
454K

CITY OF OXNARD CALIFORNIA

Mallory, Kathleen <kathleen.mallory@oxnard.org>

Draft AHP and AHD Additive Zones Ordinance, Sec. 16-420

1 message

b.macriortiz@verizon.net <b.macriortiz@verizon.net> Wed, Sep 1, 2021 at 5:42 PM
To: "Mallory, Kathleen" <kathleen.mallory@oxnard.org>
Cc: Mark Pettit <mark.pettit@la-arch.com>, Veronica Z Garcia <veronicag@pshhc.org>

Hi Kathleen,

Since our conversation yesterday, I did have an opportunity to speak with Mark Pettit regarding the development and design standards included in the draft ordinance 16-420. As I anticipated, Mark does have some serious concerns with the draft based on the practicalities of design and the ultimate costs associated with some of these provisions. The City will need to make some adjustments, in line with the goal of facilitating the creation of affordable housing projects. It does not help to create affordable housing zones, if it becomes cost prohibitive to develop affordable housing on sites in these zones. The following are the problematic provisions and Mark's thoughts with respect to each:

1. **16-420G(D). Adjustment of Development Standards**. As you know, I objected to the 10% adjustment to numerical development standards by plus or minus 10% as too low, and suggested that the City use the same standard as it uses in the PD zone. Mark reminded me that the % in PD zone is 25%. [Please refer to 16-271(B) "Such conditions that concern numerical standards shall not increase or decrease by more than 25 percent the requirements that apply in the basic zone." The same standard – 25% - should be allowed under this section of the Code.
2. **16-420H. Design Standards**
   a. (B)(7) – The design standard calls for "buildings over three stories to 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." The problem here is with cost. First, the change of materials can be very costly. We would propose that the language be changed to "material or **color** change." Changing the color of the stucco or other material can have the same desired effect without breaking the bank. That way we could provide the visual impact desired at a reasonable cost. As densities go up, we can expect to see more four story buildings in order to achieve the density. But we still need to keep the costs down if the goal is to build an affordable unit. Also, requiring the change for 75% of the building façade adds to cost and is not necessary in order to achieve the desired effect. **That percentage should be reduced significantly, perhaps down to 30% or 40%.**
   b. (B)(8)) – various setbacks for parking, up to 75 feet from the primary street front property line, with a minimum depth of 18 feet for usable space with landscaping of the same quality as elsewhere on the property… and a 5 feet setback for above grade garages. The requirements in this provision do not make sense. It really does have the effect of trying to thread a very thin needle. It does not appear to be internally consistent, and in any event, the practical reality is that architects would never be able to design projects in such a way as to comply with all these requirements and still get 30 dwelling units to the acre (which by law are required). If the City really wants affordable housing, it should completely throw out this standard and if necessary, rethink what it needs within the realm of the possible.
   c. **(C) Massing/articulation.**

      (4) Take out the wording "at least every 50 feet." [Buildings]

      (5) Take out the wording "at least every 50 feet." [Rooflines]. Both of these standards are arbitrary. Projects can incorporate minor massing breaks to achieve the objective without having to arbitrarily provide a break every 50 feet. The regulation is okay as stated as long as the numerical requirement is eliminated. The judgment of where to incorporate the massing breaks should be left to the architect's judgment to determine how and where to achieve the desired effect.

      (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." Buildings now tend to have higher ceilings, essentially 9 feet for each floor + 1 foot for the structure, for a 10' minimum per story. A four story building with parapet would be about 45 to 50 feet. The language is confusing, but reading it appears to say that

any building within 20' of the R-1 District is limited to 25 feet or you have to add an additional foot set back for each foot of height. So a 40 foot building would be a 35'. setback (20' minimum + extra 10'). Right now the set back in the residential zones requires 2.5' setback for each floor. So a three story building would require a 7.5' setback. However, under this new language, the same building would require at least a 30' set back. So this new provision would force a 4 story building design to place the parking spaces and circulation in front plus the landscape in order to meet the standard. That is not always possible. Also, you would still have to include a 20 + 20' setback for a four story building with a parking garage on the first floor. That would be a total waste of space. Our recommendation is to keep the same standards with no more than 15 feet maximum. Presently we typically allow a 10 to 15' setback in sensitive areas (windows) to allow for dense landscape.

3. **16- 420H (D) – Site Design.**
   a. **(1) - Reads:** "When dwelling units are abutting **open space areas**, a minimum of one window from each dwelling shall be located to overlook common areas. Change the phrase "open space areas" to "**common area**", to make sure that the area being included is within the development. As it reads, it could reference open space area across the street.
   b. **(6) Reads:** "Within commercial zones all projects must have **direct interaction** with the public right of way." What does "direct interaction" mean?
4. **16-420H (E) – Accessory Elements**

   a. **(6) Refuse enclosures.** Points (a), (b), (c) and (d) are already part of the Code. (e) requires the developer to "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. This paragraph (e) should be removed because it does not make sense, is unrealistic and overreaching. This standard cannot be met unless it means that it is located no more than 100 feet from just one of the residential units within the building. Cannot meet standard for all units.

5. **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. **(A) – ....** "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:"... Six areas are identified, including noise, odors, truck traffic and deliveries, hazardous materials handling/storage, air emissions and soil/groundwater contamination. For the applicant to provide "data" on all of these areas will require either the cooperation of the sources of the six items, i.e. the firm causing the noise, odor, truck traffic, etc. or it will require the applicant to prepare some sort of study to determine whether there is a real concern and the nature and extent of the problem. Where the data is readily available, including where the neighboring property owner is willing to provide that data to the developer, compliance should be achievable. However, where there is not that voluntary cooperation, it is unrealistic to expect that the applicants on the AHP/AHD properties would be able to afford the studies to comply with these special development requirements. For that reason these properties should not have been included in this inventory if there are any real site specific concerns related to noise, odor, truck traffic or hazardous materials.

      Perhaps, the best way to address the problem is to include a "reasonableness standard" which can be applied in instances when the neighbor is not willing to cooperate. Most of these sites are not directly adjacent to major industrial or commercial uses. More likely, the neighbors may be small industrial users, such as a body shop, mechanic or small parts fabrication facility. The Director must work with the developer to find a way to address the City's concern without making the requirements render the development financially infeasible. In the alternative, the City should provide grant funding to conduct these studies, for projects that will be 100% affordable to low income residents.

   b. **(B)** Why are the residential disclosures limited to the "**discretionary applications** for Multifamily or Mixed-use"? It would seem that if it is important enough to require disclosure, low income residents should be entitled to the same disclosure whether they will be living in a unit that is "permitted" or "discretionary." We hear all this concern about not having "substandard" housing for the low income community, so it would seem that there should be the same level concern for all residents, regardless of whether the label of the property they will live one is AHD or AHP.

c. **(E).** Why is it that the HRA prepared under the procedures of the OEHHA are only required for **discretionary** Multifamily or Mixed-use projects located within 1,000 feet of an industrial facility which emits toxic air contaminants? Hopefully, there are no AHP sites within 1,000 feet of such a facility. However, if that is not the case, I think it raises the same issue as discussed in 5.b. above. When it comes to people's health, we have to do our best to ensure the health and safety of all our residents. No low income resident should be shortchanged just because s/he happens to reside in a home/apartment that was built on an AHP site, as opposed to an AHD site.

Okay Kathleen, that's what I have up to now. The more Mark and I, and others read these ordinances, I am sure that more issues will pop up. But that is what we have for now.

Thanks. Talk to you tomorrow,

Barbara

Law Office of Barbara Macri-Ortiz

P.O. Box 6432

Oxnard , CA 93031

Tel: (805) 486-9665

Fax: (805) 487-1409

b.macriortiz@verizon.net

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CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

Fwd: Agenda item #3

1 message

Chaparro, Rose <rose.chaparro@oxnard.org> Thu, Sep 2, 2021 at 2:18 PM
To: "Lai, Dee" <dee.lai@oxnard.org>
Cc: Vyto Adomaitis <vyto.adomaitis@oxnard.org>, Elyssa Vasquez <elyssa.vasquez@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>, "Seydoux, Simone" <simone.seydoux@oxnard.org>

Dear Dee,

FYI - in addition to the previous email. Thanks.

Rose Chaparro, City Clerk
City of Oxnard
300 West Third Street
Oxnard, CA 93030
Main Line: (805) 385-7803
rose.chaparro@oxnard.org

CITY OF OXNARD CALIFORNIA

---------- Forwarded message ---------
From: **Veronica Z Garcia** <veronicag@pshhc.org>
Date: Thu, Sep 2, 2021 at 2:11 PM
Subject: RE: Agenda item #3
To: cityclerk@oxnard.org <cityclerk@oxnard.org>

Dear Planning Commission of the City of Oxnard:

I would like to amend my comments to add an additional request. With regard to Program 19, the language currently reads, "The City will meet with developers to encourage construction of housing that will be affordable on a teacher's salary and will partner with organizations such as United Way to address disparities in access to strong educational opportunities."

I would like to suggest a modification as follows:

"The City will meet with developers to encourage construction of housing that will be affordable on a teacher's salary and partner with organizations such as United Way to address disparities in access to strong educational opportunities. In addition, the City will facilitate partnerships with the school district and organizations such as People's Self-Help Housing to provide onsite educational programming for affordable multifamily housing developments."

PSHH operates educational programming and site based learning centers for projects over a certain size. Partnerships with organizations such as PSHH can help leverage additional resources to bring learning opportunities onsite to affordable housing developments.

Thank you for your time and consideration!

From: Veronica Z Garcia
Sent: Thursday, September 2, 2021 2:05 PM
To: cityclerk@oxnard.org
Subject: Agenda item #3

Dear Planning Commissioners:

I would like to submit the following recommendations:

- I recommend that the draft Housing Element include a recognition of the importance of furthering affordable homeownership housing production as well as affordable rental opportunities in response to racial disparities in homeownership rates.
- The Ventura County Planning Commission adopted language in the draft Housing Element in today's hearing to "apply for and strive to receive and maintain the State's Prohousing Designation by demonstration a sufficient number of policies that contribute to accelerating housing production. I urge the City of Oxnard Planning Commission to adopt a similar recommendation for the City of Oxnard's draft Housing Element.

Thank you for your time!

People's Self-Help Housing

Veronica Z Garcia
Chief Real Estate Development Officer
56 E. Main Street, Suite 200
Ventura, CA 93001
Office (805) 651-3592

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ATTACHMENT 7

CITY OF OXNARD FINAL HOUSING ELEMENT

Errata No. 1

Since release of the Final Housing Element, staff and the public have identified typographical errors, and other minor edits/modifications necessary to the document. Errata No. 1 addresses comments received from Ms. Barbara Macri-Ortiz on August 16, 2021, as well as input received from Ms. Veronica Garcia on September 2, 2021, the Planning Commission in support of their meeting on September 2, 2021. Edits to the Final Housing Element are noted below in legislative format; text to be removed is shown in ~~strikethrough~~ and new text is underlined.

Page Number	Input Received	Description of Change
Title Page	Addition of authors and decision-makers for the 6th Cycle Housing Element should be included	Members of the City Council, Planning Commission, and senior level staff who worked on the Housing Element will be identified.
A-3	Delete the word "developed" and replace with the word "dedicated" should read ... also "DEDICATED" Measure O Funds...	The City has also dedicated ~~developed~~ Measure O funds and State HEAP funding to build a permanent year-round shelter in partnership with the City of Ventura and the County of Ventura.
B-18	Table heading says 2010 and 2020. But the table reports housing types in 2000 and 2020. which is it? I think it probably is for period 2010 and 2020. This is confirmed by Table B-26 which also reports a total of 52,772 housing units in 2010	Changed table column heading to be 2010, not 2000.
B-31	A Planning Commission hearing to review the Draft Housing Element on April 1 and HEDC Committee meetings on March 9 and April 13.	A Planning Commission hearing to review the Draft Housing Element on April 1, 2021 and HEDC Committee meeting~~s~~ on March 9, 2021 and City Council meeting on April 13, 2021.
B-31	During the "AI" process	This reference has been revised to add, "During the analysis of impediments…..
B-31	Change "places" to "households", i.e. ...to a point where households earning Oxnard's lower median income cannot afford the "low income" housing that is being produced. Also, delete the word "a" in the next sentence. should read: .. has resulted in	Participants expressed that while the supply of multifamily units has increased, they are not affordable to lower-income households, and raised that the high median income in Ventura County inflates the price at which "affordable" housing is marketed to a point where ~~places~~ households with a lower median income cannot afford it. This shortage of affordable housing

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	middle-class families leaving the City, ...	has resulted in ~~a~~ middle-class families leaving the City, an increase in overcrowding to make ends meet, and an increase in overcrowding.
B-32	At the end of the sentence... "that all persons have access to sound and affordable housing", add the following: "to the extent such housing is available. The reality is that with a 1% vacancy rate, many Oxnard residents do not have sufficient income/resources to compete for what little housing opportunities may be available."	Regular reviews of policies and practices ensure that, as the city grows and changes, it continues to ensure and enforce that all persons have access to sound and affordable housing to the extent such housing is available.
B-32	Spelling: it is "tenants", not "tenets"	The fair housing conference and workshops seek to make tenants ~~tenets~~ and landowners aware of housing rights, covering topics such as federal and state housing laws, common forms of housing discrimination, protected characteristics, unlawful practices, and fair housing liability.
B-36	This section does not make any sense. What is the % of children living in married couple households in other VC cities? There is no basis for the conclusion contained in the last sentence. Is the point that Oxnard has more unmarried couples and single parent households? The paragraph does not show how the conclusion was reached or its relevance. The problem is that there is housing discrimination against families with children, whether the parents are married or not, or whether the guardian is a grandparent or other non parent.	Familial status varies between census tracts more than the other indicators, and more than in other Ventura County jurisdictions. Other Ventura County cities, including Santa Paula, Simi Valley, Moorpark, and Thousand Oaks are dominated by married-couple households, with most census tracts within the cities showing up to between 79 percent and 100 percent of children living in married-couple households. Comparatively, Oxnard only contains two census tracts with between 79 to 100 percent of children living in married-couple households. In much of Oxnard, there is a higher incidence of children living in family arrangements other than married-couple households, such as single-parent households or unmarried households. ~~Where the City contains several neighborhoods with less than 58 percent of children living in married-couple households, other inland cities in Ventura County, including Santa Paula, Simi Valley, Moorpark, and Thousand Oaks, are dominated by married-couple households.~~ In this way, Oxnard reflects the inland urban areas in the SCAG region, such as within the Los

Page Number	Input Received	Description of Change
		Angeles County urban core, and other cities within Ventura County reflect suburban cities along the SCAG coastline. ~~This differs from other areas of the SCAG region, where the percentage of children in married-couple households decreases moving inland from the coastline into inland urban areas.~~ In the SCAG region, including within the Los Angeles urban core ~~T~~ the percentage of children in single parent or unmarried families is typically concentrated within low resource and/or areas of high segregation and poverty~~, such as within the Los Angeles County urban core~~. This differs from Oxnard, where ~~S~~ single-parent and unmarried family households are more dispersed within the City and not necessarily concentrated within low-resource areas or areas of high segregation and poverty. The lack of concentration within low resource areas may indicate that non-traditional (i.e., non-married couples) families with children encounter less barriers to housing choice in Oxnard ~~which may indicate a decreased likelihood of landlords discriminating against unmarried couples and individuals~~.
B-38	Should point out that none of the intercity bus routes provide sufficient service to be classified as a "major transit stop." Also that Metrolink provides service to LA only in the early morning hours and has limited return trips, only in the late afternoon hours. I would hardly characterize that as "relatively good public transit."	*Mobility Options* Oxnard residents are served by intercity bus routes, regional bus service, and Metrolink commuter rail service. Metrolink serves regional Los Angeles, Orange, Riverside, San Bernardino, Ventura, and North San Diego Counties in Southern California. Metrolink Ventura County Line trains stop in San Buenaventura, Oxnard, Camarillo, Moorpark, and Simi Valley. As of 2021, Metrolink provides service to Los Angeles only in the early morning hours and has limited return trips on the afternoon. Gold Coast Transit is planning to expand service in Oxnard's High Quality Transit Corridor along Oxnard Boulevard during the Housing Element planning period. Overall, Oxnard has relatively good public transit. Program 19 calls for an assessment of pedestrian and bicycle facilities in

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		R/ECAPs and areas of linguistic isolation to improve mobility options in underserved areas. Program 33 includes work to improve transit along the High Quality Transit Corridor.
B-39	Is that accurate? I think the beach communities are primarily "white", not "non-White".	Though there are publicly accessible beaches in Oxnard, the adjacent neighborhoods are primarily ~~non-~~White with high median incomes, resulting in disproportionate access to healthy outdoor recreational opportunities near homes.
B-40	Where did you get the figure that only 12% of renter households are overcrowded? The figures contained in Figure 24 in the Ventura County Analysis of Impediments to Fair Housing from 2020 reported 12% of ALL Oxnard households were overcrowded based on 1.01 to 1.50 occupants per room, AND another 6% of all households were "severely overcrowded" based on 1.51 or more occupants per room. [So total of 18% overcrowded.]. That chart is not broken down between renters and owners. However, the statistics in the 2013 VC Analysis of Impediments to Fair Housing reported that 43.4% of renter households and 22.1% of owner households were overcrowded. That was based on 1.5 persons per room. [See Table 36, p. 56]. Granted, the information was from the 2000 Census data, but the problem has not gotten any better. I am attaching the two documents for your review. The trend in the last 20 years was to build big houses, so those homes that were purchased, together with the affordable housing that was built, undoubtedly brought the averages down. At the very least, you should report the information as broken down in Figure 24 (pg. 43) of the VC Analysis, that is based on the 2011 - 2015 ACS.	As discussed in Chapter B, Existing Housing Needs, and Chapter C, Populations with Special Housing Needs, overcrowding is a significant issue for renters in the City of Oxnard, with 29~~12~~ percent of renter households overcrowded with 1.01 or more persons per room (see Table B-17).
B-40	Last I heard, the vacancy rate is 1%, not 6%. There is an extreme shortage of supply. I have clients who have not been able to	As shown in Table B-26, t~~T~~he vacancy rate in Oxnard is 7~~6~~ percent, which does not indicate an extreme shortage of supply; therefore,

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	locate alternate housing for months after receiving a 60 day notice to vacate. By the way, the ones with the most difficult searches are those with children. And there is a good amount of discrimination against households with children.	overpayment is likely due to a shortage of affordable housing.
C-15	This needs to be reworded. The Etting Road project is referred to twice - first as a 42 unit farm worker project, and then as a 58 unit farm worker family and veteran housing project located on Etting Road. Either just reference as a 42 unit project, as I had it, or it should be referred to as a 58 unit project with 42 units for farm workers and 15 units for veterans. I would also reorder that sentence - put it after the last sentence which states: These developments were approved and constructed, consistent with the City's Planning and Zoning regulations for multifamily housing... Then say, additionally.... and talk about Etting Road since it has not been constructed yet.	Within the City of Oxnard's incorporated area, there are four farmworker family housing projects that were developed by Cabrillo Economic Development Corporation (CEDC) and are deed restricted for farm worker families, including Meta Street Apartments (24 farm worker units), Villa Victoria Apartments (27 farm worker units), Villa Cesar Chavez Apartments (52 farm worker units) and Camino Gonzalez Apartments (18 farm worker units). ~~Additionally, a 42 unit farm worker family project, located on Etting Road, is currently in the development stages. Additionally, a 58 unit farm worker family and veteran housing project, located on Etting Road, is currently approved.~~ These developments were approved and constructed, consistent with the City's Planning and Zoning regulations for multifamily housing. ~~These developments were approved and constructed, consistent with the City's Planning and Zoning regulations for multifamily housing.~~ Additionally, a 58 unit farm worker family and veteran housing project located on Etting Road, which included 42 units for farm workers and 15 units for veterans, has been approved.
D-3	Change the date from March 2017 to July 2021	Changed source in footnote to be June 2021, not March 2017
F-2	Should be very low OR low income. and one OR two person households. The higher rents were not affordable to very low income one person households. Furthermore, for a studio, the rents are calculated on a one person household, regardless of income level. So you are stretching it to suggest that a rent of $1,579 was affordable to a very low income	All of the ADUs available for rent were affordable to very low- or ~~and~~ low-income one- or ~~and~~ two-person households.

Page Number	Input Received	Description of Change
	household for a studio. Either use the word "or" or the paragraph needs more explanation.	
F-5	This sentence is not accurate. The approved project will only add the 30 units of Special Needs housing, and remove five structures. So eliminate the following: "will remodel two farm worker's dormitories and a community kitchen." These facilities were already remodeled, and have nothing to do with the new project approvals.	~~This approved project will remodel two farmworkers' dormitories and a community kitchen, remove five substandard structures, and add 30 units of Special Needs affordable apartments in two new buildings along with parking and recreational amenities. These projects demonstrate the market trend to redevelop sites with existing buildings and constructing multifamily units.~~ The approved project involves a Development Design Review (DDR) permit for approval of 30 units of Special Needs affordable apartments in two structures with associated site improvements in conjunction with the continued use of the farmworker housing known as Garden City with 77 beds, managers unit, kitchen and dining room, replacement bathrooms and laundry facilities, and 23 parking spaces. Additionally, approval of the Density Bonus permit was authorized granting a twenty-five percent density increase over the otherwise maximum allowed density and three incentives to permit construction of 30 special needs affordable (lower income) apartments in two structures located at 5600 and 5690 Cypress Road.
F-7	The Garden City project does not have building permits yet; it is still in Plan check.	Reference to the Garden City project having a building permit will be changed to “under plan check” in the “status” column.
F-7	That figure of 219% of allowable density is not accurate. I think you are counting the beds, too, but that is mixing apples and oranges. The density we achieved was based on the vacant portion of the parcel. We requested and received a 25% density bonus, going from 24 units to 30 units for the project. So the % of allowed density should read 125%	Changed percent for Garden City project in Table F-2 from 219 to 110%. Also edited text in the Realistic Capacity section (Section F.6) following Table F-2 due to the change to the Garden City project percent and to address an error. The average approved/built percent of allowed density on projects listed in Table F-2 that are outside of Downtown is 109~~17~~ percent of allowed density because most of the projects

Page Number	Input Received	Description of Change
		utilized a density bonus or were AAHOP projects. For small sites (less than .5 acres) listed in Table F-2 the average approved/built percent of allowed density is 122 percent of allowed density. The lowest percent shown for projects outside of Downtown in Table F-2 is 70~~82~~ percent and 90 percent of the project percent's are greater than 80 percent (or 19 of the 21 representative projects outside of Downtown), confirming that 80 percent is an appropriate conservative assumption for realistic development capacity for Housing Element sites outside of Downtown.
G-10	Program 3 - To address the 2021–2029 RHNA, the City shall amend the General Plan and the Zoning Code, as needed, and as detailed in Chapter F, Achieving the RHNA Allocation, to provide adequate site(s) for at least 2,911 lower-income units and allow 30 dwelling units per acre or greater on certain sites or in certain zones. The City intends to amend the General Plan Land Use map and text, as well as Chapter 16 of the Oxnard City Code (OCC) and zoning map as part of this program, for the Assessor's Parcel Numbers (APNs) listed in Supplement 1 of this Housing Element. This will include changing General Plan and Zoning density and text as needed to allow for the density of 30 dwelling units per acre. Rezoning will be completed prior to the start of the Housing Element planning period, which is October 15, 2021. (This program replaces Programs 3 and 26 in the 2013-2021 Housing Element.)	Program 3 - To address the 2021–2029 RHNA, the City shall amend the General Plan and the Zoning Code, as needed, and as detailed in Chapter F, Achieving the RHNA Allocation, to provide adequate site(s) for at least 2,911 lower-income units and allow 30 dwelling units per acre or greater on certain sites or in certain zones. The City intends to amend the General Plan Land Use map and text, as well as Chapter 16 of the Oxnard City Code (OCC) and zoning map as part of this program, for the Assessor's Parcel Numbers (APNs) listed in Supplement 1 of this Housing Element. This will include changing General Plan and Zoning density and text as needed to allow for the density of 30 dwelling units per acre. Rezoning will be completed prior to the start of the Housing Element planning period, which is October 15, 2021. (This program replaces Programs 3 and 26 in the 2013-2021 Housing Element.) Consistent with "no-net-loss" zoning requirements in Government code section 65863, the City will maintain an inventory of potential sites to accommodate housing at all income categories. In the event that the approval of a development project results in the remaining sites' capacity becoming inadequate to accommodate the City's RHNA by income category and there are no replacement sites remaining in the Sites Inventory surplus, the

Page Number	Input Received	Description of Change
		City will initiate the legislative process to rezone enough sites to meet No Net Loss requirements. The determination on if a replacement site is needed and required will be based on results of the City's Annual Report which will be submitted to the California Department of Housing and Community Development (HCD) on a yearly basis."
G-17	Program 10 - This is unacceptable to move the enactment of the Inclusionary Housing Ordinance to the end of fiscal 2022 - 2023. That is too far into the future. I understand why the City bailed on its commitment to enact the ordinance by October 2021, but it is unacceptable to kick it back to June 2023. That is too long!	Program 10 - By early ~~end of~~ ~~Fiscal Year~~ ~~2021-~~ 2023~~-2023~~, the City will update the inclusionary housing requirements to be codified in Chapter 16 of the OCC to take into consideration construction trends, opportunities, and effectiveness in securing affordable housing.
G-19	Program 14 -- update the info on the status of the Navigation Center. It references approval of the DDA by March 2021. I think that has already been approved.	Program 14 - The Homeless Solutions Center is estimated to be completed by 2023, ~~pending City Council approval of a Development and Disposition Agreement with the selected developer of the property in March 2021~~.
G-23	Program 19 – forth bullet: Continue working with Ventura County …..	Program 19 - Added the word "Groups" - continue working with Ventura County Groups. **(Editorial Note: after reviewing the recommended additional bullet language to address Ms. Veronica Garcia's input, (Peoples Self Help) staff recommended including the following NEW BULLET on this program):** • "The City will continue to promote affordable housing programs and opportunities in collaboration with the Housing Department and economic development organizations and affordable housing advocates. See https://www.oxnard.org/city-department/community-development/oxnard_affordable_housing/. These organizations will also be consulted during the City's Annual Housing Element

Page Number	Input Received	Description of Change
		Workshop (Program 43)."
G-32	Program 35 – Utilize the HQTC recommendations for modificaitions…	Program 35 - "Modificaitions" typo will be corrected to modifications.
G-33	Program 37 – ADU Monitoring ("blue box" and "description text"): Blue Box: Funding: Federal, State, Local, or Grant funding Time Frame: Assess ADU approval progress by the end of Fiscal Year 2023- 2024 and every two years thereafter and conduct additional outreach and amend the Housing Element after that if ADU numbers are not tracking with projections in Chapter F of the Housing Element. Description Text: The City currently collects data regarding intended ADU rental rates, tracks, and sends out an annual letter asking for self-reported ADU rates. The City will monitor ADU permitting throughout the planning period to track whether permits are keeping up with the ADUs anticipated in the Housing Element, including their affordability. The City will monitor the number and affordability of ADUs every two years and include additional actions as appropriate, including conducting additional outreach if ADU permits are not keeping up with numbers anticipated in the Housing Element after 2 years and every 2 years thereafter. The outreach will include regular announcements (at least once a month) about options to build ADUs and ADU resources at Planning Commission and City Council meetings. If ADUs are not occurring consistent with assumptions in the Housing Element, the City will amend and submit the Housing Element to HCD to identify adequate sites to accommodate the RHNA. Program 44 supports ADU development through direct funding for ADUs that are	Program 37 – ADU Monitoring ("blue box" and "description text"): Blue Box Funding: Federal, State, Local, or Grant funding Time Frame: ~~Assess ADU approval progress by the end of Fiscal Year 2023- 2024 and every two years thereafter and conduct additional outreach and amend the Housing Element after that if ADU numbers are not tracking with projections in Chapter F of the Housing Element.~~ Description Text: The City currently collects data regarding intended ADU rental rates, tracks, and sends out an annual letter asking for self-reported ADU rental rates. The City will monitor ADU permitting throughout the planning period to track whether permits are keeping up with the ADUs anticipated in the Housing Element, including their affordability. The City will monitor the number and affordability of ADUs as part of the City's Annual Report which will be submitted to HCD on a yearly basis. The City has had great success with its ADU program and has greatly exceeded HCD recommended ADU assumption guidelines ("ADU Safe harbor justification"). The City will continue to promote the City's successful ADU program, through the City's website, which contains ~~every two years and include additional actions as appropriate, including conducting additional outreach if ADU permits are not keeping up with numbers anticipated in the Housing Element after 2 years and every 2 years thereafter. The outreach will include regular announcements (at least once a month)~~ about options to build ADUs and ADU resources ~~at Planning Commission and City Council meetings~~. If ADUs are not receiving planning or building permit approval ~~occurring~~ consistent with

Page Number	Input Received	Description of Change
	deed-restricted for affordable households.	assumptions in the Housing Element as determined in the City's Annual Report, the City will implement the provisions of Program 3. ~~amend and submit the Housing Element to HCD to identify adequate sites to accommodate the RHNA. Program 44 supports ADU development through direct funding for ADUs that are deed-restricted for affordable households.~~
G-35	Program 41(Farmworker Housing Study) - Time Frame: Completion by Fiscal Year - 2024-2024	Program 41 - Time Frame: Completion by Fiscal Year -~~2024-2024~~ 2024-2025, with the goal to complete the study in December 2024.
S1-22	Site 13 – 301 E. Third St. (Gold Coast Transit) 2030 General Plan - Limited Current Zoning – Limited Manufacturing Proposed Zoning - General "Commercia" Proposed General Plan Land Use – General Text: "Benefit from inclusionary zoning overlay".	Site 13 - 301 E. Third St. (Gold Coast Transit) 2030 General Plan - Industrial Limited Current Zoning – Limited Manufacturing, Planned Development Proposed Zoning - General "Commercial" Proposed General Plan Land Use – Commercial General Text: "Benefit from inclusionary zoning ordinance".
S1-77	Etting Road Site --Unfortunately, this site is not within 1/2 mile of a major transit stop at Oxnard College. There are three bus lines but none have sufficient service, so the location is one short of meeting the 15 minute intervals. Should delete this, unless Gold Coast has added another line or improved the number of trips during peak hours in the last four months. Would like to learn how you came to this conclusion.	Site was initially approved for 42 Farmworker apartments, and approved for a modification in July 2021 to increase the number to 58 units. Project is 100% affordable to lower income. City is replacing existing AH zone associated with former AAHOP program to Affordable Housing Permitted Overlay to retain affordable development options for site. Site will benefit from Program 3 site rezone with an overlay to allow at least 30 dwelling units per acre, Program 31 for by-right development of projects with 20% affordable, and the recent update to State Density Bonus, which will allow up to an 80% density bonus, parking reduction and up to four development concessions. ~~The~~

Page Number	Input Received	Description of Change
		~~site is also within ½ mile of a major transit stop at Oxnard College (Gold Coast, April 2021).~~

ATTACHMENT 8

2030 General Plan Consistency Evaluation Table

September 16, 2021

Adoption of the 2021-2029 Housing Element Update to the
City of Oxnard 2030 General Plan

Approval of the proposed General Plan Amendment (PZ Nos. 20-620-03, 21-620-02 and 21-620-02) and related Zoning Code and Map Amendments (PZ Nos. 21-580-03 and 21-580-03) are determined to be consistent with the 2030 General Plan based on the following consistency evaluation procedure required by 2030 General Plan Goals and Policies, Chapter 9, Section 9.2, "Consistency Procedure" (pg. 9-2).

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The project is defined as the adoption of the 2021-2029 Housing Element as Chapter 8 of the 2030 General Plan and concurrent adoption of proposed Zoning Code Amendments that implement portions of several 2021-2029 Housing Element programs. Zoning Code Amendments are incorporated by definition with their respective 2021-2029 Housing Element programs for purposes of this consistency evaluation.

Since the 2021-2029 Housing Element Update replaces in its entirety the 2013-2021 Housing Element that is Chapter 8 of the 2030 General Plan, Chapter 8 is not included in the table.

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).

<u>2030 General Plan Chapter abbreviations used in policy numbers:</u>

Chapter 2	Sustainable Community	"SC"
Chapter 3	Community Development	"CD"
Chapter 4	Infrastructure and Community Services	"ICS"

Chapter 5	Environmental Resources	"ER"
Chapter 6	Safety and Hazards	"SH"
Chapter 7	Military Compatibility	"MC"

LEVEL	2030 GENERAL PLAN POLICY AND TITLE		201-2029 HOUSING ELEMENT GENERAL PLAN LAND USE ELEMENT AND ZONING CODE UPDATE
LEVEL I Policies have a direct relationship to the proposed 2021-2029 Housing Element and related Zoning Code Amendments			
I	**Policy SC-3.1**	***New Residential Development*** Encourage incorporation of passive and active energy and resources conservation design and devices in new residential development and substantial remodels and/or expansions.	Program 20, Energy Conservation, encourages use of energy efficiency in affordable housing projects.
I	**Policy CD-1.2**	***Infill Development, Priority to Mixed Use*** Promote the efficient use of larger vacant parcels and vacant areas of the City by encouraging infill development, with a priority to mixed uses that reduce vehicle trips and GHG emissions and promote sustainable development goals and objectives.	Program 3, Rezone to Meet RHNA, identifies 44 sites that are generally located along major arterials and allow and encourage mixed use.
I	**Policy CD-1.5**	***Housing Variety*** Promote the development of a variety of housing types throughout the City including apartments, condominiums, lofts, townhouses, and attached and detached single family units.	The Housing Element Update, chapters B and C, identify a wide range of housing needs by type and affordability and population group.
I	**Policy CD-1.7**	***Compact Development*** Promote the use of development patterns that are more compactly built and use space in an efficient aesthetic manner as part of the community vision.	Program 6, Zoning Code Amendments, include zoning code amendments that allow low-barrier navigation centers and study the allowance of single room occupancy units.
I	**Policy CD-1.9**	***Commute Reduction*** Minimize the commuting distances between residential concentrations and employment centers by encouraging the development of mixed land uses in appropriate areas.	Program 3, Rezone to Meet RHNA, identifies 44 sites that are generally located along major arterials, some of which have bus service and/or are adjacent to or near employment centers.
I	**Policy CD-1.10**	***Jobs-Housing Balance*** Consider the effects of land use proposals and decisions on efforts to maintain an appropriate jobs-housing balance ratio.	The Housing Element Update does not change population, housing, or employment projections within the 2030 General Plan that achieve a jobs-housing balance.
I	**Policy CD-3.2**	***Encourage Planned Development Code Provisions for Revitalization*** Encourage the use, review, and amendment of Planned Development (PD) provisions within the Zone Code to provide flexibility for home remodeling, second units, and other improvements that revitalize existing residential neighborhoods, meet resident needs, protect and enhance housing values, and address environmental and site design constraints.	Program 6, Zoning Code Amendments, include zoning code amendments that encourage accessory dwelling units.
I	**Policy CD-3.5**	***Code Compliance*** Promote the maintenance of yards, structures, painted surfaces, landscaping and trees, etc. through the continued use of proactive community and neighborhood code compliance programs.	Program 1, Code Compliance, continues the City's code compliance program.

I	**Policy CD-3.6**	***Barrier-Free Housing and Reasonable Accommodations*** Support development of barrier-free housing and reasonable accommodation Zone Code provisions so that existing neighborhoods are user-friendly for people of all ages and supportive for those with disabilities and children.	Program 22, Special Needs Groups, implements this policy.
I	**Policy CD-8.2**	***Services*** Continue to ensure that public services and facilities are in place at the time of need or prior to the time new development occurs in order to avoid overloading existing urban service systems.	Program 32 Downtown Infrastructure and Financing Study and Program 33 Oxnard Boulevard Corridor, High Quality Transit Corridor Sites Selection and Analysis implement this policy.

I	**Policy CD-16.6**	***Provide for a Diversity of Housing Choices*** Provide for a range of housing choices for current and future residents in compliance with State housing element planning through a variety of land use designations and zoning classifications.	Adoption of the Housing Element Update and subsequent certification by HCD meets statutory requirements.
I	**Policy CD-16. 7**	***Flexibility in Regulation Implementation*** Continue to research and update the zoning code and related regulations in order to allow development to adequately respond to market conditions.	Program 6, Zoning Code Amendments, and Program 7, Housing Permitting Process Review implement this policy.
I	**Policy ICS-9. 4**	***Monitoring of Parking Conditions and Revise Regulations*** Periodically evaluate the adequacy of parking standards in light of actual parking patterns and vehicle sizes; evaluate existing parking conditions, re-evaluate parking and loading demands, and develop and revise regulations as appropriate.	Program 27, Review of Parking Standards, implements this policy related to housing.
I	**Policy MC-1.1**	***Review for Development Constraints*** Periodically review the zoning ordinance, subdivision ordinance, and other infrastructure plans and programs to ensure they do not conflict with the continued viability of NBVC.	Program 6, Zoning Code Amendments, and Program 7, Housing Permitting Process Review implement this policy.
I	**Policy MC-4.4**	***Affordable Housing*** Promote the availability and development of off-base affordable housing to meet the needs of the military personnel and their dependents.	The Housing Element Update, chapters B and C, identify a wide range of housing needs by type and affordability and population subgroups.
Level II Policies have an indirect relationship, generally during review of individual housing projects			
II	**Policy CD-5.2**	***Compatible Land Use*** Ensure adequate separation between sensitive land uses (residential, educational, open space, healthcare) to minimize land use incompatibility associated with noise, odors, and air pollutant emissions.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	**Policy CD-5.3**	***Available Services*** Encourage industrial activities to locate where municipal services are available including adequate storm drainage and water facilities, as well as easy access to multiple modes of transportation.	
II	**Policy CD-8.1**	***Limiting Development*** Continue to limit development to those areas that can be served by existing or planned utilities, transportation, and service systems.	
II	**Policy CD-8.3**	***City Revenues*** Continue to maintain fiscal integrity and ensure that revenues generated by the new development are sufficient to offset ongoing service costs incurred by the City.	
II	**Policy CD-8.5**	***Impact Mitigation*** Ensure that new development avoids or mitigates impacts on air quality, traffic congestion, noise, and environmental resources to the maximum extent feasible	

II	**Policy CD14.1**	***Design Review Process*** In the evaluation of development proposals, continue to ensure that public and private development projects comply with City design policies, plans, and guidelines.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Housing Element Update, Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	**Policy CD-14.2**	***Development Advisory Committee (DAC) Function*** Continue to require that a staff Development Advisory Committee review new development projects for consistency with the City's development policies and appropriateness for the proposed sites.	
II	**Policy CD-14.3**	***Quality of Design*** Encourage City decision makers and appropriate staff to research, site-visit, document, and pro-actively promote to the development community examples of high quality and innovative development in the Region and the State in order to raise the level of design quality throughout the City.	
II	**Policy ICS-1.2**	***Development Impacts to Existing Infrastructure*** Review development proposals for their impacts on infrastructure (i.e., sewer, water, fire stations, libraries, streets) and require appropriate mitigation measures to ensure that proposed developments do not create substantial adverse impacts on existing infrastructure and that the necessary infrastructure will be in place to support the development.	
II	**Policy ICS-1.4**	***Infrastructure Conditions of Approval*** New development should not be approved unless: • The applicant demonstrates adequate public services and facilities are available; • Infrastructure improvements incorporate a range of feasible measures that can be implemented to reduce all public safety and/or environmental impacts associated with the construction, operation, or maintenance of any required improvement; • Infrastructure improvements are consistent with City infrastructure master plans; and • Require infrastructure expansion needed for future development to be self-funding so current residents do not subsidize infrastructure needed for future growth.	
II	**Policy ICS-3.3**	***New Development Level of Service C*** Determine as part of the development review and approval process that intersections associated with new development operate at a level of service of "C" or better. The City Council may allow an exception to the level of service "D" in order to avoid impacting private homes and/or businesses, avoid adverse environmental impacts, or preserve or enhance aesthetic integrity.	
II	**Policy ICS-6.1**	***Transit Facilities for New Developments*** Include transit facilities such as bus benches, shelters, pads or turnouts, where appropriate, in new development improvement plans.	
II	**Policy ICS-8.4**	***New Development Requires Bicycle Improvements*** Where designated, require proposed developments to include	

		bicycle paths and / or lanes in their plan and to clearly indicate possible bicycling hazards such as speed bumps and storm drain inlet grates in parking lots.	
II	**Policy ICS-8.5**	***Public Sidewalks and Pedestrian Orientation*** Consider and require where appropriate and feasible the enhancement of the pedestrian environment as part of private development and public works projects, especially for public sidewalks.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	**Policy ICS-8.13**	***Importance of Pedestrian and Bicycle Access in Site Planning*** Require that new developments treat pedestrian and bicycle circulation as the equal to or preferred to vehicular access in site design including, but not limited to, access to neighborhood and commercial shopping centers, school, and parks.	
II	**Policy ICS-9.2**	***Development Has Adequate Parking*** Review development proposals to encourage shared parking use and ensure adverse parking impacts are minimized or avoided.	
II	**Policy ICS-11.7**	***Water Wise Landscapes*** Promote water conservation in landscaping for public facilities and streetscapes, residential, commercial and industrial facilities and require new developments to incorporate water conserving fixtures (low water usage) and water-efficient plants into new and replacement landscaping.	
II	**Policy ICS-11.10**	***Water Supply Finding for Smaller Projects*** Prior to approval of a discretionary proposed project not subject to a Water Supply Assessment pursuant to GC Section 66473.7, a finding shall be made to ensure an adequate water supply for the proposed development.	
II	**Policy ICS-13.4**	***Low Impact Development*** Incorporate low impact development (LID) alternatives for stormwater quality control into development requirements. LID alternatives include: (1) conserving natural areas and reducing imperviousness, (2) runoff storage, (3) hydro-modification (to mimic pre-development runoff volume and flow rate), and (4) public education.	
II	**Policy ICS-14.3**	***New Development Requirements*** Continue to require developers and operators to employ practices that reduce the quantities of waste generated and promote resource recovery during construction, demolition, and operation.	
II	**Policy ICS-17.5**	***Undergrounding of Utility Lines*** Require undergrounding of utility lines in new development, except where it is not feasible due to electrical transmission load or other operational issues.	
II	**Policy ICS-19.7**	***New Development*** Require new developments to fund a fair share extension of police services to maintain service standards, including personnel and capital improvement costs.	
II	**Policy ICS-20.5**	***Fire Services to New Development*** Require new developments to fund a fair share extension of fire services to maintain service standards, including personnel and capital improvements costs.	

II	**Policy ICS-20.8**	***Development Review*** Review new development applications to assess potential impacts to existing fire protection services and the need for additional and expanded services.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	**Policy ICS-21.2**	***Development Fees*** Continue to require school impact development mitigation fees from new commercial, industrial, and residential development.	
II	**Policy ICS-23.1**	***City Park and Recreation Standards*** Provide park and recreation facilities at a level that meets the standards for neighborhood and community parks as follows:	

Type of Park	Net Acres/1,000 Residents	Min. Net Acres/Park	Service Radius
Mini/Pocket	No standard	No standard	1/3 mile
Neighborhood	1.5	5	½ - 1 mile
Community	1.5	20	1-1/2 mile
TOTAL	3.0	N/A	N/A

II	**Policy ER-3.2**	***Review of Development Proposals*** Review development proposals in accordance with applicable Federal, State, and local statutes protecting special-status species and jurisdictional wetlands and be open to requiring greater protection.
II	**Policy ER-5.7**	***Minimizing Paved Surfaces*** Require minimization and/or permeability of paved surfaces in new developments and replacement paving, where feasible.
II	**Policy ER-6.6**	***New Development Private Open Space*** Ensure that new development incorporates open space areas that provide community and neighborhood identity, private quality exterior private open space for each housing unit, and minimize conflicting land uses and noise generators.
II	**Policy ER-10.1**	***Promote use of Native and Water Wise Plants*** Promote the development of a native, drought-tolerant landscape character throughout the City that re-enforces a unified and cohesive landscape character and discourages plants that are invasive or problematic in other ways as determined by the City's landscape architect.
II	**Policy ER-11.2**	***Mitigating the Impact of New Development on Cultural Resources*** Ensure that alternatives are considered, including planning construction to avoid archeological sites, deeding archaeological sites into permanent conservation easements, and planning parks, greenspace or other open space to incorporate archaeological sites in the event that development threatens significant archaeological resources.
II	**Policy ER-14.1**	***Incorporate Ventura County AQMP Mitigations*** Incorporate construction and operation mitigation measures recommended or required by the current Ventura County Air Quality Management Plan (AQMP) when preparing CEQA reviews, as appropriate.

II	**Policy SH-1.3**	***Building Code Standards*** Require that all new buildings and alterations to existing buildings be built according to the seismic requirements adopted within the most current City of Oxnard Building Code, or its adopted equivalent.	Policies listed as Level II are related to the City's entitlement, development, and environmental review procedures and uniformly applied standards. The Housing Element Update Chapter E is a comprehensive review of City ordinances, regulations, and standards against which all proposed housing projects and/or programs are evaluated prior to approval, unless otherwise excepted or exempt.
II	**Policy SH-3.1**	***SH-3.1 Location of New Development*** Encourage new development to avoid areas with high geologic, tsunami, flood, beach erosion, and fire or airport hazard potential.	
II	**Policy SH-3.2**	***New Development Flood Mitigation*** As a condition of approval, continue to require new development to mitigate flooding problems identified by the National Flood Insurance Program and/or other expert information.	
II	**Policy SH-6.4**	***New Development Noise Compatibility*** Require that proposed development projects not generate more noise than that classified as "satisfactory" based on CEQA Thresholds of significance on nearby property.	
II	**Policy SH-6.13**	***Noise Acceptable for Open Windows and Patios*** Continue to require noise analysis of proposed development projects as part of the environmental review process and require mitigation measures to reduce noise impacts to acceptable levels within outside activity areas and within residential structures without relying on mechanical ventilation, if feasible.	
II	**Policy SH-7.9**	***Sensitive Land Use Planning*** Do not allow residential construction or other sensitive land uses adjacent to any inactive landfill unless a thorough study of emissions from the facility is conducted and it is determined that no adverse health effects or significant odor impacts would occur. Alternatively, a safe buffer zone distance, based on analyses of worst case conditions, shall be established around any such site within which no sensitive land uses would be permitted.	
II	**Policy MC-2.2**	***Real Estate Disclosure*** Implement the provisions of AB 2776 if the City is involved, directly or indirectly, as a source of funding and/or land use entitlement in areas potentially impacted by missions and operations at NBVC.	
Level III Policies			
III	**All Others**	Per the 2030 General Plan consistency procedure in Chapter 9, Section 9.2, all other policies are considered consistent with the proposed project and do not have to be individually listed.	

Attachment 9

Written comments received on the IS/MND

Ventura County
Air Pollution
Control District

669 County Square Dr
Ventura, California 93003

tel 805/645-1400
fax 805/645-1444
www.vcapcd.org

Dr. Laki Tisopulos, P.E.
Air Pollution Control Officer

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: Kathleen Mallory, Planning & Sustainability Manager, City of Oxnard

DATE: September 02, 2021

FROM: Nicole Collazo, Air Quality Specialist, Planning Division

SUBJECT: NOI to Adopt MND for 2021-2029 Housing Element Update RMA 21-017

Air Pollution Control District (APCD) staff have reviewed the subject Notice of Intent (NOI) and draft Mitigated Negative Declaration (MND) for the project referenced above, which will replace the current chapter of the City of Oxnard's (City) Chapter 8 Housing Element of its General Plan. The Lead Agency for the project is the City of Oxnard. APCD as a commenting agency has the following comments about the draft MND as it pertains to air quality and greenhouse gas environmental impact sections.

GENERAL COMMENTS

Air Quality and Greenhouse Gas Emissions Section

The project description states that "candidate sites for rezoning these sites are distributed throughout the city and concentrated in and near transportation corridors" (MND, Page 12). APCD strongly advises consideration of proximity of proposed housing to high traffic roads such as the 101 and Oxnard Blvd. The California Air resources Board (CARB) has recommended a buffer distance of 500 feet between sensitive land uses and sources of TACs (CARB 2005 Land Use Handbook), such as high quality transit corridors. According to CARB, air pollution studies indicate that living close to high traffic and the associated emissions may lead to adverse health effects beyond those associated with regional air pollution in urban areas. Many of these epidemiological studies have focused on children. A number of studies identify an association between adverse non-cancer health effects and living or attending school near heavily traveled roadways. These studies have reported associations between residential proximity to high traffic roadways and a variety of respiratory symptoms, asthma exacerbations, and decreases in lung function in children. According to the CDC, a growing body of evidence demonstrates that minority populations and persons of lower socioeconomic status experience higher residential exposure to traffic and traffic-related air pollution than non-minorities and persons of higher socioeconomic status (CDC, Residential Proximity to Major Highways 2010). The project is proposing 20% of the housing projects being in the affordable housing category, which would constitute mainly of minorities residing.

In addition to the respiratory health effects in children, proximity to freeways increases potential cancer risk and contributes to total particulate matter exposure. There are three carcinogenic toxic air contaminants that constitute the majority of the known health risk from motor vehicle traffic – diesel particulate matter (diesel PM) from trucks, and benzene and 1,3-butadiene from passenger vehicles. On a typical urban freeway (truck traffic of 10,000-20,000/day), diesel PM represents about 70 percent of the potential cancer risk from the vehicle traffic. Diesel particulate emissions are also of special concern because health studies show an association between particulate matter and premature mortality in those with existing cardiovascular disease.

The air quality section of the MND concludes that impacts from air pollution to/from the housing projects contained in the proposed Housing Element update will be reviewed environmentally or via the permitting process on a case-by-case basis. APCD would like to note that since 20% of the proposed housing projects are estimated to be in the affordable housing category, these projects would go through a ministerial process and be exempt from environmental review (MND, Page 8). Although the MND further goes on to say that even without an environmental review, the projects would be required to undergo the City's permitting process, including the design review committee, APCD has not been included in any of these processes unless requested by APCD. This includes the design review process and recommending conditions of approval to reduce air pollution exposure for individual projects. As such, APCD does not feel confident that the City will evaluate each project for air quality and toxics exposure impacts since 20% of the proposed housing projects will be exempt from environmental review and projects are not routed to the APCD for advisement on imposing limits. Again, APCD would advise the City to consider the proximity of such housing projects near freeways and high traffic corridors in its discretionary and ministerial review of such projects in order to reduce exposure from cancer-causing pollutants to the future residents of the City of Oxnard.

PUBLIC WORKS
VENTURA COUNTY

WATERSHED PROTECTION
WATERSHED PLANNING AND PERMITS DIVISION
800 South Victoria Avenue, Ventura, California 93009
Sergio Vargas, Deputy Director – (805) 650-4077

MEMORANDUM

DATE: September 1, 2021

TO: Anthony Ciuffetelli, RMA Planner
County of Ventura

FROM: Sergio Vargas, Deputy Director, Watershed Planning and Permits S.V.

SUBJECT: RMA21-017 2021-2029 Housing Element Update
Watershed Protection (WP) District Project Number: WC2021-0059

Pursuant to your request dated August 11, 2021, this office has reviewed the submitted materials and provides the following comments.

PROJECT LOCATION:

Entire City of Oxnard in Ventura County, California.

PROJECT DESCRIPTION:

General Plan Amendment to amend the 2030 General Plan to replace the current Chapter 8 (Housing Element) with the 2021-2029 Housing Element. 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 assist the existing population. Additional actions include: an update to the City's General Plan Land Use Element by making text changes to this element. Also included will be associated General Plan Land Use map changes. Both General Plan Land Use text and map amendments are to ensure consistency with the 2021-2029 Housing Element. The City will also be updating Chapter 16 of the Oxnard City Code (OCC) to implement the Housing Element and by initiating Zoning Map amendments to ensure consistency between the Final Housing Element, the Land Use Element, and the OCC.

WATERSHED PROTECTION COMMENTS:

1. Some of the residential build sites shown in Figure 2 are directly adjacent to Ventura County Watershed Protection (WP) Jurisdictional redline channels. For example, 301 E. Third Street is listed as a candidate housing site that is adjacent to Ormond Lagoon Waterway. Other potential sites are not directly adjacent to WP facilities, but the cumulative impact of development has the potential to affect existing regional drainage patterns. It is Watershed Protection's standard that a project cannot impair, divert, impede, or alter the characteristics of the flow of water running in any jurisdictional red line channel under the requirements of Ordinance WP-2. Many of WP's drainage facilities have been identified as having limited flood carrying capacity and no increase in peak runoff will be allowed. Therefore, any future development activities that have the potential to alter site drainage must provide adequate stormwater mitigation measures to comply with the Watershed Protection's standard for peak stormwater attenuation, which is that the runoff after development shall not exceed the peak flow under existing site conditions for any storm frequency or, alternatively, apply the city standard; whichever is most restrictive shall apply. Analyses to meet WP requirements should consider the 100-year, 50-year, 25-year, and 10-year design storm frequencies.

2. As the City of Oxnard continues to develop housing options over the coming decades, it is imperative to reflect on the value that drainage infrastructure brings to the community; namely, to preserve public health and ensure economic prosperity. Much of the regional drainage infrastructure will approach its useful design life by midcentury and a funding mechanism must be established to determine the pro rata financial contribution consistent with the flood protection benefits conveyed to future development projects. The updated *Ventura County 2040 General Plan* Policies PFS-3.1, PFS-3.2 and PFS-6.1 highlight the importance of funding infrastructure operations, maintenance, repairs, rehabilitation, and replacement to ensure safe and vibrant communities. Additional information on the updated General Plan policies can be found at the following web address:

   https://docs.vcrma.org/images/pdf/planning/plans/Final_2040_General_Plan_docs/Ventura_County_2040_General_Plan_web_link.pdf

If you have any questions, please feel free to contact me by email at Sergio.Vargas@ventura.org or by phone at (805) 650-4077.

END OF TEXT

Ventura County
AGRICULTURAL
Commissioner
Serving Ventura County Since 1895

Agricultural Commissioner
Edmund E. Williams

Chief Deputy
Korinne M. Bell

COUNTY of VENTURA

MEMO

DATE: 17 August 2021

TO: Kathleen Mallory, Case Planner

FROM: Alec Thille

SUBJECT: City of Oxnard Housing Element Update

Buffering agricultural lands from urban uses, especially with setbacks, vegetative screening, fencing, and berms assists in reducing conversion pressures on agricultural lands. Within the county's discretion this is achieved through the Agricultural/Urban buffer policy. We expect similar outcomes from draft policies CD-6.1 and ER-12.11 and are therefore supportive of their adoption as written especially.

Under the direction of the Ventura County 2040 General Plan the VC Agricultural Commissioner's Office has been directed to create a number of programs and carry out several policies aimed at the preservation, modernization, and increasing the overall sustainability of agriculture in Ventura County. To do so will require close cooperation with cities and as such we are also supportive of draft policies ER-12.3 & -12.6.

Draft policy ER-12.5 presents an interesting potential solution to the otherwise unmitigable impact of converting agricultural land to urban uses. Our understanding is that such mitigation is feasible but far from pratical, due to the uniquely deep and rich nature of topsoil in the Oxnard Plain and the expense of removing and transporting large amounts of soil. However, should such mitigation be achieved it would be engaging to see if the quality of the soil could be preserved and potentially be a first success at mitigating the unmitigable.

Finally, draft policies ER-12.1, & -12.2 align well with the programs and policies referenced above and contribute further to the goals of cooperation between municipalities such that Ventura County's unique and vibrant agricultural industry.

Please direct any questions to either Alec Thille, alec.thille@ventura.org, or Korinne Bell, Korinne.bell@ventura.org.

DEPARTMENT OF TRANSPORTATION
DISTRICT 7- OFFICE OF REGIONAL PLANNING
100 S. MAIN STREET, SUITE 100
LOS ANGELES, CA 90012
PHONE (213) 897-3574
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TTY 711
www.dot.ca.gov

Making Conservation a California Way of Life.

August 31, 2021

Kathleen Mallory, AICP, LEED GA, MA, Planning & Sustainability Manager
City of Oxnard
Community Development Department Planning Division
214 S. C Street
Oxnard, California 93030

RE: City of Oxnard Housing Element Update 2021-2029 – Mitigated Negative Declaration (MND)
SCH# 2021080100
GTS# 07-VEN-2021-00457
Vic. VEN Multiple

Dear Kathleen Mallory,

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The proposed project involves a General Plan Amendment to amend the 2030 General Plan to replace the current Chapter 8 (Housing Element) with the 2021-2029 Housing Element. 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 assist the existing population. Additional actions include: an update to the City's General Plan Land Use Element by making text changes to this element. Also included will be associated General Plan Land Use map changes. Both General Plan Land Use text and map amendments are to ensure consistency with the 2021-2029 Housing Element. The City will also be updating Chapter 16 of the Oxnard City Code (OCC) to implement the Housing Element and by initiating Zoning Map amendments to ensure consistency between the Final Housing Element, the Land Use Element, and the OCC.

After reviewing the MND, Caltrans does not expect project approval to result in a direct adverse impact to the existing State transportation facilities. However, to accommodate the additional housing units and not induce demand for excessive Vehicle Miles Travelled (VMT), Caltrans recommends significantly reducing or eliminating car parking requirements. Research looking at the relationship between land-use, parking, and transportation indicates that car parking prioritizes driving above all other travel modes and undermines a community's ability to choose public transit and active modes of transportation. For any community or city to better support all

modes of transportation and reduce vehicle miles traveled, we recommend the implementation of a TDM ordinance, as an alternative to requiring car parking.

If you have any questions, please contact project coordinator Anthony Higgins, at anthony.higgins@dot.ca.gov and refer to GTS# 07-VEN-2021-00457.

Sincerely,

Miya Edmonson

Miya Edmonson
IGR/CEQA Branch Chief

cc: State Clearinghouse

SANTA YNEZ CHUMASH
TRIBAL ELDER'S COUNCIL
TO PROTECT AND PRESERVE TRIBAL ANCESTRY, TRADITIONS AND CULTURE

Santa Ynez Band of Chumash Indians
Tribal Elders' Council
P.O. Box 517 ◆ Santa Ynez ◆ CA ◆ 93460
Phone: (805)688-7997 ◆ Fax: (805)688-9578 ◆ Email: elders@santaynezchuhmash.org

August 23, 2021

City of Oxnard
Community Development Department Planning Division
214 South C Street
Oxnard, CA 93030

Att.: Kathleen Mallory, Planning & Sustainability Manager

Re: Mitigated Negative Declaration No. 2021-01/ 2021- 2029 Housing Element Update

Dear Ms. Mallory:

Thank you for contacting the Tribal Elders' Council for the Santa Ynez Band of Chumash Indians.

At this time, the Elders' Council requests no further consultation on this project; however, if supplementary literature reveals additional information, or if the scope of the work changes, we kindly ask to be notified.

If you decide to have the presence of a Native American monitor in place during ground disturbance to assure that any cultural items unearthed be identified as quickly as possible, please contact our office or Chumash of the project area.

Thank you for remembering that at one time our ancestors walked this sacred land.

Sincerely Yours,

Kelsie C Merrick

Kelsie Merrick
Administrative Assistant | Elders' Council and Culture Department
Santa Ynez Band of Chumash Indians | Tribal Hall
(805) 688-7997 ext. 7516
kmerrick@santaynezchumash.org

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

August 31, 2021

Mrs. Kathleen Mallory
City of Oxnard
214 South C Street
Oxnard, CA 93030
Kathleen.Mallory@Oxnard.org

Subject: Mitigated Negative Declaration for the City of Oxnard 2021-2029 Housing Element Project, SCH No. 2021080100, Ventura County.

Dear Mrs. Mallory:

The California Department of Fish and Wildlife (CDFW) has reviewed the Mitigated Negative Declaration (MND) for the City of Oxnard's (City) 2012-2029 Housing Element (Project) update to the City's General Plan. Thank you for the opportunity to provide comments and recommendations regarding those activities detailed in the Project that may affect California fish and wildlife. Likewise, we appreciate the opportunity to provide comments regarding those aspects of the Project that CDFW, by law, may be required to carry out or approve through the exercise of its own regulatory authority under the Fish & Game Code. CDFW understands that future development projects may be tiered off this environmental document. As such, future development projects, as detailed in the General Plan, will be collectively referred to as "Projects" or "Project(s)." This is not to say that each comment below is relevant to each of the Projects discussed in the General Plan, but that the comments listed below should be considered when a specified project may impact any of the biological resources discussed below.

CDFW's Role

CDFW is California's Trustee Agency for fish and wildlife resources and holds those resources in trust by statute for all the people of the State [Fish & Game Code, §§ 711.7, subdivision (a) & 1802; Public Resources Code, § 21070; California Environmental Quality Act (CEQA) Guidelines, § 15386, subdivision (a)]. CDFW, in its trustee capacity, has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Id., § 1802). Similarly, for purposes of CEQA, CDFW is charged by law to provide, as available, biological expertise during public agency environmental review efforts, focusing specifically on projects and related activities that have the potential to adversely affect State fish and wildlife resources.

CDFW is also submitting comments as a Responsible Agency under CEQA (Public Resources Code, § 21069; CEQA Guidelines, § 15381). CDFW expects that it may need to exercise regulatory authority as provided by the Fish & Game Code, including lake and streambed alteration regulatory authority (Fish & Game Code, § 1600 *et seq.*). Likewise, to the extent implementation of the Project as proposed may result in "take", as defined by State law, of any species protected under the California Endangered Species Act (CESA) (Fish & Game Code,

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§ 2050 *et seq.*), or State-listed rare plant pursuant to the Native Plant Protection Act (NPPA; Fish & Game Code, §1900 *et seq.*), CDFW recommends the Project proponent obtain appropriate authorization under the Fish & Game Code, as necessary.

Project Description and Summary

Objective: The Project will replace Chapter 8 (Housing Element) of the General Plan with the 2021-2029 Housing Element. The Housing Element is a State-mandated policy document that provides direction (through 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 housing units, preserve existing housing, and assist the existing population. Minor updates to the General Plan Land Use Element (including maps) are also proposed.

Location: City of Oxnard (Citywide), Ventura County.

Comments and Recommendations

CDFW offers the comments and recommendations below to assist the City in adequately identifying, avoiding, and/or mitigating Projects (as detailed in the General Plan) significant, or potentially significant, direct and indirect impacts on fish and wildlife (biological) resources. Additional comments or other suggestions may also be included to improve the document.

Comment #1: Impacts to Streams

Issue: CDFW is concerned that Projects may support streams subject to notification under Fish & Game code section 1600 *et seq.*

Specific impacts: Projects may result in the loss of streams and associated watershed function and biological diversity. Grading and construction activities will likely alter the topography and hydrology of streams.

Why impacts would occur: Ground disturbance activities (e.g., grading, filling, water diversions, and dewatering) would physically remove or otherwise alter existing streams or their function and associated riparian habitat. Downstream waters and associated biological resources beyond a Project(s) development footprint may also be impacted by Project(s) related releases of sediment and altered watershed effects.

Evidence impacts would be significant: Projects may substantially adversely affect the existing stream pattern of the site through the alteration or diversion of a stream, which absent specific mitigation, could result in substantial erosion or siltation on-site or off-site.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: Projects may result in the alteration of streams. For any such activities, the Project(s) applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish & Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. An LSA notification package

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may be obtained by accessing CDFW's web site at https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS.

CDFW's issuance of an LSA Agreement for Project(s) that are subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for a Project(s). To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, project specific CEQA documents should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation, monitoring and reporting commitments for issuance of the LSA Agreement.

Recommendation #1: Any LSA Agreement issued for Projects by CDFW may include additional measures protective of streambeds on and downstream of the Project(s). The LSA Agreement may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in an LSA Agreement may include the following: avoidance of resources; on-site or off-site habitat creation, enhancement, or restoration; and/or protection and management of mitigation lands in perpetuity.

Comment #2: Impacts to Special-Status Plant Species

Issue #1: Collectively, the Projects may result in a significant cumulative impact to special-status plants and habitat communities.

Issue #2: The Projects may contribute to increased habitat fragmentation and development upon native habitats.

Specific impact: CDFW considers plant communities, alliances, and associations with a statewide ranking of S1, S2, S3, and S4 as sensitive and declining at the local and regional level (Sawyer et al. 2008). An S3 ranking indicates there are 21-80 occurrences of this community in existence in California, S2 has 6-20 occurrences, and S1 has less than 6 occurrences. The Projects may have direct or indirect effects to these sensitive species.

Why impact would occur: The implementation of Projects may include grading, vegetation clearing for construction, road maintenance, and other activities that may result in direct mortality, population declines, or local extirpation of sensitive plant species.

Evidence impact would be significant: Impacts to special-status plant species should be considered significant under CEQA unless they are clearly mitigated below a level of significance. Inadequate avoidance, minimization, and mitigation measures for impacts to these sensitive plant species will result in a Project(s) continuing to have a substantial adverse direct, indirect, and cumulative effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by CDFW or U.S. Fish & Wildlife Service (USFWS). Additionally, plants that have a California Native Plant Society (CNPS) California Rare Plant Rank (CRPR) of 1A, 1B, 2A, and 2B are rare throughout their range, endemic to California, and are seriously or moderately threatened in California. All plants constituting CRPR 1A, 1B, 2A, and 2B meet the definitions of CESA and are eligible for State listing. Impacts to these species or their habitat must be analyzed during preparation of environmental documents relating to CEQA, as they

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meet the definition of rare or endangered (CEQA Guidelines, § 15380). Please see CNPS Rare Plant Ranks website (https://www.cnps.org/rare-plants/cnps-rare-plant-ranks) for additional rank definitions.

Recommended Potentially Feasible Mitigation Measure(s)

Mitigation Measure #1: CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting." Final CEQA documentation, for a specified Project(s), should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project-related direct and indirect impacts.

Mitigation Measure #2: In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at http://vegetation.cnps.org/. To determine the rarity ranking of vegetation communities on a specific Project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.

Mitigation Measure #3: CDFW recommends the General Plan be conditioned to provide mitigation ratios ranging from 5:1 – 10:1 (depending on the sensitivity of the species). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.

Mitigation Measure #4: The General Plan should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.

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Comment #3: Survey Protocols for Special-Status Wildlife

Issue: There is no mention of protocol surveys for special-status wildlife. Projects proposed to occur within the geographical limits of the Project(s) may impact special-status species.

Specific impacts: Several special status species may occur on or within the vicinity of Projects. Without recent protocol surveys, these species may be directly or indirectly impacted. Projects may remove suitable and indirect effects such as noise, dust, and artificial lighting may also adversely impact special status species.

Why impacts would occur: Project(s) activities have the potential to impact special status wildlife species, which have been documented to occur in the region (CDFW 2021). A lack of protocol surveys will likely result in avoidable impacts to a variety of sensitive species. Protocol surveys are necessary to identify listed species and supporting habitat necessary for their survival.

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of a listed species or Species of Special Concern (SSC). The loss of occupied habitat could yield a loss of foraging potential, nesting sites, basking sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to CESA-listed and SSC a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures.

Recommended Potentially Feasible Mitigation Measure(s)
CDFW recommends that Projects follow appropriate survey protocol for a given species. The survey(s) should be performed based on the species found, or likely to occur, on a respective Project site(s).

The following mitigation measures are suggested for impacts to special-status reptiles:

Mitigation Measure #1: To mitigate impacts to special-status reptiles, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at approximately 20 feet apart and walked on-site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.

Mitigation Measure #2: In consultation with a qualified biologist familiar with the life history of the respective reptile, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the documentation/recordation of the number of animals relocated. CDFW recommends the City coordinate with CDFW and/or U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.

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The following mitigation measures are suggested for impacts to bats:

Mitigation Measure #1: The MND and/or subsequent CEQA documents should provide a discussion of potential impacts to bats, which may occur as a result from the construction and/or operation of Projects. The language should adequately disclose potential impacts and identify appropriate avoidance and mitigation measures.

Mitigation Measure #2: Measures to mitigate impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of Project(s) activities, as necessary.

COMMENT #4: Monarch Butterfly

Issue: Project(s) activities have the potential to impact overwintering monarch butterflies (*Danaus plexippus*), which is an Endangered Species Act (ESA) candidate listed species and has been documented to occur in throughout the region (CDFW 2021).

Specific impact: Without appropriate avoidance and minimization measures for monarch butterflies, potential significant impacts associated with tree trimming, vegetation removal, and ground disturbance activities could occur. Potential impacts include roost destruction, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs and/or larvae, and direct mortality of individual monarchs.

Why impacts would occur: Project(s) activities have the potential to impact monarch butterflies, which have been documented to occur in the region. Protocol surveys are necessary to identify the presence of monarch butterflies and supporting habitat necessary for their survival. A lack of protocol surveys will likely result in avoidable, direct and/or indirect impacts to monarch butterflies.

Evidence impact would be significant: During the last decade, overwintering monarch populations have decline by nearly 90-percent (Jepsen et al, 2015). Habitat loss and fragmentation is among the primary threats to the population (USFWS 2020). Ground clearing and construction activities could exacerbate this issue and lead to the direct mortality of monarch butterflies. Habitat loss could lead to a loss of foraging potential, nesting sites, or refugia and would constitute a significant impact absent appropriate mitigation. CDFW considers impacts to rare species a significant direct and cumulative adverse effect without implementing appropriate avoidance and/or mitigation measures. Project(s) activities have the potential to significantly impact the species by reducing possible roosting habitat.

Recommended Potentially Feasible Mitigation Measure(s)
To evaluate potential impacts of the Project(s) to special-status species, CDFW recommends including the following mitigation measures and requiring them as conditions for Project(s) approval.

Mitigation Measure #1: Monarch Butterfly Habitat Assessment
CDFW recommends that a qualified biologist conduct a habitat assessment, within 30 days of Project(s) implementation, to determine if the Project(s) area or its immediate vicinity contain habitat suitable to support monarchs.

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Mitigation Measure #2: Monarch Butterfly Surveys
If suitable habitat is present, CDFW recommends assessing presence of monarchs by conducting protocol surveys consistent with USFWS recommendations (see www.fs.fed.us/wildflowers/pollinators/monarch_butterfly/documents/monarch-monitoring_en.pdf).

Mitigation Measure #3: Monarch Butterfly Take Avoidance
If monarch butterflies are detected within or in the vicinity of Project(s) areas, The City will consult CDFW and USFWS, prior to Project(s) implementation to discuss how to implement ground-disturbing activities and avoid take.

Comment #5: Nesting Birds

Issue: CDFW is concerned Mitigation Measure BIO-2 may not adequately protect nesting birds. While Mitigation Measure BIO-2 states that nesting bird surveys will be performed and buffers will be established, both the survey window and buffers established are inadequate.

Specific impacts: Without appropriate avoidance and minimization measures for nesting birds, potential significant impacts associated with tree trimming, vegetation removal, and ground disturbance activities could occur. Potential impacts include nest destruction, inadvertent entrapment, reduced reproductive success, reduction in health and vigor of eggs, and direct mortality of individual birds.

Why impacts would occur: Inadequate survey windows may lead to avoidable impacts to a variety of species during the nesting season and supporting habitat necessary for their survival. In addition, insufficient buffer areas may lead to indirect effects, such as nest abandonment, increased stressors (e.g., noise, lighting, dust), and reduce foraging areas(s).

Evidence impact would be significant: Ground clearing and construction activities could lead to the direct mortality of nesting birds. The loss of occupied habitat could yield a loss of foraging potential, nesting sites or refugia and would constitute a significant impact absent appropriate mitigation.

Recommended Potentially Feasible Mitigation Measure(s)

The following mitigation measures are suggested by CDFW for impacts to nesting birds:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that final environmental documentation include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.

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The following mitigation measures are suggested by CDFW for impacts to raptors:

Mitigation Measure #1: To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete surveys for nesting bird activity the orders *Falconiformes* and *Strigiformes* (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.

Mitigation Measure #2: CDFW cannot authorize the take of any fully protected species as defined by State law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of the Project area, due to the presence of suitable habitat.

Comment #6: Impacts to Non-Game Mammals and Wildlife

Issue: Wildlife may move through Project(s) sites during the daytime or nighttime. CDFW is concerned that any wildlife potentially moving through or seeking temporary refuge on the Projects sites may be directly impacted during Project(s) activities and construction.

Specific impacts: Project(s) activities and construction equipment may directly impact wildlife and birds moving through or seeking temporary refuge on site. This could result in wildlife and bird mortality. Furthermore, depending on the final fencing design, Projects may cumulatively restrict wildlife movement opportunity.

Why impacts would occur: Direct impacts to wildlife may occur from: ground disturbing activities (e.g., staging, access, excavation, grading); wildlife being trapped or entangled in construction materials and erection of restrictive fencing; and wildlife could be trampled by heavy equipment operating on Projects site(s).

Evidence impact would be significant: Mammals occurring naturally in California are considered non-game mammals and are afforded protection by State law from take and/or harassment (Fish & Game Code, § 4150; Cal. Code of Regs, § 251.1).

Recommended Potentially Feasible Mitigation Measure(s): CDFW recommends the following four mitigation measures to avoid and minimize direct impacts to wildlife during Project(s) construction and activities.

Mitigation Measure #1: If fencing is proposed for use during construction or during the life of the Project(s), fences should be constructed with materials that are not harmful to wildlife.

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Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas.

Mitigation Measure #2: To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project(s)-related construction activities. Salvaged wildlife of low mobility should be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way.

It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.

Mitigation Measure #3: Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project(s) site, working outward towards adjacent habitat off site where wildlife may safely escape.

Additional Recommendations

Alternatives. CDFW recommends the City consider an alternative that would fully avoid or minimize impacts to streams, sensitive plants and wildlife.

Mitigation and Monitoring Reporting Plan. Per Public Resources Code section 21081.6(a)(1), CDFW has provided the City with a summary of our suggested mitigation measures and recommendations in the form of an attached Draft Mitigation and Monitoring Reporting Plan (MMRP; Attachment A). A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Filing Fees

Projects, as proposed in the General Plan, would have an impact on fish and/or wildlife, and assessment of filing fees is necessary. Fees are payable upon filing of the Notice of Determination by the Lead Agency and serve to help defray the cost of environmental review by CDFW. Payment of the fee is required in order for the underlying Project approval to be operative, vested, and final. (Cal. Code Regs, tit. 14, § 753.5; Fish & Game Code, § 711.4; Pub. Resources Code, § 21089).

Conclusion

We appreciate the opportunity to comment on the Project and to assist the City in adequately analyzing and minimizing/mitigating impacts to biological resources. CDFW requests an opportunity to review and comment on any response that the City has to our comments and to receive notification of any forthcoming hearing date(s) for the Project [CEQA Guidelines; § 15073(e)]. If you have any questions or comments regarding this letter, please contact Baron Barrera, Environmental Scientist, at Baron.Barrera@wildlife.ca.gov or (858) 354-4114.

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Sincerely,

DocuSigned by:
Erinn Wilson-Olgin
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Erinn Wilson-Olgin
Environmental Program Manager I
South Coast Region

ec: CDFW
Steve Gibson, Los Alamitos – Steve.Gibson@wildlife.ca.gov
Baron Barrera, Los Alamitos – Baron.Barrera@wildlife.ca.gov
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Frances Alet, The Calabasas Coalition – FMAlet@sbcglobal.net

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
South Coast Region
3883 Ruffin Road
San Diego, CA 92123
(858) 467-4201
www.wildlife.ca.gov

GAVIN NEWSOM, Governor
CHARLTON H. BONHAM, Director

Attachment A: Draft Mitigation and Monitoring Reporting Plan

CDFW recommends the following language to be incorporated into a future environmental document for the Project. A final MMRP shall reflect results following additional plant and wildlife surveys and the Project's final on and/or off-site mitigation plans.

Biological Resources (BIO)			
Mitigation Measure (MM) or Recommendation (REC)		**Timing**	**Responsible Party**
Mitigation Measure #1 - Impacts to Streams	Projects may result in the alteration of streams. For any such activities, the Project(s) applicant (or "entity") must provide written notification to CDFW pursuant to section 1600 *et seq.* of the Fish & Game Code. Based on this notification and other information, CDFW determines whether a Lake and Streambed Alteration (LSA) Agreement with the applicant is required prior to conducting the proposed activities. An LSA notification package may be obtained by accessing CDFW's web site at https://wildlife.ca.gov/Conservation/Environmental-Review/EPIMS. CDFW's issuance of an LSA Agreement for Project(s) that are subject to CEQA will require CEQA compliance actions by CDFW as a Responsible Agency. As a Responsible Agency, CDFW may consider the CEQA document of the Lead Agency for a Project(s). To minimize additional requirements by CDFW pursuant to section 1600 *et seq.* and/or under CEQA, project specific CEQA documents should fully identify the potential impacts to the stream or riparian resources and provide adequate avoidance, mitigation,	Prior to Project construction and activities	Lead Agency/ Applicant

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	monitoring and reporting commitments for issuance of the LSA Agreement.		
Mitigation Measure #2 - Impacts to Streams	Any LSA Agreement issued for Projects by CDFW may include additional measures protective of streambeds on and downstream of the Project(s). The LSA Agreement may include further erosion and pollution control measures. To compensate for any on-site and off-site impacts to riparian resources, additional mitigation conditioned in an LSA Agreement may include the following: avoidance of resources; on-site or off-site habitat creation, enhancement, or restoration; and/or protection and management of mitigation lands in perpetuity.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #3 - Impacts to Sensitive or Special Status Plant Species	CDFW recommends including avoidance, minimization, and/or mitigation measure language articulating the need to perform focused surveys for sensitive/rare plants on-site and disclosing the results prior to the implementation of Projects. Based on the *Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities* (CDFW, 2018) (https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=18959), a qualified biologist should "conduct surveys in the field at the time of year when species are both evident and identifiable. Usually this is during flowering or fruiting." Final CEQA documentation, for a specified Project, should provide a thorough discussion on the presence/absence of sensitive plants on-site and identify measures to protect sensitive plant communities from Project(s)-related direct and indirect impacts.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #4 - Impacts to Sensitive or Special Status Plant Species	In 2007, the State Legislature required CDFW to develop and maintain a vegetation mapping standard for the state (Fish & Game Code, § 1940). This standard complies with the National Vegetation Classification System, which utilizes alliance and association-based classification of unique vegetation stands. CDFW utilizes vegetation descriptions found in the Manual of California Vegetation (MCV), found online at	Prior to Project construction and activities	Lead Agency/ Applicant

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	http://vegetation.cnps.org/. To determine the rarity ranking of vegetation communities on a specific Project site(s), the MCV alliance/association community names should be provided as CDFW only tracks rare natural communities using this classification system.		
Mitigation Measure #5 - Impacts to Sensitive or Special Status Plant Species	CDFW recommends the General Plan be conditioned to provide mitigation ratios ranging from 5:1 – 10:1 (depending on the sensitivity of the species). This should be for the number of plants replaced to number impacted, including acres of habitat created to acres of habitat impacted. Rare plants are habitat specialists that require specific conditions to persist such as vegetation composition (species abundance, diversity, cover), soils, substrate, slope, hydrology, and pollinators. Accordingly, mitigation for impacts to rare plants should also include habitat.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #6 - Impacts to Special Status Plant Species	The General Plan should provide species-specific measures for on-site mitigation. Each species-specific mitigation plan should adopt an ecosystem-based approach and be of sufficient detail and resolution to describe the following at a minimum: 1) identify the impact and level of impact (e.g., acres or individual plants/habitat impacted); 2) location of on-site mitigation and adequacy of the location(s) to serve as mitigation; 3) assessment of appropriate reference sites; 4) scientific [Genus and species (subspecies/variety if applicable)] of plants being used for restoration; 5) location(s) of propagule source; 6) species-specific planting methods (i.e., container or seed); 7) measurable goals and success criteria for establishing self-sustaining populations (e.g. percent survival rate, absolute cover); 8) long-term monitoring, and; 9) adaptive management techniques.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #7 - Impacts to Special Status Reptiles	To mitigate impacts to special-status reptiles, CDFW recommends focused surveys for species likely to occur within a Project(s) area. Surveys should typically be scheduled during the summer months (June and July) when these animals are most likely to be encountered. To achieve 100 percent visual coverage, CDFW recommends surveys be conducted with parallel transects at	Prior to Project construction and activities	Lead Agency/ Applicant

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	approximately 20 feet apart and walked on-site in appropriate habitat suitable for each species. Suitable habitat consists of areas of sandy, loose, and moist soils, typically under the sparse vegetation of scrub, chaparral, and within the duff of oak woodlands.		
Mitigation Measure #8 - Impacts to Special Status Plant Species	In consultation with a qualified biologist familiar with the life history of the respective reptile, a relocation plan (Plan) should be developed. The Plan should include, but not be limited to, the timing and location of the surveys that will be conducted for the species, identify the locations where more intensive survey efforts will be conducted (based on high habitat suitability); identify the habitat and conditions in any proposed relocation site(s); the methods that will be utilized for trapping and relocating the individuals; and the documentation/recordation of the number of animals relocated. CDFW recommends the City coordinate with CDFW and/or U.S. Fish and Wildlife Service (USFWS) prior to any ground disturbing activities within potentially occupied habitat.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #9 - Impacts to Bats	The MND and/or subsequent CEQA documents should provide a discussion of potential impacts to bats, which may occur as a result from the construction and/or operation of Projects. The language should adequately disclose potential impacts and identify appropriate avoidance and mitigation measures.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #10 - Impacts to Bats	Measures to mitigate impacts to bats should include pre-construction surveys to detect species, use of bat roost installations, and preparation of a bat protection and relocation plan to be submitted to CDFW for approval prior to commencement of Project(s) activities, as necessary.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #11 - Impacts to Monarch Butterflies	CDFW recommends that a qualified biologist conduct a habitat assessment, well in advance of Project(s) implementation, to determine if the Project(s) area or its immediate vicinity contain habitat suitable to support monarchs.	Prior to Project construction and activities	Lead Agency/ Applicant

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Mitigation Measure #12 - Impacts to Monarch Butterflies	If suitable habitat is present, CDFW recommends assessing presence of monarchs by conducting surveys following recommended protocols or protocol-equivalent surveys. Recommended protocols vary by species.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #13 - Impacts to Monarch Butterflies	Detection of special-status species within or in the vicinity of the Project(s) area, warrants consultation with CDFW and U.S. Fish and Wildlife Service (USFWS) to discuss how to implement ground-disturbing activities and avoid take	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #14 - Impacts to Nesting Birds	To protect nesting birds that may occur on-site, CDFW recommends that final environmental documentation include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete a survey for nesting bird activity within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project construction.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #15 - Impacts to Nesting Birds	To protect nesting birds that may occur on-site, CDFW recommends that the final environmental document include a measure that no construction shall occur from January 1 through September 15. If construction is unavoidable during January 1 through September 15, a qualified biologist shall complete surveys for nesting bird activity the orders Falconiformes and Strigiformes (raptors and owls) within a 500-foot radius of the construction site. The nesting bird surveys shall be conducted at appropriate nesting times and concentrate on potential roosting or perch sites. If any nests of birds of prey are observed, these nests shall be designated an ecologically sensitive area and protected (while occupied) by a minimum 500-foot radius during project	Prior to Project construction and activities	Lead Agency/ Applicant

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	construction. Pursuant to FGC Sections 3503 and 3503.5, it is unlawful to take, possess, or needlessly destroy the nest or eggs of any bird or bird-of-prey.		
Mitigation Measure #16 - Impacts to Nesting Birds	CDFW cannot authorize the take of any fully protected species as defined by state law. State fully protected species may not be taken or possessed at any time and no licenses or permits may be issued for its take except for collecting those species for necessary scientific research and relocation of the bird species for protection of livestock (Fish & G. Code, §§ 3511, 4700, 5050, 5515). CDFW has advised the Permittee that take of any species designated as fully protected under the Fish and Game Code is prohibited. CDFW recognizes that certain fully-protected species are documented to occur on, or in, the vicinity of the Project area, or that such species have some potential to occur on, or in, the vicinity of the Project area, due to the presence of suitable habitat.	Prior to Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #17 - Impacts to Non-Game Mammals	If fencing is proposed for use during construction or during the life of the Project, fences should be constructed with materials that are not harmful to wildlife. Prohibited materials include, but are not limited to, spikes, glass, razor, or barbed wire. Fencing should also be minimized so as not to restrict free wildlife movement through habitat areas.	Prior to/After Project construction and activities	Lead Agency/ Applicant
Mitigation Measure #18 - Impacts to Non-Game Mammals	To avoid direct mortality, a qualified biological monitor should be on site prior to and during ground and habitat disturbing activities to move out of harm's way special status species or other wildlife of low mobility that would be injured or killed by grubbing or Project(s)-related construction activities. Salvaged wildlife of low mobility shall be removed and placed onto adjacent and suitable (i.e., species appropriate) habitat out of harm's way. It should be noted that the temporary relocation of on-site wildlife does not constitute effective mitigation for the purposes of offsetting Program impacts associated with habitat loss.	Prior to/After Project construction and activities	Lead Agency/ Applicant

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Mitigation Measure #19 - Impacts to Non-Game Mammals	Grubbing and grading should be done to avoid islands of habitat where wildlife may take refuge and later be killed by heavy equipment. Grubbing and grading should be done from the center of the Project(s) site, working outward towards adjacent habitat off site where wildlife may safely escape.	Prior to/After Project construction and activities	Lead Agency/ Applicant

Attachment 10
Staff Presentation

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
Amy Sinsheimer, Placeworks, Housing Consultant

Planning Commission
September 16, 2021

CITY OF OXNARD CALIFORNIA

BACKGROUND

Tonight is Part 2 of a two-step process:

- Part 1 (Completed) - September 2nd presented the Final Housing Element along with a number of General Plan map, and text; and Zoning map and Zoning ordinance changes
  - For ease, not going over all of those items in detail; PowerPoint attached to this presentation; https://youtu.be/QqXb60PEXzA
  - Staff's verbal presentation also available for re-review if needed https://www.youtube.com/watch?v=Jr4Af76vwN8
- Part 2 (Focus Tonight) - Review of questions received from the Commission/public; suggested revisions to Draft Ordinances presented on Sept. 2nd to respond to input received

BACKGROUND, on Sept. 2nd we reviewed:

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)
- New 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)

PUBLIC INPUT ON NEW AND REVISED ORDINANCES

- Public input on Draft Ordinances; most ordinance revisions pertain to the NEW Additive Zone and Site Plan Review Ordinances
- <u>Presentation focuses on edits NOT made to Ordinances and why.</u>
- Additive Zone Development Standards:
  - Section 16-420G - Retain the percent modification for 100% affordable projects as 10% (per AAHOP Ord.). - Recent updates to Density Bonus law, extensive concessions and reduction in development standards coupled with the 10% modification provides significant development flexibility.
- Additive Zone Design Standards:
  - Section 16-420H (B)(8) Parking Setback - Not place parking in primary and side frontage. Parking behind, under or wrapped by building.
  - Section 16-420H (C)(4)&(5) Massing/Articulation - Retain objective numeric design standard.
- Additive Zone Special Development Requirements:
  - Section 16-420I - Retain implementation standards to reduce conflicts between residential and non-residential uses. Help ensure future multifamily are not subject to noise, odor, air emissions, contamination or other incompatible conditions.
- Additive Zone Findings:
  - Section 16-420k - Findings largely based on SB35 Findings for ministerial review of affordable housing, and CEQA guidelines for affordable housing exemption.

PUBLIC INPUT ON NEW AND REVISED ORDINANCES

Edits We DID make:

- Replace “Project” in SPR and Additive Zone ordinances
- Additive Zone Mixed-use Development Standard in C-2 zone
- Additive Zone Design Standards
    - 16-420H (B)(7) Material Change
    - 16-420H (C)(6) Maximum Height adjacent to R-1 district boundary
    - 16-420H (D) Site Design
    - 16-420H (E)(6) Refuse enclosures
- Additive Zone Special Development Requirements
    - 16.420I (A) Complete sidewalk circulation systems and bus stops.
    - 16-420I (B)&(E) residential disclosures and health risk assessments
    - 16-420I (I)(2) comprehensive tenant screening
- SPR Application Requirements
- SPR Public Notice, through project list
- SPR and Density Bonus Appeals provisions

PUBLIC INPUT ON HOUSING ELEMENT, Program 19

- To address input from People's Self Help, add a new bullet to Program 19:
  - "The City will continue to promote affordable housing programs and opportunities in collaboration with the Housing Department and economic development organizations and affordable housing advocates. See https://www.oxnard.org/city-department/community-development/oxnard_affordable_housing/. These organizations will also be consulted during the City's Annual Housing Element Workshop (Program 43)."
- With City Council's concurrence on October 5th this program revision would be made prior to submittal of the Final Housing Element to HCD for certification.
- Prohousing program and added language not needed due to existing Programs - 33, 35, and revisions to Program 6 (Zoning Ord.) supports prohousing

NEXT STEPS AND SCHEDULE

- 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, with errata changes incorporated
- October 19th - City Council second reading of Ordinances
- November 20th - The Zoning Text Amendments will be effective

ENVIRONMENTAL REVIEW

- Initial Study - Mitigated Negative Declaration (IS/MND - No. 2021-01) https://www.oxnard.org/housing-element-update/
- Standard mitigations to address biological and paleontological resources
- Public Review August 5, 2021 to September 3, 2021
- Comments on the IS/MND were minor in nature, and did not raise any new significant impacts or changes to any conclusions.
  - Ventura County, Air Pollution Control District - No revisions necessary
  - Ventura County, Watershed Protection District - No revisions necessary
  - Ventura County, Agricultural Commissioner's office - No revisions necessary;
  - CalTrans District 6 - No revisions necessary
  - Santa Ynez Band of Chumash Indians, Tribal Elders - No revisions necessary
  - State of California – Natural Resources Agency, Department of Fish and Wildlife – revisions to MND mitigation measures required and new conditions of approval recommended; as part of City Council certification of the IS/MND mitigation measures will be added

RECOMMENDATION

That the Planning Commission:

1. Receive a presentation on the 2021-2029 Final Housing Element (6th Cycle Housing Element; Attachment 1); and
2. Open the public hearing and receive public input; and
3. Review the Draft Initial Study and Mitigated Negative Declaration (IS/MND) and recommend City Council approval of the environmental document (Attachment 2); and
4. Adopt Resolution 2021-XX recommending City Council adopt the 2021-2029 Final Housing Element ("Housing Element") update to replace in its entirety the current 2013-2021 Housing Element as Chapter 8 within the 2030 General Plan, and text and map changes to the General Plan Land Use Element (Attachment 3); and
5. Adopt Resolution 2021-XX recommending City Council approval of text amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City's Final Housing Element (see Attachment 4); and
6. Adopt Resolution 2021-XX recommending City Council approval of zoning map amendments (see Attachment 5) to facilitate construction of housing units as stipulated in the Final Housing Element.

CITY OF

OXNARD

CALIFORNIA

Presentation from September 2nd

Planning Commission
September 2, 2021

CITY OF OXNARD CALIFORNIA

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

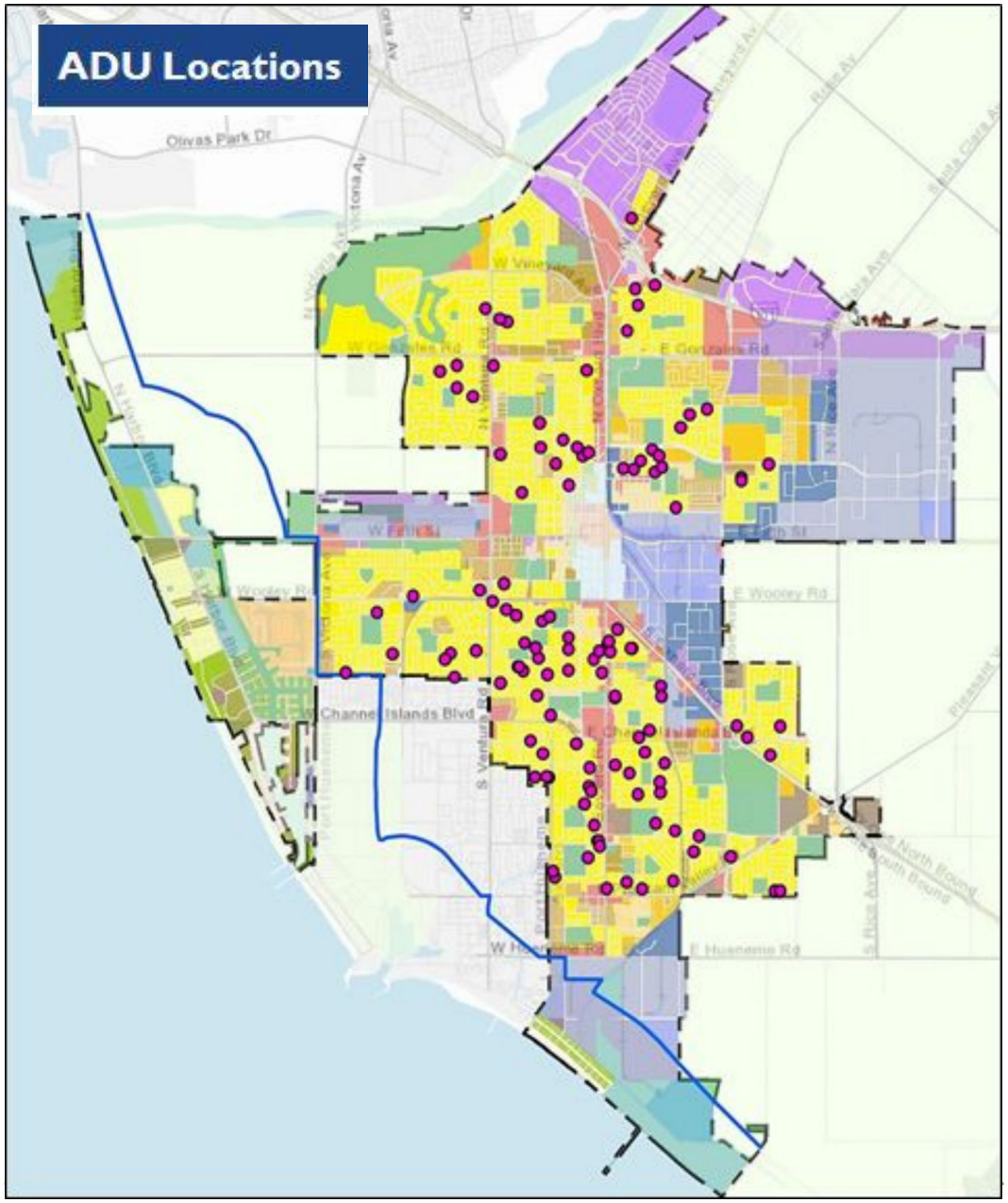
RHNA Overview of Site Capacity – Table F-3

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

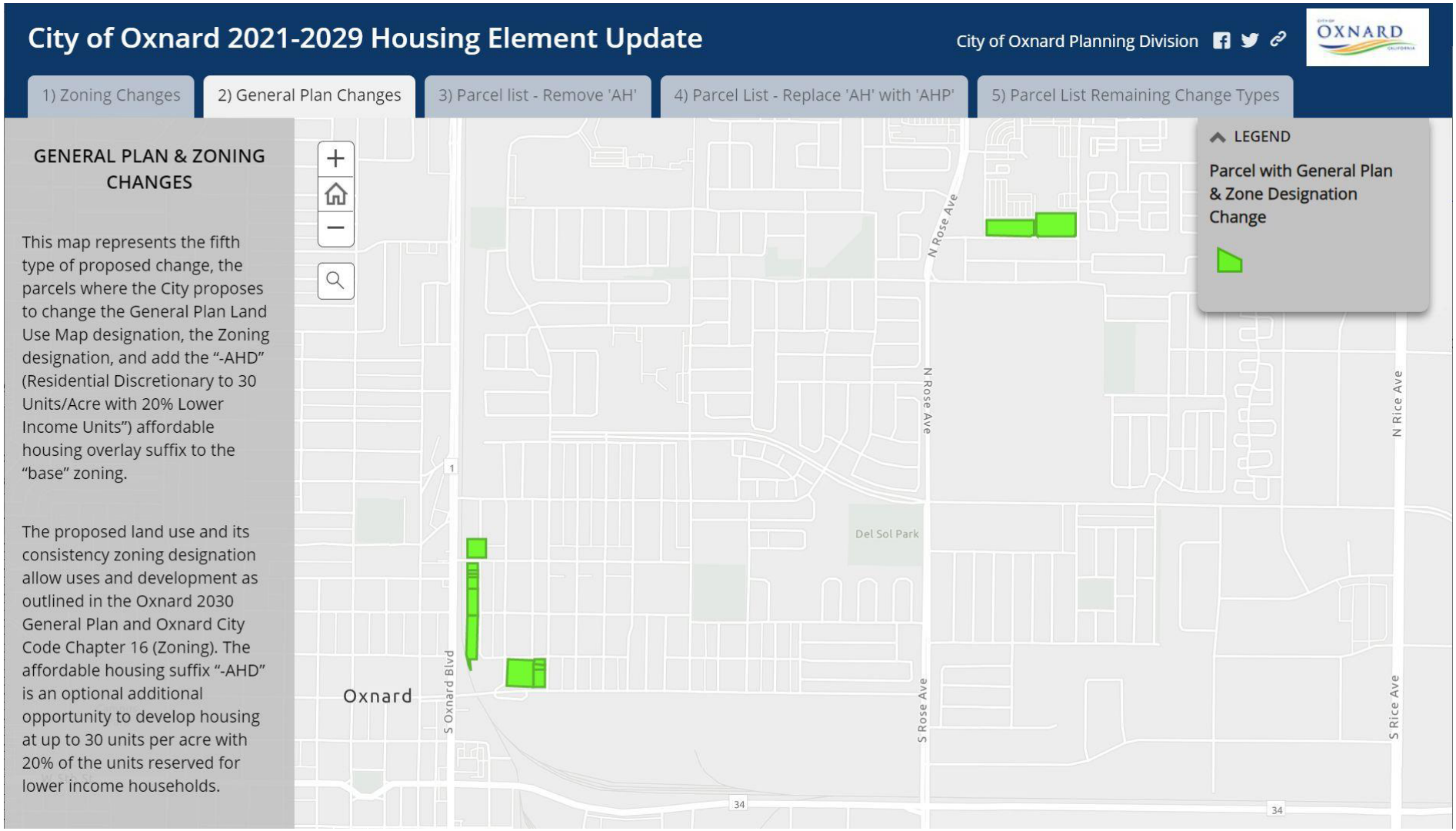
- 2030 General Plan Land Use Element, Section 3.5 and Table 3.2 (Attachment 5a)

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 Section 16-162 Non-Industrial Uses, and 16-163 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 not less than 600 square feet per dwelling unit, 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 between 20 and 39 units per acre. 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

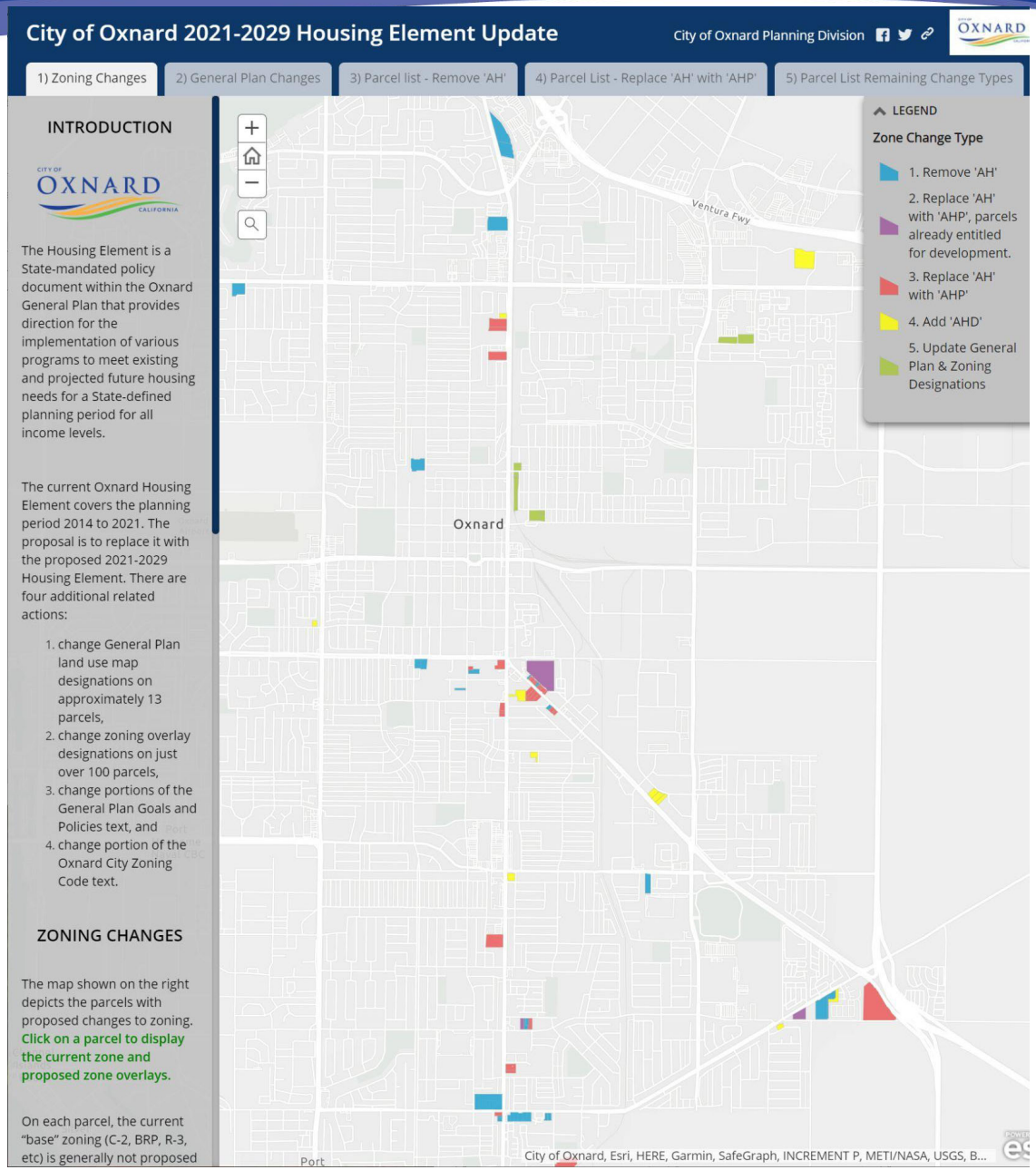
- Amend OCC Section 16-410 (Density Bonus) (Attachment 5e)
  - Presently requires Planning Commission approval
  - Revise to same approval authority as associated Ministerial or Discretionary permit
  - Facilitate ‘By Right’ project approval at Ministerial level

- 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 - ✔

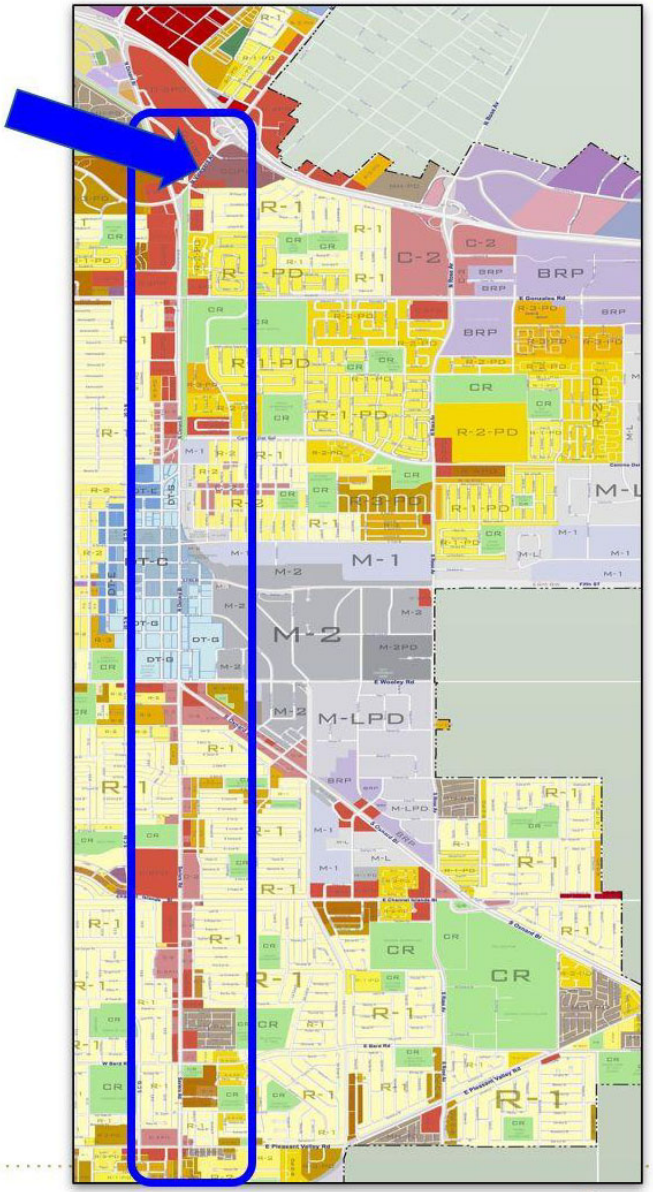
COMMUNITY INPUT, Informed Process

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.

CITY OF

OXNARD

CALIFORNIA

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.