



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kenneth Rozell, Chief Assistant City Attorney

DATE: October 7, 2021

SUBJECT: Adoption of a resolution authorizing remote teleconference meetings of the Planning Commission of the City of Oxnard

RECOMMENDATION

That the Planning Commission adopt a resolution authorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

BACKGROUND

On March 4, 2020, Governor Newsom issued Executive Order N-29-20, which in part, suspended the Ralph M. Brown Act (the "Brown Act") requirements for the conduct of meetings via teleconference during the COVID-19 pandemic. The Governor issued Executive Order N-08-21 on June 11, 2021, extending the Brown Act modifications in Executive Order N-29-20 through September 30, 2021.

On September 16, 2021, the Governor signed Assembly Bill 361 ("AB 361"), which amends the Brown Act to allow meetings of legislative bodies to be conducted via teleconference under certain conditions during proclaimed emergencies.

On September 20, 2021, the Governor issued Executive Order N-15-21 suspending the provisions of AB 361 through September 30, 2021, and clarifying that legislative bodies may continue to meet under Executive Order N-29-20 through September 30, 2021.

AB 361 allows legislative bodies to hold meetings utilizing teleconferencing without complying with the standard teleconferencing requirements if the Governor has proclaimed a State of Emergency and any of the following circumstances occur:

- o State or local officials have imposed or recommended measures to promote social distancing; or
- o A meeting is being held for the purposes of determining, by majority vote, whether as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees; or
- o The legislative body has determined that as a result of the emergency, meeting in person would present imminent risks to the health or safety of attendees.

The City's COVID-19 Comprehensive Policy and Protocol imposes measures to promote social distancing. Further, the Governor's proclaimed state of emergency remains in effect.

If a meeting is held via teleconference under AB 361, the following requirements apply:

- o Notice of the meeting must still be given in compliance with the Brown Act, and the notice must include the means by which the public may access the meeting and provide public comment.
- o The public must be provided access to the meeting via a call-in option or internet-based service option and allowed to "address the legislative body directly." The agency does not have to provide an in-person option for the public to attend the meeting.
- o The meeting must be conducted "in a manner that protects the statutory and constitutional rights of the parties and the public appearing before the legislative body."
- o If there is a disruption to the meeting broadcast or in the ability to take call-in or internet-based public comment, no further action can be taken on agenda items until the issue is resolved.
- o The body cannot require comments to be submitted before the start of the meeting. The public must be allowed to make "real-time" public comments.
- o If the agency provides a timed public comment period, the public comment period must be left open until the time expires. If no timed public comment period is provided, a reasonable amount of time per agenda item must be provided.
- o Findings must be made every 30 days to continue to conduct teleconference meetings under AB 361. The body must find it has reconsidered the circumstances of the state of emergency and either 1) the emergency continues to impact the ability to meet safely in person, or 2) State or local officials continue to impose or recommend measures to promote social distancing.

The proposed resolution:

- o Authorizes staff and the Planning Commission to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.
- o Provides that, in the event of a disruption in the meeting broadcast or which prevents public comment, the Planning Commission shall not take further action on agenda items until the disruption is resolved, provided that, for a broadcast disruption, action may

continue to be taken if the meeting is still being broadcast over any of the media options specified in the posted agenda for the meeting.

If adopted, the resolution will take effect immediately upon its adoption and will be effective until the earlier of (i) November 7, 2021, or (ii) such time as the Planning Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Planning Commission may continue to teleconference without compliance with Government Code section 54953(b)(3).

ATTACHMENTS

1. AB 361 RESOLUTION

CITY COUNCIL OF THE CITY OF OXNARD
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD
AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THE PLANNING
COMMISSION IN ACCORDANCE WITH ASSEMBLY BILL 361

WHEREAS, on March 4, 2020, the Governor of the State of California (the “Governor”) proclaimed a statewide state of emergency due to COVID-19; and

WHEREAS, on March 12, 2020, the Ventura County Health Officer (the “Health Officer”) declared a Local Health Emergency due to COVID-19; and

WHEREAS, on March 13, 2020, the Director of Emergency Services of the City of Oxnard (the “Director”) proclaimed the existence of a local emergency due to COVID-19; and

WHEREAS, on March 17, 2020, the City Council ratified the Director’s local emergency proclamation; and

WHEREAS, all meetings of the City of Oxnard’s legislative bodies are open and public, as required by the Brown Act (Cal. Gov. Code sections 54950 et seq.), so that any member of the public may attend, participate, and watch the City’s legislative bodies conduct their business; and

WHEREAS, beginning in March 2020, the Governor issued a series of Executive Orders, N-25-20, N-29-20, and N-35-20, that waived certain Brown Act requirements to allow legislative bodies to continue meeting while slowing the spread of COVID-19; and

WHEREAS, N-29-20 allowed the City’s legislative bodies to meet via teleconference without complying with certain Brown Act requirements; and

WHEREAS, on June 11, 2021, the Governor issued Executive Order N-08-21, extending the Brown Act provisions of N-29-20 through September 30, 2021; and

WHEREAS, on September 16, 2021, the Governor signed Assembly Bill 361 (“AB 361”) into law, allowing the City’s legislative bodies to continue to meet via teleconference during proclaimed states of emergency under modified Brown Act requirements; and

WHEREAS, AB 361, at Government Code section 54953(e), provides for teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, AB 361 allows legislative bodies to continue to meet via teleconference when a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of

persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, AB 361 further requires that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Governor's proclaimed state of emergency, the Ventura County Health Officer's declared local health emergency, and the Director's and City Council's proclaimed local emergency remain in effect; and

WHEREAS, the City's COVID-19 *Comprehensive Policy and Protocol* imposes measures to promote social distancing; and

WHEREAS, meetings of the City's legislative bodies are broadcast on Spectrum Channel 10, Frontier Channel 10, and Youtube.com/Oxnardnews ("Broadcast Options"); and

WHEREAS, on September 17, 2021, the Health Officer informed the public that Ventura County's case rate is 19.3, which is still considered widespread community transmission by the Centers for Disease Control and Prevention and the California Department of Public Health; and

WHEREAS, on September 21, 2021, the Health Officer issued a letter recommending that social distancing measures continue to be practiced throughout Ventura County communities to minimize the spread of COVID-19.

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

SECTION 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

SECTION 2. In-person meetings of the Planning Commission would present imminent risks to the health or safety of attendees.

SECTION 3. The staff and members of the Planning Commission are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

SECTION 4. In the event of a disruption which prevents the Planning Commission from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which

prevents members of the public from offering public comment using the call-in option or internet-based service option, the Planning Commission shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the Broadcast Options are disrupted, but any of the other Broadcast Options is still available to the public, the Planning Commission may take further action on items appearing on a meeting agenda without waiting for the disrupted Broadcast Option(s) to be restored.

SECTION 5. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) November 7, 2021, or (ii) such time the Planning Commission adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Planning Commission may continue to teleconference without compliance with Government Code section 54953(b)(3).

SECTION 6. If any section, subsection, clause or phrase in this Resolution is for any reason held invalid, the validity of the remainder of this Resolution shall not be affected thereby. The Planning Commission would have passed this Resolution and each section, subsection, sentence, clause, or phrases thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases thereof be held invalid.

PASSED AND ADOPTED THIS _____ day of October 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Daniel Chavez Jr., Chair

Scott Kolwitz, Secretary

APPROVED AS TO FORM:

Kenneth Rozell, Chief Assistant City Attorney



PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, AICP, Senior Planner

DATE: October 7, 2021

SUBJECT: **Project Name: Line 8109 Removal Project;** Planning and Zoning Permit No. 21-400-02 (Coastal Development Permit) to authorize the removal of a 402-foot segment of an existing abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline Line 8109 located at 205 and 393 North Harbor Boulevard approximately 0.75 miles south of Gonzales Road (APNs: 183-0-022-015 and 183-0-022-025)

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

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 (Class 2, Replacement or Reconstruction); and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-400-02 (Coastal Development Permit), subject to certain findings and conditions.

2) Project Description and Applicant: A request to remove a 402-foot segment of an existing abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline Line 8109 adjacent to the Mandalay Generating Station.

The project is in part located within the City of Oxnard (City), at 205 and 393 North Harbor Boulevard (Blvd), also known as the Mandalay Generating Station (APNs 183-0-022-015 and 183-0-022-025) within the Coastal Energy Facilities (EC) zone, and a small portion of the project to the east of North Harbor Blvd is within unincorporated Ventura County (County) (APN 183-0-010-46). The entire project is within the Coastal Zone. The central portion of the project along North Harbor Blvd, is within the road right-of-way (Attachment A).

The portion within the County of Ventura is being separately reviewed by the County of Ventura.

For the purposes of this Staff Report, the foregoing project description shall be referred to as the “**Project**.” Filed by James Chuang, GenOn California South, LP, 555 West 5th Street GT02A, Los Angeles, California 90013 (the “**Applicant**”).

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

3) Existing & Surrounding Land Uses: The project site is currently developed with an electrical substation and associated utility equipment. The Project is generally situated on private lands adjacent to the Mandalay Generating Station, but also includes work within the adjacent right-of-way and County of Ventura Jurisdiction. The project area contains underground pipelines, vegetation, and paved areas. The section of the underground pipeline to be removed is covered primarily by ornamental landscaping and the paved Harbor Blvd.

The following table summarizes the land uses and zoning designation of the Project site and adjacent properties, which are also illustrated on Attachment A.

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Public Utility Energy Facility (PUE)	Coastal Energy Facilities (EC)	Energy facilities (Mandalay Generating Station and Mandalay 220 kV)
North	Agriculture (AG), Resource Protection (RP)	County	Oil and gas facilities, agriculture
South	Resource Protection (RP), Residential Existing (REX)	Coastal Resource Protection (RP), Coastal Recreation (RC), Easement Right-of-Way (ESM-RW)	Mandalay State Beach, oil and gas facilities
East	Agriculture (AG), Easement (ESM)	County, Coastal Resource Protection (RP)	Oil and gas facilities, agriculture
West	Recreation Area (REC), Resource Protection (RP)	Coastal Recreation (RC), Easement Right-of-Way (ESM-RW)	Mandalay State Beach, Pacific Ocean

4) Background Information:

- a) The project site was developed with the existing Mandalay 220 kV Substation in approximately 1958. The Mandalay Generating Facility opened in 1959 with two steam powered generation units, one jet engine powered unit was added in 1970. There are dozens of building permits dating back to 1963 for the Mandalay Power Plant and its ancillary uses.
- b) The site has few Planning entitlements.
 - i) Permits for a storage tank and a pipeline were approved by the Planning Director in 2000 and 2001, respectively.
 - ii) On August 17, 2000, the Planning Commission approved Coastal Development Permit 00-5-41 to allow Southern California Edison to decommission and remove four oil storage tanks located adjacent to the Mandalay Bay Generating Station.
 - iii) On October 4, 2001, the Planning Commission approved Coastal Development Permit 01-5-24 to permit the Southern California Edison Mandalay Marine Terminal Decommissioning Program.
 - iv) Two Coastal Administrative Modification permits (PZ 04-420-01 & PZ 04-420-02) were approved by the Planning Director in 2004 for different aspects of a project to dredge and remove dredged material for a canal on the site.
 - v) Additionally, a lot line adjustment was made in preparation for SCE divestiture (PZ 97-5-28 and 04-420-01).

- vi) On June 17, 2021, the Planning Commission approved Coastal Development Permit 20-400-04 to remove Southern California Edison equipment associated with the Mandalay 220 kV Substation and replace with limited backfill materials.

5) Environmental Determination: In accordance with Section 15302 (Class 2, Replacement or Reconstruction) of the State of California Environmental Quality Act (CEQA) Guidelines, projects involving “replacement or reconstruction of existing facilities” including the “existing utility systems and/or facilities involving negligible or no expansion of capacity” may be found to be exempt from the requirements of CEQA. This proposed Project meets the requirements of a Class 2 Categorical Exemption because it consists of the removal of existing equipment from an energy generation facility that involves no expansion of capacity, and replacement with limited backfill materials to ensure that the site is returned to its original condition prior to the installation of the equipment. The project includes restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that the Planning Commission direct the Planning & Environmental Services Manager to file the Notice of Exemption (Attachment C) with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the project.

6) Analysis:

a) General Discussion: The project proposes to remove a 402 foot segment of an existing abandoned 20 inch high pressure natural gas transmission pipeline, Line 8109 (L8109), located adjacent to the Mandalay Generating Station. Prior to the removal of the section of existing abandoned pipeline, a 20 feet (ft) (length) by 10 ft (width) by 8 ft (depth) excavation will be hand dug on the east side of North Harbor Blvd to expose a small section of pipeline in order to isolate the pipeline from the active section of L8109. The excavation will allow the project to perform a tie-in of a stopple train and cap, which is a procedure used to isolate a section of pipeline in the absence of a shutoff valve. The abandoned section of pipeline will then be emptied of natural gas utilizing a cross compression which will transfer any remaining natural gas to the active section of L8109. A 1,200 sq. ft. staging area along the developed portion of North Harbor Blvd will be utilized during the isolation and tie-in process.

A traffic control plan to be approved by the City Traffic Engineer, will redirect traffic along North Harbor Blvd prior to the excavation of asphalt and soil to expose the section of L8109 traversing across North Harbor Blvd. An excavator will be utilized to expose the section of L8109 crossing North Harbor Blvd and will require approximately 6 ft of depth to expose the pipeline for removal. After the removal of the pipeline across North Harbor Blvd the excavation will be backfilled with the native soil and approximately 260 cubic ft of imported soil then repaved. The final phase of the project will excavate and remove the section of L8109 west of North Harbor Blvd extending into the Mandalay Generating Station. The excavation will be backfilled with the native soil and approximately 560 cubic ft of imported

soil and revegetated with native species appropriate to the coastal climate, in compliance with the Biological Resources Assessment.

Equipment and vehicle staging will occur at a 500 ft by 150 ft paved parking lot inside the Mandalay Generating Station . The project is expected to require 38 work days. During work hours equipment may be staged adjacent to the section of L8109 being removed. Access to the project will be along paved roads and access to the staging area will occur along an existing 20 ft wide graveled road. No dewatering is required as a part of the project. Conservatively, approximately 7,640 sq. ft. of vegetation removal is required along the west side of North Harbor Blvd and approximately 1,052 sq. ft. along the east side of North Harbor Blvd. At the completion of the project, the disturbance area will be restored to pre existing conditions, including backfilled to the existing grade and revegetated with a native seed mix in compliance with the Biological Resources Assessment.

The project does not include activities that would result in additions, enlargements, or expansions of existing facilities. Approximately 4,020 sq. ft. will be disturbed by open trench excavation within an existing Southern California Gas easement. The entire 402 linear-foot alignment and approximately 4,020 sq. ft. disturbance area is referred to as the project area. The project occurs on both County of Ventura and City of Oxnard jurisdictional lands with portions of each jurisdiction occurring on California Department of Transportation right-of-way.

b) General Plan and Local Coastal Program (LCP) Consistency: The project site has a 2030 General Plan land use designation of Energy Facility (PUE) which allows large electrical generating and transmission facilities. The proposed project will not alter the use of the site, and only involves the removal of abandoned equipment; therefore, the project is consistent with the City's 2030 General Plan and complies with all applicable Coastal Land Use Plan Policies (see below consistency tables).

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).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
ER-1.1	I	Protect Oxnard's Natural and Cultural Resources Protect the City's natural resource areas, fish and wildlife habitat, scenic areas, open space areas, parks, and cultural and historic resources from unnecessary encroachment or harm and if encroachment or harm is necessary, fully mitigate the impacts to the maximum extent feasible.	Project includes restoration activities to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.
ER-2.4	I	Design Review Process Use the environmental and design review process to protect designated sensitive habitat, and promote open space.	Project includes minimized ground disturbance, fencing, and restoration activities to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.
ER-4.1	I	Encourage Protection of Sensitive Habitat Identify and encourage protection of sensitive habitat areas, with attention to habitat that may span small parcels.	Project site includes sensitive habitat and the project is designed to minimize disturbance and restoration activities to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.
ER-4.5	I	Planning in Sensitive Areas Require careful planning of new development in or near areas that are known to have particular value for biological resources to maintain sensitive vegetation and wildlife habitat.	Project includes removal of existing utility infrastructure and related development and includes restoration activities to ensure that the site is restored to maximum extent

			feasible, and improve upon the existing conditions.
ER-6.2	I	Protect and Enhance Major Scenic Resources Protect and enhance the scenic resources of the beaches, Channel Island Harbor, windrows, farmland, the Channel Islands, and surrounding mountains.	Project includes removal of an existing pipeline and related equipment and restore the area which will enhance views along the coast.
CD-9.2 CD-16.5 CD-17.1	II	Revitalization and Redevelopment Industrial and Commercial Development Standards Electric Facilities	The project is subject to conditions of approval that meet these Level II policies.
All others	III	All policies not listed above	No or distant applicability to the proposed project.

In addition to being subject to the 2030 General Plan, the proposed development is subject to the Coastal Act and Local Coastal Plan. The applicable policies have been compared with the proposed project as follows:

Coastal Act Policies (CA) and Local Coastal Plan (LCP) Policies

POLICY NO.	POLICY	EXPLANATION
CAP 30240a	Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas.	Project is designed to minimize ground and vegetation disturbance and includes restoration activities to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.
CAP 30240b	Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade such areas, and shall be	

	compatible with the continuance of such habitat areas.	
CAP 30250	New development shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it.	Project site is located within a previously disturbed area developed with the existing substation. Project was developed with a biological report and recommendations have been incorporated into the project description and conditions or approval. Restoration activities are included to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.
LCP 6(d)	New development adjacent to wetlands or resource protection areas shall be sited and designed to mitigate any adverse impacts to the wetlands or resource...When a development is proposed within an environmentally sensitive habitat or a resource procession area, or within 100 feet of such areas, a biological report shall be prepared within includes applicable topographic, vegetative and soils information. The information shall include physical and biological features existing in the habitat areas. The report shall be prepared by a qualified biologist, and shall recommend mitigation measures to protect any impacted resources. All recommendations shall be made in cooperation with the State Department of Fish and Game. When applicable restoration of damaged habitats shall be a condition of approval.	
CAP 30251	Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas to minimize the alteration of natural landforms, and to be visually compatible with the character of the surrounding areas.	Project includes removal of an underground Pipeline and the site will be restored which will enhance views.
LCP 37	All new development in the coastal zone shall be designed to minimize	

	impacts on the visual resources in the area.	
LCP 52	Industrial and energy-related development shall not be located in coastal resource areas, including sensitive habitats, recreational areas and archaeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts. All new industrial development shall be designed and screened to minimize aesthetic impacts. Screening shall be primarily vegetative.	Project development includes fill within the trench where the pipeline is being removed. Project has been designed to minimize disturbances. Restoration activities are included to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.
LCP 54	All new industrial and energy-related development shall be located and designed to minimize adverse effects upon public access to the beach. Where appropriate, an access dedication shall be a condition of approval.	Project activities will occur within the existing Mandalay Generating Station and adjacent right-of-way and will not create new adverse impacts to public access to the beach.
LCP 63	Except for oil and gas wells and accessory structures, all energy facilities proposed for the coastal zone shall be permitted uses only in the areas designated "Energy Development Areas" on the land use map. The concentration of these uses in the industrial development in the Ormond Beach area is in conformance with coastal policies requiring the concentration of development and facility consolidation (Sections 30260 and 30261).	The existing substation is located within an area designated "Energy Development Areas" on the land use map. The project includes the removal of utility equipment.

The proposed Project complies with the above CAP and LCP policies and, as shown below, the Project is fully consistent with the development standards of the Coastal Energy Facilities (EC) zone which implements the above LCP policies.

- c) Conformance with Zoning Development Standards:** The proposed removal of existing energy substation equipment is subject to the policies of the Coastal Energy Facilities (EC) zone. Pursuant to Section 17-20(B)(2) and (3) (Coastal Energy Facilities Zone) of the Coastal Zoning Code, an electrical power generating plant and accessory uses normally associated with said power generating facilities and electrical substations are subject to the Planning Commission's approval of a Coastal Development Permit. Additionally, pursuant to Section 17-57(B)(5) (Coastal Permit Procedures) of the Coastal Zoning Code, the proposed project is appealable to the California Coastal Commission, and is thus subject to the Planning Commission's approval of a Coastal Development Permit. The proposed development has been reviewed for consistency with the development standards of the Coastal Zoning Code as follows:

Coastal Act Policies (CA) and Local Coastal Plan (LCP) Policies Applicable to Development Within the Coastal Energy Facilities Zone

POLICY NO.	POLICY	EXPLANATION
CAP 30260	Coastal dependent energy facilities shall be encouraged to locate or expand within existing sites and shall be permitted reasonable long-term growth, where consistent with this article.	Project site is located within an area previously developed with the existing energy station. The project includes the removal of utility equipment.
LCP 29	All new energy related development shall conform to the air quality regulations set forth by the Ventura County Air Pollution Control District, the air quality management plan and new source review rule 26.	Project development will be subject to required air quality review and approval by the Ventura County Air Pollution Control District. The project includes the removal of utility equipment.
LCP 30	Energy related development shall not be located in coastal resource areas including sensitive habitats, recreational areas and archaeological sites. All development adjacent to these resource areas or agricultural areas shall be designed to mitigate any adverse impacts.	Project development includes the removal of existing equipment that is located within a coastal resource area and has been designed to minimize disturbances. Restoration activities are included to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions.

LCP 54	All new energy related development shall be located and designed to minimize adverse effects upon public access to the beach.	Project development includes the removal of equipment from an existing facility that will not create adverse impacts to public access to the beach.
LCP 56	No energy related development shall be located seaward of the 100 year flood/wave run-up line as designated by the U.S. Department of Housing Insurance Program Administration and the land use map of the Oxnard coastal land use plan.	Project development includes the removal of equipment from an existing facility.
LCP 64	Wastewater from any energy related facilities shall be treated as necessary and put to reuse including, but not limited to the following: (a) Re-injection into the aquifer or ground water recharge system; and (b) Recycling for industrial, agricultural or urban use.	Project development does not include any changes to wastewater from the existing facility.

As conditioned, the Project is consistent with the Coastal Act policies and Local Coastal Plan policies that are applicable to development located within the Coastal Energy Facilities zone.

- d) Site Design:** The project site is generally situated on private lands adjacent to the Mandalay Generating Station located on the west side of North Harbor Blvd, but the project also includes work within the adjacent right-of-way and County of Ventura Jurisdiction. The abandoned pipeline that will be removed is generally north of the existing energy facility equipment. The project site includes trees, ornamental vegetation, and native vegetation.
- f) Circulation and Parking:** Vehicular access to the site is provided directly from North Harbor Blvd and via a gravel access road accessed via a paved driveway from North Harbor Blvd. The equipment used for the project will primarily be staged within the paved parking lot. Additionally, a small staging area will be located within the Harbor Blvd right-of-way. The project does not require onsite parking to be provided and will not conflict with any parking demand onsite.
- 7) Community Workshop and Public Input:** Since the Project site is not located within a General Plan designated neighborhood, the project was not required to be presented to the community during a Community Workshop.

Consistent with public noticing requirements, the Planning Commission Hearing was advertised in the newspaper, with an on-site posting and by mail to property owners within 300 feet of the project site, and residents within 100 feet of the project site. To date, Planning Staff has not received any comments or inquiry from the public regarding the proposed project.

8) Appeal Procedure: In accordance with Section 17-58(J) of the City Code, the Planning Commission's action may be appealed to the City Council within 10 working days after the decision is made. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 10 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final and a Notice of Final Action shall be filed on the 11th working day with the Coastal Commission.

Attachments:

- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Development Project Plans
- C. Notice of Exemption
- D. Resolution (Coastal Development Permit)
- E. Staff Presentation

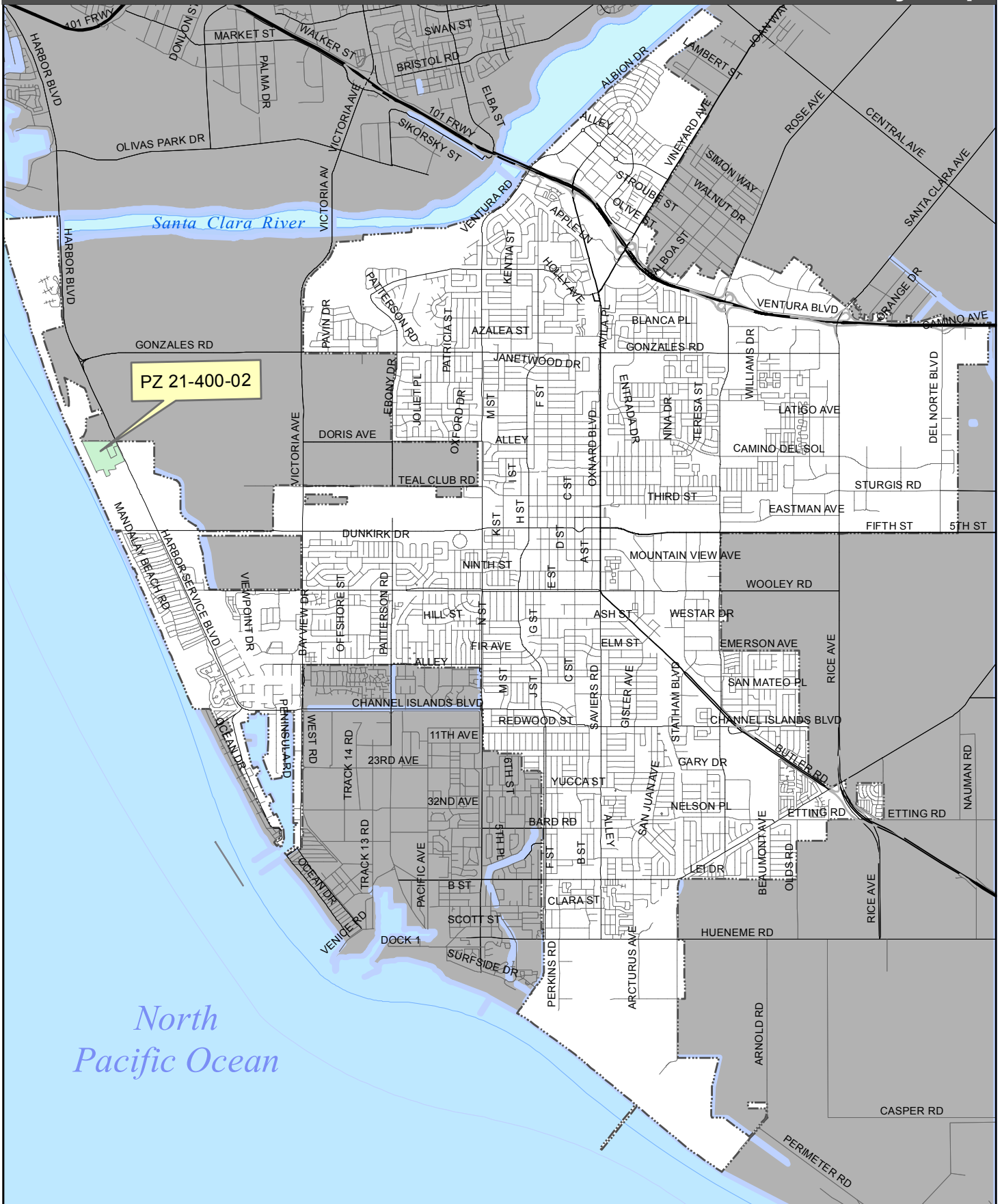
ATTACHMENT

A

MAPS

(VICINITY, GENERAL PLAN, ZONING, AERIAL)

Vicinity Map



2030 General Plan Land Use Map



Oxnard Planning
September 15, 2021

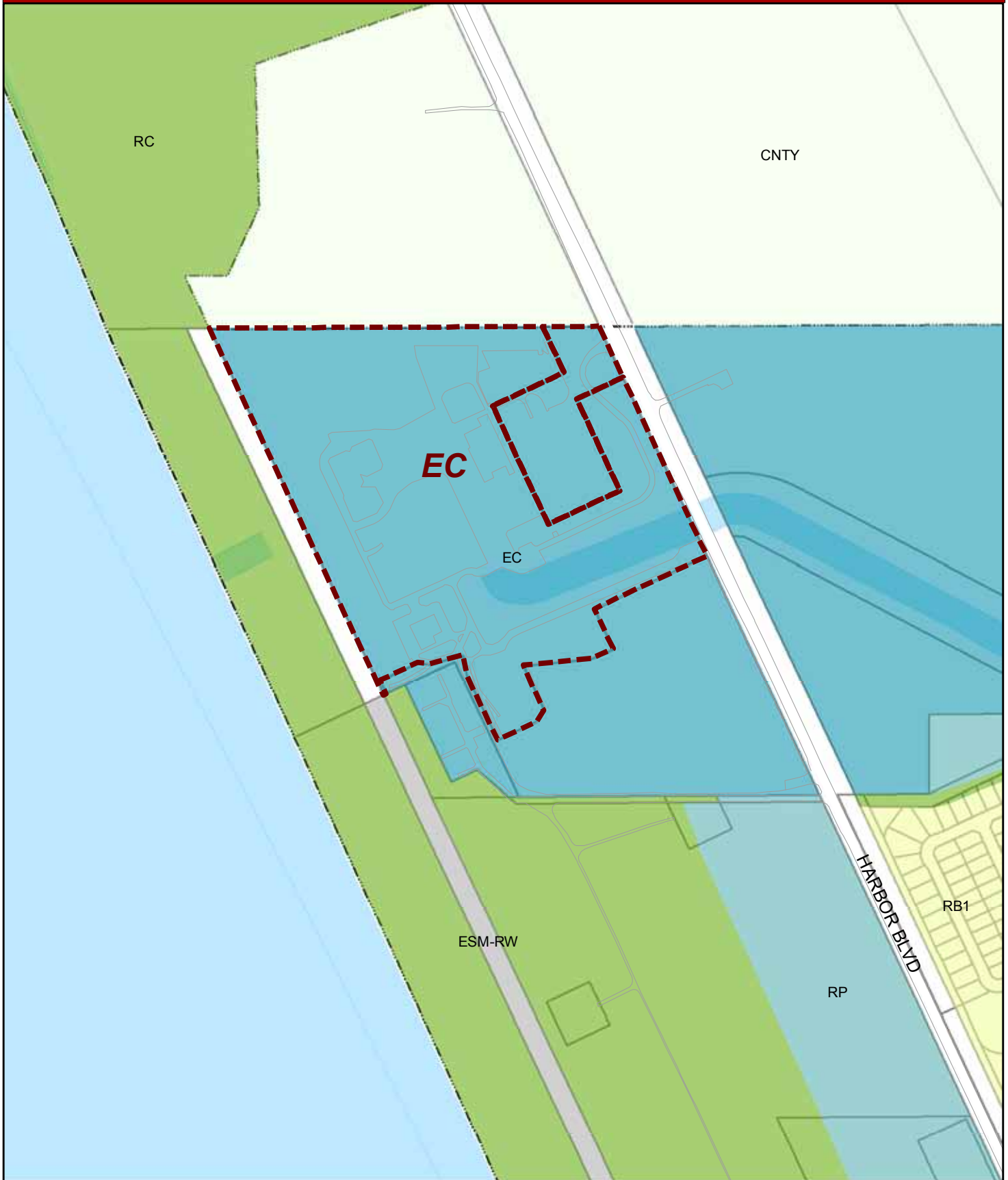
PZ 21-400-02
Location: 393 N Harbor Blvd
APN: 1830022015, 1830022025
Line 8109 Removal Project
0 150 300 600 Feet

2030 General Plan Land Use Map



1:6,000

Zoning/Specific Plan Map



Oxnard Planning

September 15, 2021

PZ 21-400-02

Location: 393 N Harbor Blvd

APN: 1830022015, 1830022025

Line 8109 Removal Project

0 100 200 400 600 800 Feet

Zoning/Specific Plan Map



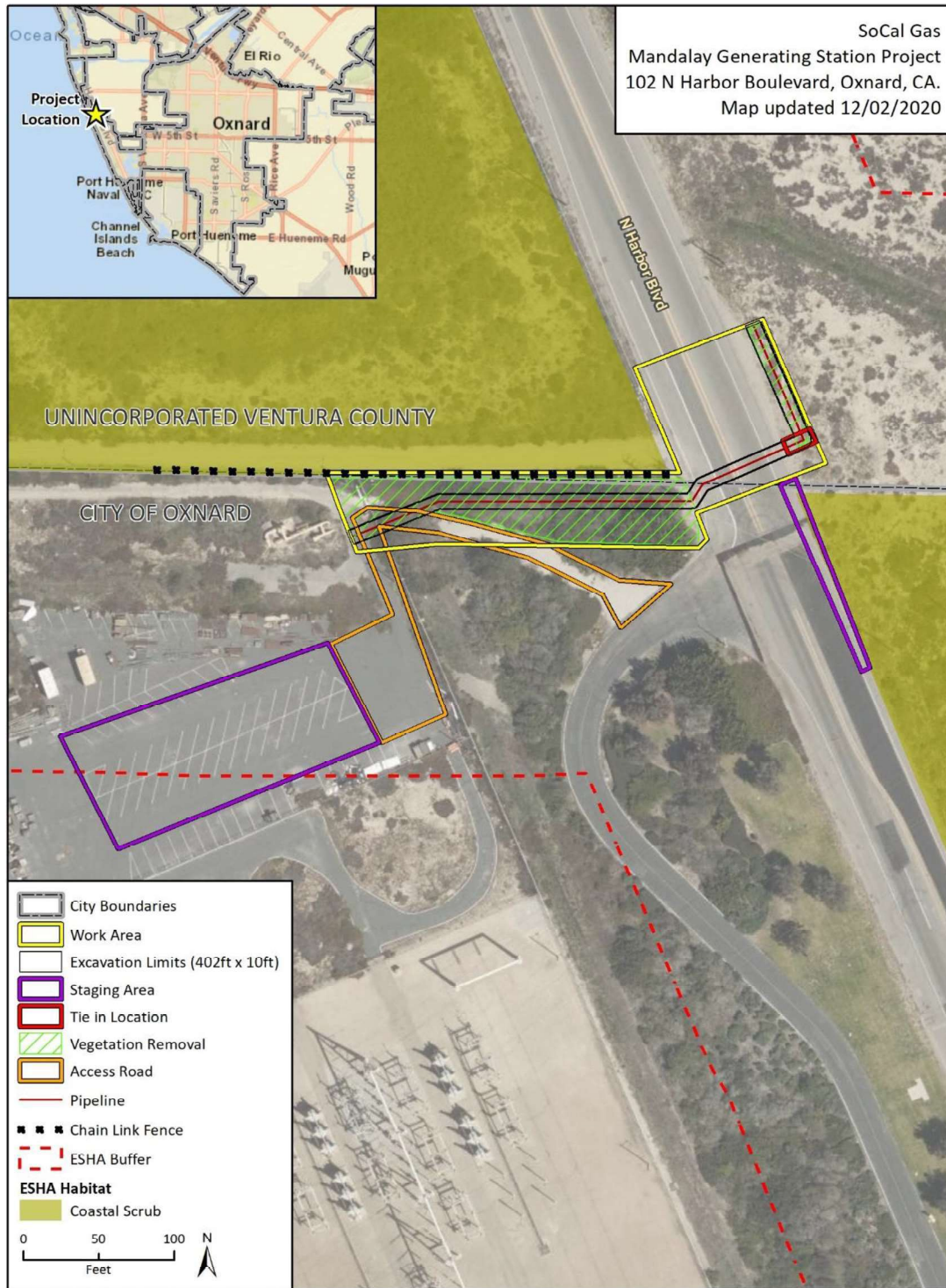
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ATTACHMENT B

REDUCED PROJECT PLANS

Site Plan 11x17



Data provided by the City of Oxnard, 2014, Aspen, 2007, Stillwater Sciences URS, 2007, and USFWS, 2015.
Imagery provided by Microsoft Bing, Esri, and their licensors © 2020.

Fig. X Site Plan

ATTACHMENT C

CEQA NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Description: PZ No. 21-400-02 (Coastal Development Permit): A request to remove a 402-foot segment of an existing abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline Line 8109 adjacent to the Mandalay Generating Station. The project is in part located within the City of Oxnard (City), at 205 and 393 North Harbor Boulevard, also known as the Mandalay Generating Station (APNs 183-0-022-015 and 183-0-022-025) within the Coastal Energy Facilities (EC) zone, and a small portion of the project to the east of North Harbor Blvd is within unincorporated Ventura County (County) (APN 183-0-010-46). The central portion of the project along North Harbor Blvd, is within the road right-of-way.

The portion within the County of Ventura is being separately reviewed by the County of Ventura. Filed by James Chuang, GenOn California South, LP, 555 West 5th Street GT02A, Los Angeles, California 90013.

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

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

Supporting Reasons: In accordance with Section 15302 (Class 2, Replacement or Reconstruction) of the State of California Environmental Quality Act (CEQA) Guidelines, projects involving “replacement or reconstruction of existing facilities” including the “existing utility systems and/or facilities involving negligible or no expansion of capacity” may be found to be exempt from the requirements of CEQA. This proposed Project meets the requirements of a Class 2 Categorical Exemption because it consists of the removal of existing equipment from an energy generation facility that involves no expansion of capacity, and replacement with limited backfill materials to ensure that the site is returned to its original condition prior to the installation of the equipment. The project includes restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that the Planning Commission direct the Planning & Environmental Services Manager to file the Notice of Exemption with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the project.

(Date)

Scott Kolwitz, Planning Manager
City of Oxnard

**ATTACHMENT
D**

**RESOLUTION No. 2021-XX
(COASTAL DEVELOPMENT PERMIT)**

RESOLUTION NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-400-02 (COASTAL DEVELOPMENT PERMIT) TO AUTHORIZE THE REMOVAL OF A 402-FOOT SEGMENT OF AN EXISTING ABANDONED SOUTHERN CALIFORNIA GAS COMPANY 20-INCH HIGH PRESSURE NATURAL GAS TRANSMISSION PIPELINE LINE 8109 LOCATED AT 393 NORTH HARBOR BOULEVARD APPROXIMATELY 0.75 MILES SOUTH OF GONZALES ROAD (APNS: 183-0-022-015 AND 183-0-022-025) IN THE COASTAL ENERGY FACILITIES (EC) ZONE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY JAMES CHUANG, GENON CALIFORNIA SOUTH, LP, 555 WEST 5TH STREET GT02A, LOS ANGELES, CALIFORNIA 90013.

WHEREAS, on May 24, 2021, James Chuang, on behalf of property owner GenOn California South, LP (the “**Applicant**” and/or “**Permittee**”), submitted a request for a Coastal Development Permit, pursuant to Oxnard City Code Section 17-57 through 17-58, to allow the removal of a 402-foot segment of an existing abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline Line 8109 located at 393 North Harbor Boulevard approximately 0.75 miles south of Gonzales Road; and

WHEREAS, a small portion of the project to the east of North Harbor Blvd is within unincorporated Ventura County (County) (APN 183- 0-01 0-46); and

WHEREAS, the portion within the County of Ventura is outside the City of Oxnard’s municipal boundaries and that portion of the project is being separately reviewed by the County of Ventura; and

WHEREAS, on October 7, 2021, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing to consider Applicant’s request to approve Planning and Zoning Permit No. 21-400-02 (Coastal Development Permit) to allow the removal of a 402-foot segment of an existing abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline Line 8109 located at 393 North Harbor Boulevard approximately 0.75 miles south of Gonzales Road within the City of Oxnard’s municipal boundaries; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Class 2 Categorical Exemption (Section 15302). 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 has a 2030 General Plan/Local Coastal Plan land use designation of Public Utility Energy Facility (PUE) and a Coastal Zoning designation of Coastal Energy Facilities (EC). The Project site is located within a mapped energy facility area, which is adjacent to sensitive habitats. The project includes the removal of an abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline and replacement with limited backfill materials to ensure that the site is restored to maximum extent feasible, and improve upon the existing conditions. The project includes restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance. Therefore, the project will have no significant 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 Coastal Development Permit request for the removal of an abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline will result in less equipment on-site associated with the energy facilities. Removed equipment will be replaced with limited backfill materials to ensure that the site is restored. The project includes restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance. The use of the substation is consistent with the 2030 General Plan, Local Coastal Plan and the Oxnard City Code and is compatible with the physical scale and character of other energy facility development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General, Local Coastal 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 Coastal Development Permit request for the removal of an abandoned Southern California Gas Company 20-inch high pressure natural gas

transmission pipeline will result in less equipment on-site associated with the energy facilities. Removed equipment will be replaced with limited backfill materials to ensure that the site is restored to its original condition prior to the installation of the equipment will authorize development activities within an area that has been previously developed with energy facilities. The removal of equipment 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 energy facility character of the surrounding development and the property does not contain any unusual environmental characteristics as the property is generally surrounded by existing energy facilities and native vegetation. 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 June 9, 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 was developed with the existing Mandalay 220 kV Substation in approximately 1958 and the Mandalay Generating Facility opened in 1959. The existing facility does not have the potential to be considered eligible for the California Register of Historical Resources (CRHR) and is not considered historical, 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.

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 Planning Commission staff report and all attachments thereto, the Planning Commission finds:

- (1) **The proposed use is conditionally permitted within the subject (EC) subzone and conforms with all of the applicable provisions of this chapter.**

The proposed removal of existing energy substation equipment, replacement with limited backfill materials to ensure that the site is returned to its original condition prior to the installation of the equipment, and restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance is subject to the policies of the Coastal Energy Facilities (EC) zone. Pursuant to Section 17-20(B)(2) and (3) (Coastal Energy Facilities Zone) of the Coastal Zoning Code, an electrical power generating plant and accessory uses normally associated with said power generating facilities and electrical substations are subject to the Planning Commission's approval of a Coastal Development Permit. Additionally, pursuant to Section 17-57(B)(5) (Coastal Permit Procedures) of the Coastal Zoning Code, the proposed project is appealable to the California Coastal Commission, and is thus subject to the Planning Commission's approval of a Coastal Development Permit. The project site has a General Plan and Local Coastal Plan land use designation of Coastal Energy Facilities (EC). As discussed in the staff report, the proposed Project complies with all the standards of the EC subzone, and applicable provisions of Chapter 17 of the Oxnard City Code.

- (2) **The proposed use will not impair the integrity and character of the subject sub-zone.**

The Project includes the removal of existing energy facility equipment and complies with the standards of the EC sub-zone related to facility expansion, air quality, coastal resource areas, beach access, flooding, and wastewater. As outlined in the staff report, the Project also complies with the Coastal Act and Local Coastal Plan. Similar coastal energy facility development exists adjacent to the substation. As proposed and conditioned, the Project is not expected to negatively affect the integrity or character of the EC sub-zone or immediate vicinity.

- (3) **The location and intensity of use of the subject site would be physically suitable and would protect and maintain adjacent coastal resources.**

The Project site is generally surrounded by existing energy facilities and native vegetation. The Local Coastal Program planned for this lot to be developed with

coastal energy facility uses. The lot is not adjacent to a beach public access way and the proposed removal of equipment will not further prevent beach access.

As discussed in the staff report, the proposed Project and use are consistent with uses considered and permitted by the Coastal Energy Facilities (EC) zone, including the zone standards. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building and Fire Codes. Removed equipment will be replaced with limited backfill materials to ensure that the site is returned to its original condition prior to the installation of the equipment. The project includes restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance. The proposed pipeline removal is compatible with the existing surrounding uses and future development of the area. Therefore, the location and proposed intensity of the Project is suitable for the site and implementation would not significantly impact coastal resources.

(4) The proposed use would be compatible with the land uses presently on the subject site.

The Project site is developed with energy facilities and the proposed project will not alter the existing use of the site. The Project only involves the removal of an abandoned pipeline and restoration of the site.

(5) The proposed use would be compatible with existing and future land uses within the sub-zone and the general area in which the proposed use would be located.

Energy facilities are allowed in the EC subzone. The surrounding lots are developed with utility facilities and open space, and future uses on the adjacent ESM parcels include utilities, and adjacent RP and RC parcels include open space.

As proposed and conditioned, the Project will meet the development standards of the Coastal Energy Facilities (EC). The subject site is adequate in terms of size, and is designed to meet the development standards prescribed in the EC zone requirements.

Therefore, the proposed removal of existing abandon pipeline, replacement with limited backfill materials to ensure that the site is returned to its original condition, and restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance will be compatible with the surrounding utility facilities and open space and future land uses within the subzone and general area in which the proposed project would be located.

- (6) **There are adequate public services for the proposed use, including, but not limited to fire and police protection, water, sanitation and public utilities and services to ensure that the proposed use will not be detrimental to public health and safety.**

The Project has access to existing public services. The Project site has access to existing water and sewer mains along North Harbor Boulevard. The surrounding development has adequate fire, police, water, sanitation, and utility services. The Project has been reviewed by the City of Oxnard's technical staff, which include the Oxnard Police and Fire Departments; staff has determined that the Project would have no significant impact on the public health, safety, or welfare. Additionally, and in accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit. Therefore, as proposed and as conditioned, there are adequate public services for the proposed use to ensure that the Project will not be detrimental to public health and safety.

- (7) **The Proposed use will provide a type and level of public access consistent with the access policies and standards of the certified Oxnard Coastal Land Use Plan.**

Implementation of the proposed Project will not affect existing public access to the beach as the subject site is not located adjacent to a beach public access way, and the activities within the existing energy facilities will not further prevent beach access. Therefore, present public access to the beach would remain unchanged by this Project.

- (8) **The proposed use will be appropriate in light of an established need, based upon the underlying goals and objectives of specific Oxnard Coastal Land Use Plan policies, applicable to the proposed location.**

The proposed Project would provide the City with consolidated energy facilities in the Coastal Zone. As indicated in Map No. 2 of the Oxnard Local Coastal Plan (LCP), the subject site is in the Coastal Energy Facilities area, which is one of the Coastal Zone areas planned for energy facilities. The Project site is identified in both the LCP and the General Plan with a designation of Public Utility Energy Facility (PUE). Therefore, the proposed use is appropriate in light of established need, based upon the goals and objectives in the LCP.

- (9) **The proposed use would be consistent with all the applicable policies of the certified Oxnard Coastal Land Use Plan.**

The project site is an existing energy substation surrounded by existing energy facility equipment and native vegetation. The proposed Project includes removal

of existing abandoned pipeline, replacement with limited backfill materials to ensure that the site is returned to its original condition, and restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance. The Project would not impact public access to the beach. As discussed in the staff report, the Project complies with the zoning standards and adheres to both General Plan and certified LCP policies for coastal energy facilities uses.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15302 (Replacement or Reconstruction) of the State CEQA Guidelines. The Project consists of the removal of an existing abandoned pipeline that involves no expansion of capacity, and replacement of with limited backfill materials to ensure that the site is returned to its original condition prior to the installation of the equipment. There is no substantial evidence that the Project will have a significant effect on the environment, and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. The Planning 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, the Planning Commission hereby approves Planning and Zoning Permit No. 21-400-02 (Coastal Development Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 17-58 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

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 October 7, 2021, (“the plans”) on file with the Planning Division.
3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed Project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements. (PL, *G-3*)
4. All required off-site and on-site improvements for the Project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)
5. By commencing any activity related to the Project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)
6. Developer agrees, as a condition of adoption of this Resolution, at Developer’s own expense, to indemnify, defend and hold harmless the City and its agents, officers, and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the Resolution or any condition attached thereto or any

proceedings, acts or determinations taken, done or made prior to the approval of such Resolution that were part of the approval process. (CA, G-6).

7. 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)
8. Developer shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
9. Before placing or constructing any signs on the project property, Developer shall obtain a sign permit from the City. Except as provided in the sign permit, Developer may not change any signs on the project property. (PL/B, G-10)
10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the Project property, unless allowed in writing by the Fire Chief. (FD, G-12)
12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the Project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
14. Prior to issuance of building permits, Developer shall execute an agreement, in a form approved by the City Attorney, to hold harmless, indemnify and defend the City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability, claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from the City's approval of this permit or other permits; from construction of the Project or any part thereof approved herein; and from land failure, erosion, inundation, or wave attacks on the subject property or on any property near or adjacent thereto, arising out of or resulting from or caused by work performed or authorized by Developer. (PL/CA, G-16)
15. The subject Coastal Development Permit shall become effective after 10 working days have elapsed without appeal to the Coastal Commission following the proper receipt by the Coastal Commission's Executive Director of the notice of permit issuance pursuant to

Section 13316 of the Coastal Commission Code of Regulations or after 21 calendar days following the final city action. Notice to the Coastal Commission shall be given by Planning Division staff as described by Sections 17-58 H through J of the Oxnard City Code. (PL, *G-17*)

PLANNING DIVISION STANDARD CONDITIONS

16. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by resolution of the Planning Commission and/or the City Council in all sets of construction documents and specifications for the Project. (PL, *PL-3*)
17. Prior to issuance of building permits, Developer shall pay a document-imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
18. All construction activities shall occur only between the hours of 7:00am to 6:00 pm Monday through Saturday in accordance with Section 7-188(D) of the Oxnard City Code.

PLANNING DIVISION SPECIAL CONDITION

19. Developer shall limit outdoor storage of construction related materials to the paved park lot and gravel area adjacent to North Harbor Boulevard as shown on the project plans during the construction period of the project. Outdoor storage of materials shall be prohibited after final inspection of the project by Building & Engineering staff.
20. Developer shall maintain the construction site free of litter and the accumulation of construction debris. (PL)
21. Developer shall remove any and all graffiti from the project premises, including but not limited to graffiti on equipment or fences, within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch. (PL)
22. Developer shall ensure that all construction equipment is maintained and tuned to manufacturer's recommended specifications. (MND, C-1)
23. At all times during construction activities, Developer shall minimize the area disturbed by clearing, grading, earth moving, or excavation operations to prevent excessive amounts of dust. (MND, C-2)
24. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (MND, C-3)
25. During construction, Developer shall control dust by the following activities:

- a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code §23114, with special attention to Sections 23114(b)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.
 - b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (MND, C-4)
26. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less. (MND, C-5)
 27. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite. (MND, C-6)
 28. Prior to permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)
 29. The Permittee shall comply with the provisions of applicable VCAPCD Rules and Regulations, which include but are not limited to, Rule 50 (Opacity), Rule 51 (Nuisance), Rule 55 (Fugitive Dust), and Rule 55.1 (Removal of Visible Roadway Accumulations). (PL)
 30. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APCD regularities regarding Asbestos (Rule 63.7). (MND, C-8)
 31. In the event that any historic or prehistoric cultural resources are discovered on-site, work in the vicinity of the find shall be halted immediately and the Developer shall obtain a contract with a qualified archaeologist for the review and remediation of the site. The contract shall be submitted to the Planning Division for review and approval. The archaeologist shall evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any archaeologist or other consultants and future mitigation resulting from the survey. (MND, E-1)
 32. Prior to issuance of a grading or building permit, the Developer shall finalize the pre-construction restoration plan to the satisfaction of the Community Development Director. The intent of the restoration plan is to minimize disturbances to the sensitive habitat adjacent to the project site, Developer shall comply with the following avoidance and minimization measures:

- a. Worker Environmental Awareness Program: Prior to initiation of all construction activities (including staging and mobilization), all personnel associated with project construction shall attend a Worker Environmental Awareness Program (WEAP) training, conducted by a qualified biologist, to assist workers in recognizing special status biological resources with the potential to occur in the project area. This training will include information about California legless lizard, American peregrine falcon, burrowing owl, protected nesting birds, sensitive habitats, as well as other special status species potentially occurring in the project area.

The specifics of this program will include identification of special status species and habitats, a description of the regulatory status and general ecological characteristics of special status resources, and review of the limits of construction and measures required to avoid and minimize impacts to biological resources within the project area. A fact sheet conveying this information will also be prepared for distribution to all contractors, their employees, and other personnel involved with construction of the project. All employees will sign a form provided by the trainer documenting they attended the WEAP and understand the information presented. The crew foreman will be responsible for ensuring crew members adhere to the guidelines and restrictions designed to avoid impacts to special status species. If new construction personnel are added to the project, the crew foreman will ensure the new personnel receive the WEAP training before starting work.

- b. General Best Management Practices: The following general requirements shall be followed by all construction personnel:
 - i. The contractor Shall clearly delineate the construction limits and prohibit any construction related traffic outside those boundaries.
 - ii. Project related vehicles shall observe a 5 mile per hour speed limit within the unpaved limits of construction.
 - iii. All open trenches Shall be fenced and sloped to prevent entrapment of wildlife species.
 - iv. All food related trash items such as wrappers, cans, bottles, and food scraps generated during proposed project construction Shall be disposed of in closed containers only and removed daily from the project area.
 - v. No deliberate feeding of wildlife shall be allowed.
 - vi. No pets shall be allowed on the project area.
 - vii. No firearms shall be allowed on the project area.
 - viii. If vehicle or equipment maintenance is necessary, it must be performed in the designated staging areas.

- ix. During construction, heavy equipment Shall be operated in accordance with standard Best Management Practices (BMPs). All equipment used on site Shall be properly maintained to avoid leaks of oil, fuel, or residues. Provisions Shall be in place to remediate any accidental spills.
 - x. While encounters with special status species are not likely or anticipated, any worker who inadvertently injures or kills a special status species or finds one dead, injured, or entrapped Shall immediately report the incident to the construction foreman or biological monitor.
 - xi. The construction foreman or biological monitor Shall immediately notify SoCalGas. SoCalGas Shall follow up with written notification to USFWS and/or CDFW within five working days of the incident.
- c. Biological Monitor: A qualified biological monitor familiar with special status plant and wildlife species with potential to occur in the project area will be present during initial ground disturbance or vegetation removal activities. Once initial ground disturbance and vegetation removal is complete, monitoring frequency may be reduced to a minimum of weekly at that location while active construction work is occurring. The monitor will recommend measures to ensure compliance with all avoidance and minimization measures, applicable permit conditions, and any conditions required by Southern California Gas. When the biological monitor is present on site, he/she will be responsible for:
- i. Ensuring procedures for verifying compliance with environmental mitigation are followed,
 - ii. Lines of communication and reporting methods,
 - iii. Daily and weekly reporting of compliance,
 - iv. Construction crew WEAP training,
 - v. Authority to stop work, and
 - vi. Action to be taken in the event of non compliance.

Furthermore, prior to ground disturbing or vegetation removal activities at the project area, the biological monitor will conduct a survey to ensure there are no special status plant and wildlife species in or adjacent to the project area. The survey will include all components within the project area including access roads, staging areas, and a 100-foot buffer. The survey will be conducted on the first day of the start of construction or up to 48-hours prior to initial ground disturbing activities. If special status wildlife species are observed within the project area and cannot be avoided by the project (e.g., unable to safely move out of the project area on its own, nests or roosts are observed within the project area), the biologist Shall notify the City and appropriate agency (e.g., USFWS or CDFW) staff within one work day of the detection and further consultation with the

agencies will be conducted to determine the course of action before proceeding with work.

- d. Avoidance: During construction, the project areas shall be clearly delineated in the field to prevent direct impacts outside of the designated project areas. All sensitive species and sensitive species' habitats, including ESHA, located within 100 feet of construction activities shall be delineated with specific sensitive species labeling (e.g., signage stating, "No Entry - Environmentally Sensitive Habitat" attached to temporary construction fencing). Since the project is temporary, orange snow fencing would be sufficient for the duration of construction. Areas that are separated by existing chain link fencing, signage will be secured to the existing fencing.
- e. Avoid Drainages: All debris (i.e., spoils, cut vegetation, clipping etc.), vehicles and equipment, and construction materials must be kept from entering drainage features.
- f. Overland Driving: Crews will maximize the use of existing access roads or disturbed/developed areas to stage materials and equipment. Crews can drive on designated roads / driveways and in areas protected with required mats. Removing, blading, grubbing, or cutting of vegetation is not allowed. Enter and exit the project site on the same path to the extent practicable.
- g. Pre-construction Briefing: The Environmental Requirements document must be kept on site. The Environmental Requirements will be read to the construction personnel to ensure requirements and the following processes are understood by all construction personnel prior to starting work. If construction personnel finds any requirements within this document are infeasible given a safety or scope concern, construction personnel shall contact the qualified biologist to review the requirements and project implementation. If unexpected problems develop in the field or modifications are proposed during project implementation that would result in a different or larger footprint, construction personnel will stop work and contact the qualified biologist. Any modifications to the restoration plan must be reviewed and approved by City staff to the satisfaction of the Community Development Director.
- h. Work Areas: Vehicles and equipment must remain on the existing access routes and immediate vicinity of roads/work areas identified in the project scope. If any work needs to be conducted outside these access routes or work areas, personnel shall contact the qualified biologist and City staff to review the requirements and project implementation.
- i. Injured/Trapped Special Status Wildlife: Prior to the start of work, the qualified biologist will inspect workspaces for any injured or dead special status wildlife. The qualified biologist will look in holes and trenches, construction material, and equipment for any trapped special status wildlife. During construction, construction personnel shall contact the biological monitor if any dead, injured, or

trapped special status wildlife is observed in the work area, and the qualified biologist shall coordinate the care and / or removal of injured or dead special status wildlife in the project area.

- j. Weed Maintenance and Prevention: Use certified weed-free materials (e.g., gravel, straw, and fill) to the extent practicable. Maintain facilities and infrastructure to limit the introduction and spread of weeds.
 - k. Spill Release/Prevention: Vehicles/equipment must be inspected for leaks (e.g., fuel, oil, hydraulic fluids, etc.) and repaired prior to work. Fueling shall not be conducted near a drainage feature. Spill kits/absorbent clean-up materials shall be available on-site and if used, disposed of properly. Contact 1-844-GOT-SPIL for any potential hazardous material or spills that cannot be cleaned up by spill kits alone.
33. Nesting Bird Survey: To avoid disturbance of nesting and special status birds, including raptor species protected by the MBTA and CFGC 3503, activities related to the project including, but not limited to, vegetation removal, ground disturbance, and construction should occur outside of the bird breeding season for migratory birds (generally February 1 through August 31), as feasible. If construction must begin during the breeding season, then a pre-construction nesting bird survey shall be conducted no more than seven days prior to initiation of ground disturbance and vegetation removal activities and shall be provided to the City for review. The nesting bird pre construction survey shall be conducted on foot inside the project footprint, including a 100-foot buffer (300-foot for raptors), and using binoculars to the extent practicable. The survey shall be conducted by a biologist familiar with the identification of avian species known to occur in southern California. If nests are found, an avoidance buffer (dependent upon the species, the proposed work activity, and existing disturbances associated with land uses outside of the site) shall be determined and demarcated by the biologist with bright orange construction fencing, flagging, or other means to mark the boundary. All construction personnel shall be notified as to the existence of the buffer zone and shall not enter the buffer zone during the nesting season. No ground disturbing activities shall occur inside this buffer until the avian biologist has confirmed breeding/ nesting is completed, and the young have fledged the nest. Encroachment into the buffer shall occur only at the discretion of the qualified biologist.
34. Tree Replacement Plan: The Developer shall submit for approval a Tree Replacement Plan as part of the restoration plan prepared by a qualified arborist/biologist. The plan shall require that any individual trees removed during the project be replaced at a 3:1 ratio and be planted within the existing project footprint. It is expected that one native arroyo willow and one non native juniper tree will be removed. Therefore, six native replacement trees will be planted. Prior to the removal of any vegetation a survey by a qualified biologist will document the trees proposed for removal and at the completion of the project the qualified biologist will conduct a post construction survey to confirm the number of trees required for replacement.

35. Prior to final inspection of the project by Building & Engineering staff, the Developer shall finalize the post-construction restoration plan to the satisfaction of the Community Development Director. Upon completion of removal of equipment from the project site and prior to final inspection of the project by Building & Engineering staff, the on-site biologist shall submit findings and recommendations for any additional restoration work (including but not limited to reseeding or replanting and monitoring and associated source of funding) to the Planning Division for review and approval.
36. If the post-construction restoration plan determines that post-construction monitoring of the site is required, the Developer shall deposit \$5,000 with the City prior to final inspection of the project by Building & Engineering staff for condition compliance and reporting associated with development project, PZ 21-400-02. If additional funds are required throughout the post-construction monitoring phase, they shall be deposited in increments of \$1,000 or as may be mutually agreed upon by the Developer and the Community Development Director to cover City staff monitoring costs.

BUILDING AND ENGINEERING DIVISION STANDARD CONDITIONS

37. Developer 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)

BUILDING AND ENGINEERING DIVISION SPECIAL CONDITIONS

38. Developer shall apply for an encroachment permit for any work to be performed within the City's right-of-way. Utility trenching and pavement restoration shall be done per City standard plate 602 unless otherwise directed by the City Inspector. (DS)
39. An erosion control plan shall be submitted to the City for review and approval prior to construction. All disturbed soils shall be restored to pre-existing conditions. (DS)
40. All public improvements disturbed or damaged shall be replaced in kind as required by the City Inspector. (DS)
41. Prior to commencing construction, the Developer shall provide a copy of the County-approved permit to the City. (DS)
42. Developer shall schedule a preconstruction meeting and have representatives from the City, County, Southern California Gas, Prime Contractor, and Subcontractors participate in the meeting. (DS)

TRAFFIC DEPARTMENT SPECIAL CONDITIONS

43. The Developer shall submit the traffic control plans to the City Traffic Engineer for review and approval no less than sixty (60) days prior to the commencement of any work. (TR)

[signatures on following page]

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of October 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 7th day of October 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

ATTACHMENT E

STAFF PRESENTATION

Line 8109 Removal Project

Planning & Zoning Permit No. 21-400-02
(Coastal Development Permit)

Applicant: James Chuang, GenOn California South, Applicant

Joe Pearson II, Senior Planner
Scott Kolwitz, Planning and Environmental Services Manager

Planning Commission
October 7, 2021



Project Request

- Request to approve a Coastal Development Permit (CDP):
 - Removal of a 402-foot segment of an existing abandoned Southern California Gas Company 20-inch high pressure natural gas transmission pipeline
 - Backfill materials to return the site to its original condition prior to the installation of the equipment
 - Restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance
- Being processed concurrently with County of Ventura, for portion of work in the County.

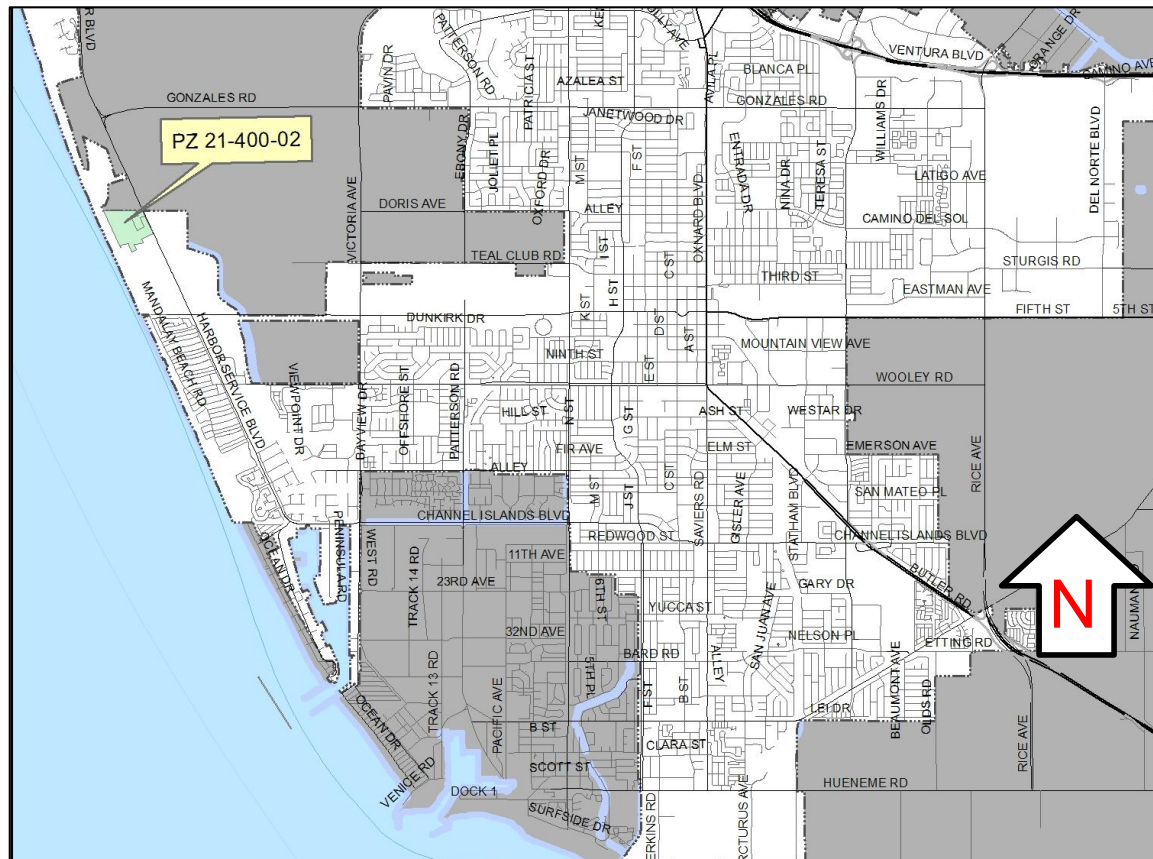
Background

- The Mandalay Generating Facility opened in 1959 with two steam powered generation units, one jet engine powered unit was added in 1970.
- There are dozens of building permits dating back to 1963 for the Mandalay Power Plant and its ancillary uses.
- The site has few Planning entitlements:
 - 2000 and 2001: Permits for a storage tank and a pipeline approved by the Planning Director.
 - 2000: Coastal Development Permit 00-5-41 to allow decommissioning and removal of four oil storage tanks located adjacent to the Mandalay Bay Generating Station approved by Planning Commission.

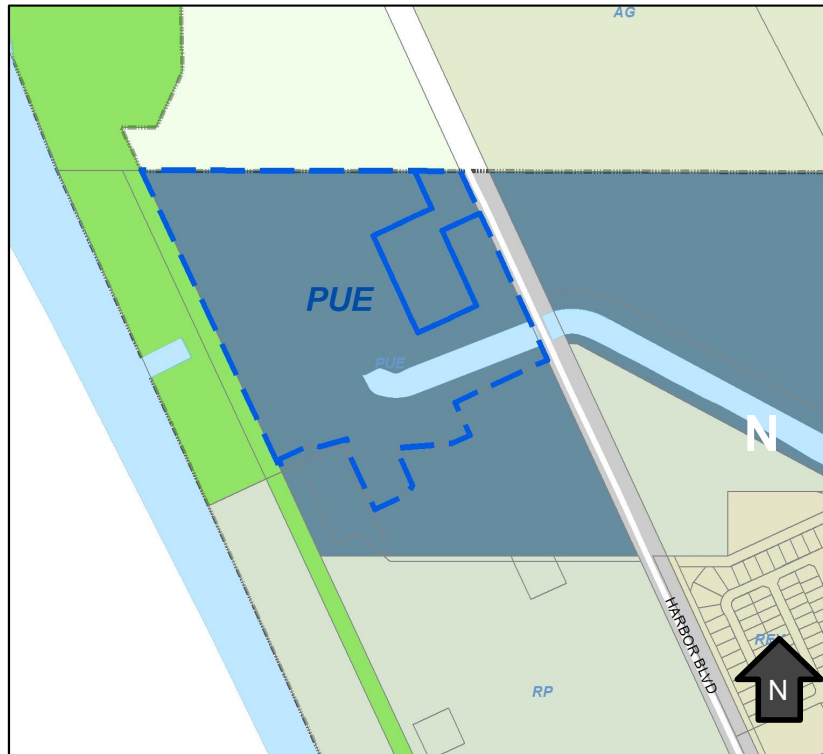
Background

- The site has few Planning entitlements (continued):
 - On October 4, 2001, the Planning Commission approved Coastal Development Permit 01-5-24 to permit the Southern California Edison Mandalay Marine Terminal Decommissioning Program.
 - 2004: Two Coastal Administrative Modification permits (PZ 04-420-01 & PZ 04-420-02) for dredging canal were approved by the Planning Director.
 - Lot line adjustment (PZ 97-5-28 and 04-420-01) for SCE divestiture.
 - On June 17, 2021, the Planning Commission approved Coastal Development Permit 20-400-04 to remove Southern California Edison equipment associated with the Mandalay 220 kV Substation and replace with limited backfill materials.

Location Map



Local Coastal Program / 2030 General Plan & Zoning



Local Coastal Program /
General Plan: Public Utility Energy
Facility (PUE)



Zoning: Coastal Energy Facilities (EC)

Project Area Photos



Photograph 1. View of the area proposed for open trenching, west of North Harbor Blvd (City of Oxnard; Aspect: west; August 11, 2020)

Project Area Photos



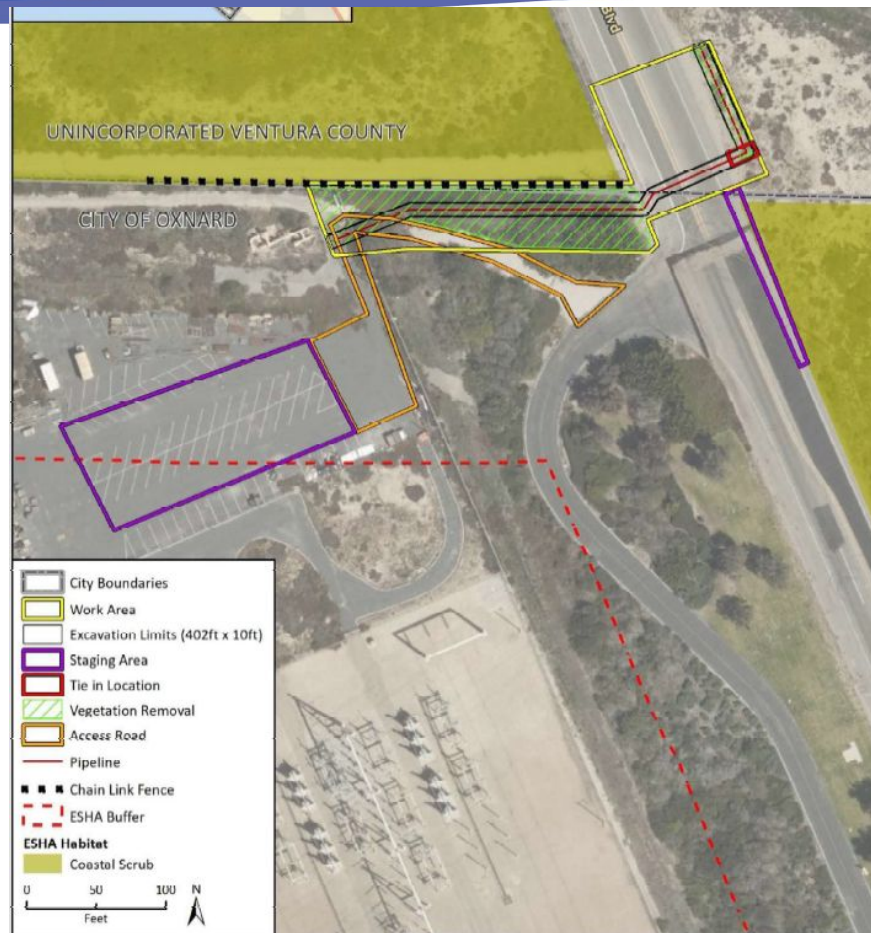
Photograph 4. View from east of North Harbor Blvd looking west along the alignment (County of Ventura; Aspect: west; August 11, 2020)

Surrounding Uses

- **North:** Oil and gas facilities, agriculture
- **East:** Oil and gas facilities, agriculture
- **South:** Mandalay State Beach, oil and gas facilities, graded building pads
- **West:** Mandalay State Beach, Pacific Ocean



Site Plan



Consistency with Standards

- The project is consistent with all applicable standards:
 - General Plan
 - Local Coastal Program
 - Coastal Energy Facilities (EC) zone

Community Input

- The Project site is not located within a General Plan designated neighborhood.
 - Not required to be presented at a Community Workshop
- Public notices sent for the Planning Commission hearing.
 - To date, staff has not received any comments or inquiry from the public

Conditions of Approval

- Condition No. 3:
Up to 36-months to start construction if CDP is approved.
 - Condition No. 18:
Construction Days & Time: Construction activities to occur between the hours of 7:00 a.m. and 6:00 p.m. Monday through Saturday.
 - Condition No. 32-37:
Pre- and Post- construction restoration plans to the the satisfaction of the Community Development Director.
 - Condition Nos. 41 & 46:
Encroachment permit and traffic control plan required.
-

Environmental Review

Exempt for California Environmental Quality Act (CEQA):

1. Section 15302, “Replacement or Reconstruction”;
2. Project consists of existing utility systems and/or facilities involving negligible or no expansion of capacity;
3. Replacement with limited backfill materials to ensure that the site is returned to its original condition;
4. The project includes restoration work as designed and directed by a qualified biologist in the form of seeding or planting in the areas of ground or vegetation disturbance;
5. As proposed Project will not have significant environmental impacts;
6. No Exceptions to the Exemption apply.

Recommendation

That the Planning Commission:

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15302 (Class 2, Replacement or Reconstruction); and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-400-02 (Coastal Development Permit), subject to certain findings and conditions.



Questions?

PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, AICP, Senior Planner

DATE: October 7, 2021

SUBJECT: **Project Name: Lockwood 2 Parcel Map Waiver;** Planning and Zoning Permit No. 21-300-03 (Tentative Parcel Map for a Parcel Map Waiver), located at the southwest corner of Lockwood Street and Outlet Center Drive (APN: 213-0-090-285).

- 1) **Recommendation:** That the Planning Commission (“**Commission**”):
 - a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (No Possibility of Significant Effect); and
 - b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-300-03 for a Parcel Map Waiver, subject to certain findings and conditions.
- 2) **Project Description and Applicant:** The proposed project involves a request to subdivide an existing undeveloped 6.68 acre parcel located at the southwest corner of Lockwood Street and Outlet Center Drive into two (2) lots of net size 3.08 and 3.60 acres within the Business & Research Park (BRP) zone with the 2030 General Plan land use designation of Business Research Park. No structural development or infrastructure improvements are proposed or required under this application. For purposes of this staff report, the foregoing project description shall be referred to as the “**Project**.” Filed by Mark Ross on behalf of Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230, the “**Property Owner**” and “**Applicant**”.
- 3) **Existing & Surrounding Land Uses:** The project site is a vacant undeveloped parcel located directly west of The Palms Marketplace Center. The following table summarizes the land uses and zoning designation of the project site and adjacent properties, which are also illustrated on attachment A:

Location	Zoning	General Plan	Existing land use
Project site	Business Research Park (BRP)	Business Research Park (BRP)	Vacant/Undeveloped
North	Business Research Park (BRP)	Business Research Park (BRP)	Vacant/Undeveloped
South	Business Research Park (BRP)	Business Research Park (BRP)	Medical Office Building
East	Business Research Park (BRP)	Business Research Park (BRP)	The Palms Marketplace Center

West	Business Research Park (BRP)	Business Research Park (BRP)	CarMax Auto Storage
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- 4) **Background Information:** The Project site is part of Tract 4881 approved by City Council on November 16, 1993 and recorded on December 8, 1993. Subsequent lot line adjustments, LLA 99-5-151 (recorded on February 2, 2000) and LLA 00-5-103 (recorded on October 31, 2000), were completed, however, no development was proposed. Lastly, a tentative parcel map (PZ 18-300-10) was approved by the City Council on September 17, 2019, to create the project parcel and construct the connection of Lockwood Street with associated infrastructure. The parcel has remained undeveloped since it was created.

On February 9, 2021, the applicant team filed a formal discretionary application for a senior housing project on a portion of the subject property subject to the approval of this Parcel Map Waiver by the Planning Commission and subject to the approval of a General Plan Amendment and associated Housing Element Ordinance Amendments by the City Council. At this time the proposal is still incomplete pending the approval of the General Plan Amendment and associated Housing Element Ordinance Amendments by the City Council. Any future development would be required to meet all applicable development standards and would be subject to compliance with the State California Environmental Quality Act (CEQA) Guidelines.

- 5) **Environmental Determination:** In accordance with Section 15061(b)(3) (No Possibility of Significant Effect) of the State California Environmental Quality Act (CEQA) Guidelines, projects “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” and, therefore, is exempt from the requirements of the CEQA. This proposal subdivides an existing vacant lot into two parcels. No improvements or changes to the land use regulations are proposed as part of this Project. The existing parcel and proposed parcels meet the required lot dimensions of the BRP zoning and are compatible with the General Plan. As a BRP zoned parcel, the division of the parcel into two lots will not increase the development potential of the project area. Any future development proposals would be required to comply with the 2030 General Plan and applicable development standards. All future proposals would also be subject to compliance with the State California Environmental Quality Act (CEQA) Guidelines. Therefore, staff has determined that there is no substantial evidence that the project will have a significant effect on the environment and recommends that the Planning Commission accept the Notice of Exemption (see Attachment C).

6) **Analysis:**

- a) **General Discussion:** The subdivision of land requires the recordation of a parcel map when the request involves four or fewer parcels. In situations where all public services are available on-site and sufficient environmental protections are in place, Section 15-11(C) of the Oxnard City Code authorizes the Planning Commission to grant a parcel map waiver. A parcel map waiver simplifies the subdivision process in applicable situations such as with this request.

Once the Planning Commission approves the Tentative Parcel Map for a Parcel Map Waiver, the subdivider submits exhibits directly to the City Surveyor to assure that the map is technically correct. With the City Surveyor's recommendation, the Community Development Director certifies compliance with the conditions set forth in the Planning Commission's Resolution by granting a Certificate of Approval for the Parcel Map Waiver. Both the Certificate and the Parcel Map Waiver are recorded with the Ventura County Recorder's office.

- b) **General Plan Consistency:** The City's 2030 General Plan land use designation for the subject site is BRP which allows professional, administrative, and research, uses integrated into campus-like environments that are oriented towards arterials, and developed to high property and development standards. The existing development and uses have not changed since the original approval and the subdivision has no effect on the uses allowed. No physical development is proposed under this application and no improvements are required.

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).

Policy	Level	Policy or title	Explanation
CD-1.2	II	In-fill development, priority to mixed uses that reduce vehicle trips and GHG emissions and promote sustainable development.	The project site is within a developed area of the City and qualifies as infill.
CD-15.6		Share of regional taxable sales.	The project will provide new lots for the location or relocation of businesses, which may generate retail tax sales revenue to the City.
CD-14.1 CD-14.2		Design review process. Development advisory committee functions (DAC).	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these level II policies.
CD-18.1 CD-18.5		Attract new businesses. Increase the availability of land for new businesses.	The subdivision will provide for more land options to businesses/companies to open a new business or relocate to the City.
All others	III	All policies not listed above	No or distant applicability to the proposed project

c) **Conformance with Zoning Development Standards:** The property is currently vacant, and the proposed dimensions and size of the lots comply with the minimum lot size requirement of the BRP zone. The BRP zone requires a minimum lot size of 20,000 square feet with minimum dimensions of 150 feet in depth, width of 100 feet interior lots, and 150 feet for corner lots. Each proposed lot is over 3 acres in size and their dimensions exceed 200 feet in width and 300 feet in depth. No new development is proposed under this application, and any future development will be required to comply with the zoning development standards in effect at the time of development. Both properties would have access from Lockwood Street. Therefore, the project is in conformance with the Zoning designation for the property.

7) **Development Advisory Committee:** The proposed tentative parcel map was forwarded to the Development Advisory Committee (DAC) for review. Due to the nature of the project, the DAC did not feel that the project needed to be reviewed before the full Committee, rather DAC members found any concerns could be addressed via conditions of approval. Each Department provided their project conditions which are included in the attached Resolution.

8) **Review By Other Agencies:** In accordance with Sections 66453-66455.9 of the Subdivision Map Act, the proposed project was distributed to other agencies for comment. Comments were received from Ventura County Watershed Protection District,

Southern California Gas Company, and Southern California Edison. The comments received did not state objection or concerns on the implementation of this subdivision.

- 9) Community Workshop and Public Input:** The project is not in a General Plan designated neighborhood. The project is approximately 500 feet from the nearest General Plan neighborhood (East Village) and the proposed project will not increase the intensity of the use, being a simple subdivision of an existing lot with no improvements. Due to these factors, it was determined that the project did not require a Community Workshop.
- 10) Appeal Procedure:** In accordance with Section 15-25 of the City Code, an appeal from the Planning Commission's action may be taken in the manner provided by Cal. Gov. Code Section 66452.5.

Attachments:

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

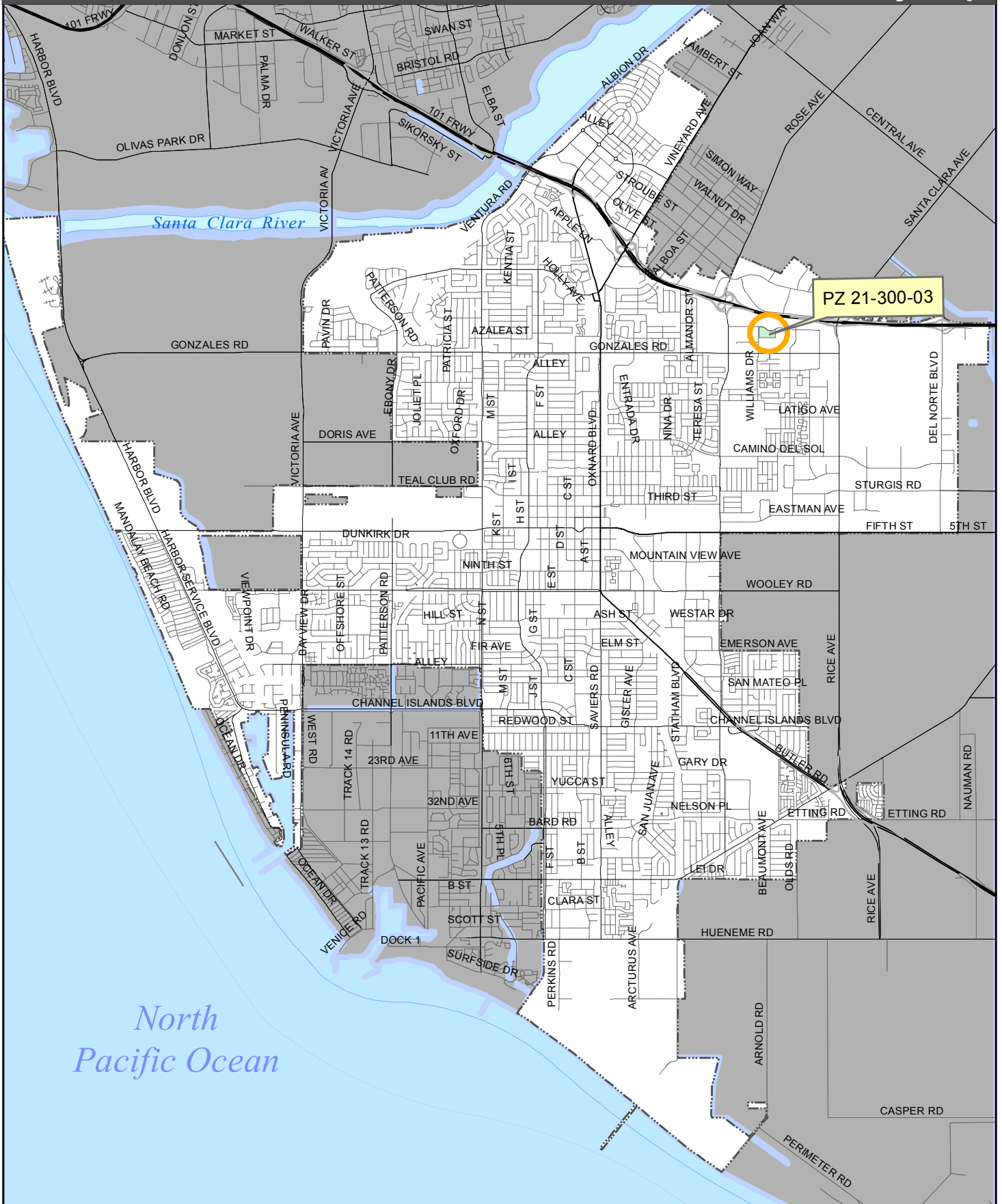
ATTACHMENT

A

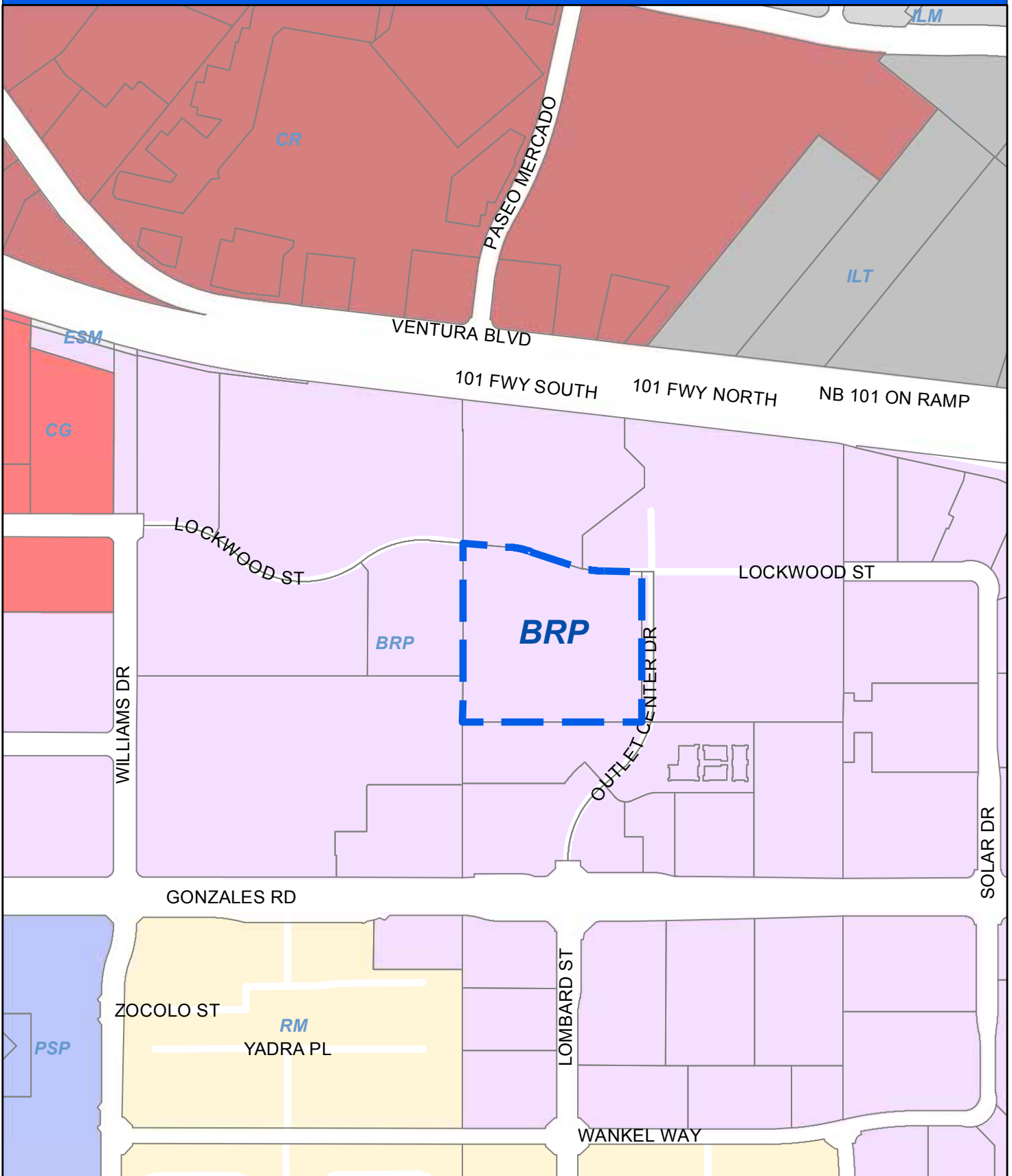
MAPS

(VICINITY, GENERAL PLAN, ZONING, AERIAL)

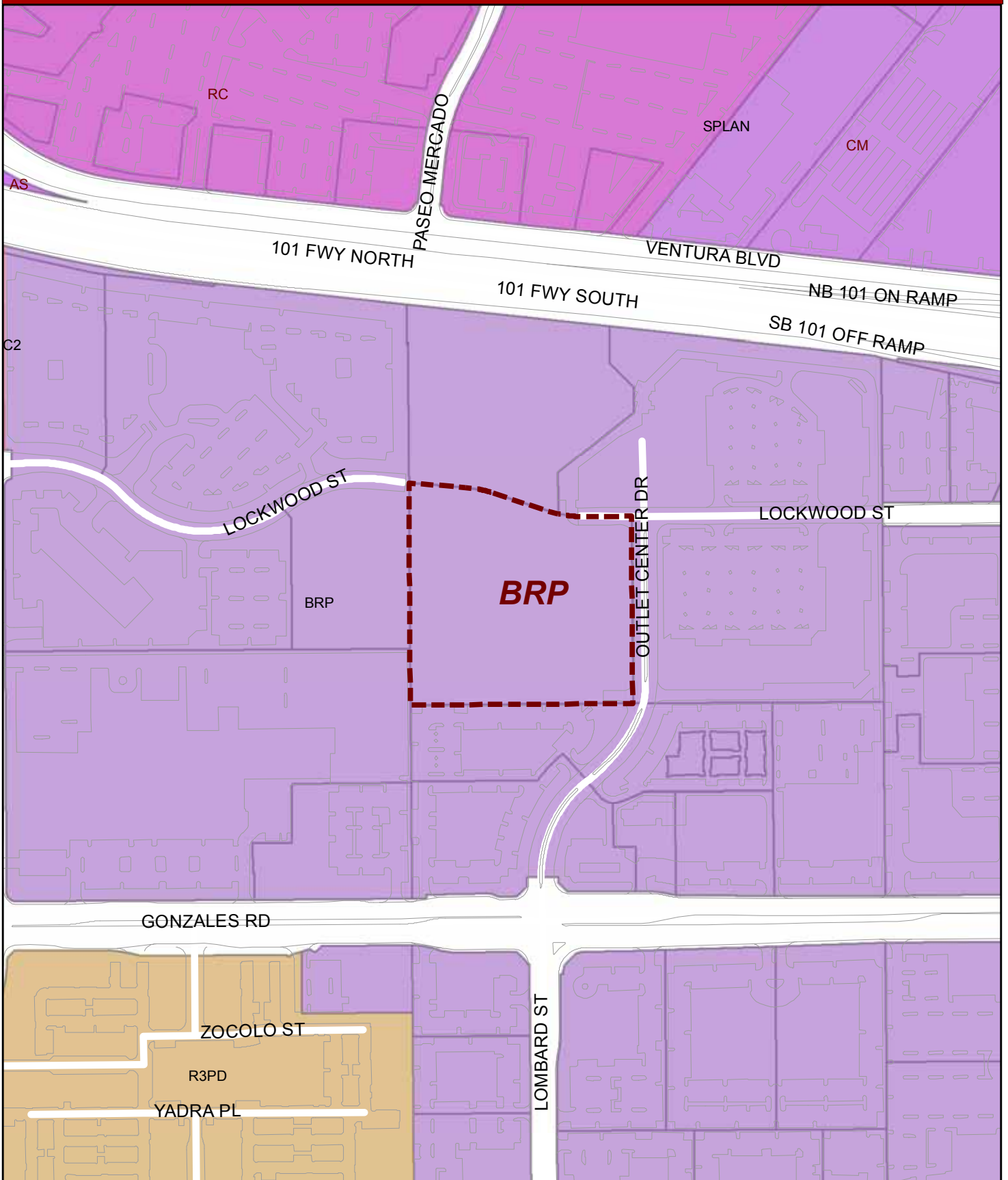
Vicinity Map



2030 General Plan Land Use Map



Zoning/Specific Plan Map



Oxnard Planning

August 25, 2021

PZ 21-300-03
 Location: Lockwood & Outlet Center Dr
 APN: 2130090285
 Lockwood Parcel Map Waiver

0 65 130 260 390 520 Feet

Zoning/Specific Plan Map



1:4,000



ATTACHMENT B

REDUCED PROJECT PLANS

[illegible]

1. PROJECT AREA: 291.009 SF (8,88 ACs)
2. DATE OF TENTATIVE MAP: JANUARY 20, 2021
3. SOURCE OF TOPOGRAPHY: TOPOGRAPHIC SURVEY PREPARED BY PEAK SURVEYS AS A BASIS FOR THE STREET AND UTILITY IMPROVEMENTS.
4. A TITLE REPORT PREPARED BY CHICAGO TITLE AND DATED OCTOBER 8, 2020 WAS USED AS REFERENCE FOR THE TENTATIVE PARCEL MAP.
5. EXISTING LAND USE: BPP (BUSINESS AND RESEARCH PARK)
6. EXISTING ZONING: BPP (BUSINESS AND RESEARCH PARK)

[illegible]

<u>PROJECT LOCATIONS</u>	<u>CITIES</u>
SUNBELT ENTERPRISES, LLC 5718 MESSEMER AVENUE LOS ANGELES, CA 90020	CITY OF OAKLAND WATER 865.385.9178 865.385.9178 865.385.9178
<u>APPLICANT REPRESENTATIVE</u>	
MARK RICHES SVM DEVELOPMENT, LLC 356 EGG PLACE TOLSON GARDENS, CA 91302 818.697.1512	CABLE SPECTRUM PHONE VISION ELECTRONIC SEC GAS SOCIAL GAS 866.984.2253 866.984.2253 866.984.2253 866.984.2253
<u>RESIDENTIAL DEVELOPER</u>	<u>SUBDIVISION</u>
RANDY CHAPMAN, P.E. CCE DESIGN ASSOCIATES, INC. 7111 24th AVENUE, SUITE 105 CANAAN, CA 93015	PEAK SURVEYS, INC. 3449 TUNNEY RD, SUITE D WESTLAKE, VILLAGE, CA 91301 805.897.3102

BSW	BACK OF WALK	HP	HIGH POINT
BLOG	BUILDING	INV	INVERT ELEVATION
CB	CATCH BASIN	UP	LOW POINT
CD	CLEAROUT	LT	LEFT
CONC	CONCRETE	NH	MANHOLE
ESMT	EASEMENT	R	RIDGE
EG	EXISTING GRADE	RH	RH ELEVATION
FDC	FIRE DEPARTMENT CONNECTION	TC	TOP OF CURB
EH	FIRE HYDRANT	TO	TOP OF GRADE
FL	FLOW LINE	WM	WATER METER
GB	GRADE BREAK	WV	WATER VALVE

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OXNARD, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 3 OF TRACT NO. 4881, IN THE CITY OF OJAI, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 126, PAGE 44 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SARD COUNTY, BEING A PORTION OF PARCEL A AND ALL OF PARCEL B OF PLANNING AND ZONING PERMIT NUMBER 96-5-151 (LOT LINE ADJUSTMENT) AS SHOWN ON CERTIFICATE OF APPROVAL FOR LOT LINE ADJUSTMENT RECORDED FEBRUARY 2, 2000 AS INSTRUMENT NO. 2000-02573-03 OF OFFICIAL RECORDS OF SARD COUNTY, SHOWN AS PARCEL 2 OF PLANNING AND ZONING PERMIT NUMBER 2002-045-013 (LOT LINE ADJUSTMENT) RECORDED OCTOBER 1, 2002 AS INSTRUMENT NO. 2002-0171868-03 OF OFFICIAL RECORDS OF SARD COUNTY, AND FULLY DESCRIBED AS FOLLOWS:

BEING THAT PORTION OF PARCEL "A" IN THE CITY OF OAKLAND, COUNTY OF VENTURA, STATE OF CALIFORNIA AS PER THE LOT LINE ADJUSTMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AS DOCUMENT NO. 2000-0025273-00 OF OFFICIAL RECORDS, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

BEGINNING AT A POINT ON THE WESTERLY LINE OF SAID PARCEL "A" DISTANT THEREON NORTH 0° 0' 0" EAST 491.25 FEET FROM THE SOUTHWEST CORNER OF SAID PARCEL "A", THENCE,

EXCEPT ALL OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES IN AND UNDER SAID LAND LYING 500 FEET BELOW THE SURFACE THEREOF, WITHOUT, HOWEVER, THE RIGHT TO ENTER UPON THE SURFACE OR UNDER 500 FEET OF THE SUBSURFACE OF SAID LAND,

APN: 213-0-090-105

21-300-03	SHEET
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[illegible]

P	1
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STREET

OF 1 SHEETS

NO	REVISION	BY	NO	REVISION	BY	PLAN DATE
△			△			01/02/02
△			△			PLOTTED 7/16/2002
△			△			SCALE 1"=30'
△			△			DESIGNER RC
△			△			JOB NO C20.02754



CAMARILLO: 711 E. Daily Drive, Suite 107; Camarillo, CA 93010
LOS ANGELES: 445 S. Figueroa Street, Suite 3100; Los Angeles, CA 90071
P: 805.738.5434
www.ccedesignassociates.com

RANDY CHAPMAN, P.E.



OUTLET CENTER DRIVE AND LOCKWOOD STREET
OXNARD, CA 93030

1

OF 1 SHEET

7/16/2021 12:01:10 PM. Silvana Chacón

NOT FOR CONSTRUCTION - FOR PLAN CHECK ONLY

ATTACHMENT C

CEQA NOTICE OF EXEMPTION

NOTICE OF EXEMPTION

Project Name: Lockwood 2 Parcel Map Waiver; Planning and Zoning Permit No. 21-300-03 (Tentative Parcel Map for a Parcel Map Waiver): The proposed project involves a request to subdivide an existing undeveloped 6.68 acre parcel located at the southwest corner of Lockwood Street and Outlet Center Drive into two (2) lots of net size 3.08 and 3.60 acres within the Business & Research Park (BRP) zone. No additional square footage is proposed and no structural development or infrastructure improvements are proposed. Filed by Mark Ross on behalf of Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230, the property owner and “Applicant”.

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

- ☐ Ministerial Project
- ☐ Categorical Exemption
- ☐ Statutory Exemption [15378(b)(5)]
- ☐ 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 15061(b)(3) (No Possibility of Significant Effect) of the State California Environmental Quality Act (CEQA) Guidelines, projects “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” and, therefore, is exempt from the requirements of the CEQA. This proposal subdivides an existing vacant lot into two parcels. No improvements or changes to the land use regulations are proposed as part of this project. The existing parcel and proposed parcels meet the required lot dimensions of the BRP zoning and are compatible with the General Plan. As a BRP zoned parcel, the division of the parcel into two lots will not increase the development potential of the project area. Any future development proposals would be required to comply with the 2030 General Plan and applicable development standards. All future proposals would also be subject to compliance with the State California Environmental Quality Act (CEQA) Guidelines. Therefore, the Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment, the project is exempt from the provisions of CEQA, and 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

**ATTACHMENT
D**

**RESOLUTION No. 2021-XX
(TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER)**

RESOLUTION NO. NO. 2021-XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING TENTATIVE PARCEL MAP FOR A PARCEL MAP WAIVER (PLANNING AND ZONING PERMIT NO. PZ 21-300-03) TO SUBDIVIDE AN EXISTING 6.68 ACRE UNDEVELOPED PARCEL INTO (2) TWO PARCELS OF NET SIZE 3.08 AND 3.60 ACRES, SUBJECT TO CERTAIN CONDITIONS. THE PROJECT SITE (A.P.N. 213-0-090-285) IS LOCATED ON THE SOUTH SIDE OF LOCKWOOD STREET AND WEST OF OUTLET CENTER DRIVE. FILED BY DESIGNATED AGENT MARK ROSS ON BEHALF OF THE PROPERTY OWNER, SUNBELT ENTERPRISES, LLC, 5715 MESMER AVENUE, LOS ANGELES, CA 90230

WHEREAS, on October 5, 2020, Mark Ross (the “**Applicant**” and/or “**Developer**” and/or “**Permittee**”) submitted a request to subdivide an undeveloped parcel located at the southwest corner of Lockwood Street and Outlet Center Drive (the “**Project**”); and

WHEREAS, said Tentative Parcel Map was referred to various public utility companies and City departments for recommendations, and

WHEREAS, the Planning Commission finds the Tentative Parcel Map conforms to the City’s 2030 General Plan and elements thereof; and

WHEREAS, the Project was reviewed against the California Environmental Quality Act (CEQA) and found to be exempt from further CEQA review per Section 15061(b)(3) (No Possibility of Significant Effect); and

WHEREAS, on October 7, 2021, the Planning Commission of the City of Oxnard (“**Planning Commission**”) conducted a duly noticed public hearing where written and oral comments were received and reviewed to consider Applicant’s request to approve Planning and Zoning Permit No. 21-300-03 (Tentative Parcel Map for a Parcel Map Waiver) in accordance with Chapter 15 of the Oxnard City Code; and

WHEREAS, the Planning Commission finds that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the people who work, visit or live in this subdivision in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. The Planning Commission, in accordance with Section 21065 of the California Environmental Quality Act (CEQA), finds that the subdivision of the property may be found to be exempt from the requirements of the California Environmental Quality Act (CEQA) since the simple division of land does not result in either a direct physical change in the environment, or a

reasonably foreseeable indirect physical change in the environment as the project would not increase the development potential of the site. Therefore, the Planning Commission has determined that there is no possibility of a significant effect on the environment as a result of this project (CEQA Guidelines Section 15061(b)(3)).

SECTION 2. This proposal subdivides a existing vacant industrial lot into two vacant lots, which will have access to a public street or highway, which comprises part of a tract of land zoned for industrial development, and which has the approval of the governing body as to street alignments and widths and the subdivision is compatible with the General Plan.

SECTION 3. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds:

Consistent with California Government Code Section 66474, a legislative body of a city or county shall deny approval of a tentative map, or a parcel map for which a tentative map was not required, if it makes any of the following findings:

(a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.

The resulting parcels are consistent with the General Plan land use designation and zoning as discussed in Sections 6 (a) throughand 6 (c), of the Planning Commission Staff Report. The Project site is currently vacant and any future development would be required, to meet all applicable development standards. Therefore, the project is in conformance with the 2030 General Plan and the elements thereof and other adopted standards.

(b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

The proposed development to subdivide the vacant lot is consistent with the 2030 General Plan, as discussed above in Finding 2a. No physical improvements are proposed.

(c) That the site is not physically suitable for the type of development.

No physical improvements are currently proposed under this application. The resulting parcels will comply with the minimum size and dimension requirements for the BRP zone and therefore can be found to be physically suitable for any future development allowed within the BRP.

(d) That the site is not physically suitable for the proposed density of development.

No physical improvements are currently proposed. The resulting parcels will comply with the minimum size and dimension requirements for the BRP zone and therefore can

be found to be physically suitable for any future development allowed within the BRP.

- (e) **That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.**

The Project would not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat because no listed species are known or expected to occur at the project site and the project site is not considered to be conducive to important biological resources or their habitat. Additionally, the project site does not have any natural standing bodies of water, riparian habitat, or other sensitive natural communities. Federally protected wetland communities are not thought or known to exist on the site and the project site is not located within a Biological Resources Area which is known or thought to meet habitat needs for plants and animals or promote wildlife

- (f) **That the design of the subdivision or type of improvements is likely to cause serious public health problems.**

The design of the subdivision or improvements are unlikely to cause serious public health problems as the design of the subdivision is not likely to cause serious public health problems because it would utilize existing adequate public utilities, namely water and sewer. No physical improvements are proposed.

- (g) **That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to a legislative body to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision.**

The design of the subdivision does not conflict with easements, acquired by the public-at-large, for access through or use of property within the subdivision. There is no need for new or additional easement(s) for the public-at-large.

The Planning Commission of the City of Oxnard finds that the proposed division of land complies with requirements established by the Subdivision Map Act and this chapter, including but not limited to requirements as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability and environmental protection, and hereby approves of the Parcel Map Waiver and authorizes the Community Development Director to review and sign the

Certificate of Approval for Parcel Map Waiver, subject to the conditions incorporated into this Resolution.

SECTION 4. Based on the findings set forth herein, the Planning Commission hereby recommends the City Council approve Planning and Zoning Permit No. 21-300-03, Tentative Parcel Map for a Parcel Map Waiver, subject to the attached conditions of approval.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL

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 on file with the Planning Division. The Final Map shall conform to these plans, except as otherwise specified in these conditions, or unless a minor modification to the plans is approved by the Planning Manager or a major modification to the plans is approved by the Planning Commission. A major modification shall be required for substantial changes, including changes to the Project Conditions. (PL, *G-2*)
3. By commencing any activity related to the project or using any structure authorized by this permit, Developer accepts all of the conditions and obligations imposed by this permit and

waives any challenge to the validity of the conditions and obligations stated therein. (CA, G-5)

4. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit. If there is a conflict between the CC&Rs and this permit, this permit shall prevail. (CA, G-7)
5. Developer shall complete the "Notice of Land Use Restriction and Conditions" form, using the form provided by the City for recording with the Ventura County Recorder. Before the City issues building permits, Developer shall submit the original completed signed and notarized document, together with the required fees to the Planning Manager (PL, G-8)

DEVELOPMENT SERVICES DEPARTMENT STANDARD CONDITIONS

6. Developer agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Developer's expense, City and its agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided for in Government Code Section 66499.37, to attack, review, set aside, void or annul the approval of this resolution or to determine the reasonableness, legality or validity of any condition attached thereto. City shall promptly notify Developer of any such claim, action or proceeding of which City receives notice, and City will cooperate fully with Developer in the defense thereof. Developer shall reimburse the City for any court costs and attorney's fees that City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Developer of the obligations of this condition. Developer's acceptance of this resolution or commencement of construction or operations under this resolution shall be deemed to be acceptance of all conditions thereof. (DS-18)
7. Prior to approval of the Final Map or Parcel Map, Developer shall provide the City Engineer with written evidence from the Ventura County Clerk's Office that Developer has executed and filed with the Clerk all certificates, statements and securities required by Government Code Sections 66492 and 66493. (DS-26)
8. Prior to release of the Final Map or Parcel Map for recordation, Developer shall post security satisfactory to the City Attorney guaranteeing that all survey monuments will be set as required by the Government Code and the City Code. (DS-57)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

9. When under common ownership, Developer shall accept the cross lot drainage and maintenance of the de-silting basin. Developer shall process an agreement between the two lots (and ultimately record) at the time when a lot is sold/transferred that provides reciprocal cross lot drainage and maintenance of the de-silting basin until development occurs on either lot. (DS)

10. Developer shall dedicate a 20-foot wide minimum private easement for Parcel 1 for storm drain and sanitary sewer purposes along the southerly property line through Parcel 2.(DS)
11. In the event that Parcel 2 is developed before Parcel 1, Parcel 2 Developer shall a) be responsible and bear all costs associated with the designing and constructing the storm drain and sanitary sewer systems for Parcel 1, between Outlet Center Drive and Parcel 1, and provide stub-outs at a minimum 10-feet into Parcel 1, b) construct the de-silting basin on Parcel 1 meeting the California Stormwater Quality Association (CASQA) sediment basin and sediment trap design standards, and c) allow Parcel 1 to surface drain stormwater runoff across Parcel 2 for emergency overland release along the 20-foot wide private easement. (DS)
12. In the event that Parcel 1 is developed before Parcel 2, Parcel 1 Developer shall a) be responsible and bear all costs associated with the designing and constructing the storm drain and sanitary sewer systems within the private 20-foot wide easement to Outlet Center Drive, and b) reconstruct the de-silting basin, meeting the California Stormwater Quality Association (CASQA) sediment basin and sediment trap design standards, on Parcel 2 if necessary as part of the storm and sewer improvements. (DS)
13. Prior to the release of the map for recordation, Developer shall provide the City Engineer with an updated 100-scale base map for addressing purposes. The City will assign any new addresses. (DS)

PLANNING DIVISION SPECIAL CONDITIONS

14. Approved Tentative Map for a Parcel Map Waiver shall expire thirty-six (36) months after its approval if a Certificate of Approval for the Parcel Map Waiver is not recorded with the Ventura County Recorder's Office. (PL)
15. All existing reciprocal access and parking agreements and easements for the site with adjacent sites will remain in full force and effect. Said easements can only be vacated with the consent of all parties to include the City of Oxnard as the regulating authority. The easements cannot be vacated until alternatives are devised and approved by the City to accommodate circulation on adjacent sites.
16. Subdivider shall submit to Planning staff an application and exhibits required for the Certificate of Approval of Parcel Map Waiver. Planning staff shall prepare the Certificate of Approval for Parcel Map Waiver, and the Subdivider shall record the Certificate of Approval for Parcel Map Waiver with the Ventura County Recorder's Office. (PL)
17. These conditions of approval impose specific fees, dedications, reservations and/or other exactions. Pursuant to Government Code Section 66020, the 90-day period in which the Developer or applicant has to protest the imposed fees, dedications, reservations and/or other exactions has begun as of the date that the conditions of approval are approved.
18. All conditions of Tentative Parcel Map 18-300-10 shall remain in full force and effect.

19. Developer agrees to comply with all conditions of this permit prior to the issuance of a Certificate of Approval.
20. The Subdivider shall submit an application to the Planning Division for the preparation of a Certificate of Approval of a Parcel Map Waiver. Once the Planning Division has processed the Certificate of Approval of a Parcel Map Waiver the Subdivider shall arrange to have said Certificate of Approval recorded with the Ventura County Recorder. (PL)

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of October 2021:

Danial 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 7th day of October 2021, and carried by the following vote:

AYES: Commissioners:

NOES: Commissioners:

ABSENT: Commissioners:

ABSTAIN: Commissioners:

RECUSED: Commissioners:

Scott Kolwitz, Secretary

ATTACHMENT E

STAFF PRESENTATION

Lockwood 2 Parcel Map Waiver PZ 21-300-03

Applicant: Mark Ross on behalf of Sunbelt Enterprises, LLC.

Joe Pearson II, Senior Planner

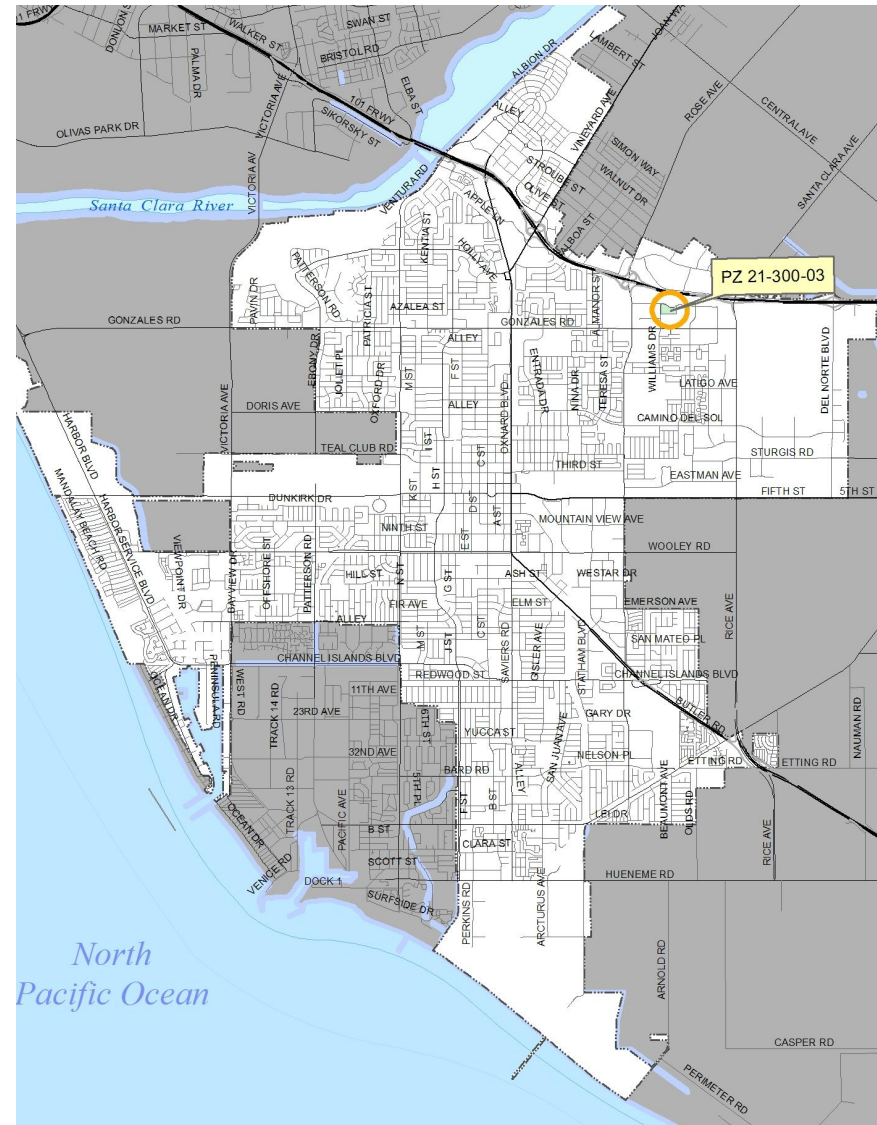
Scott Kolwitz, Planning and Environmental Services Manager

Planning Commission

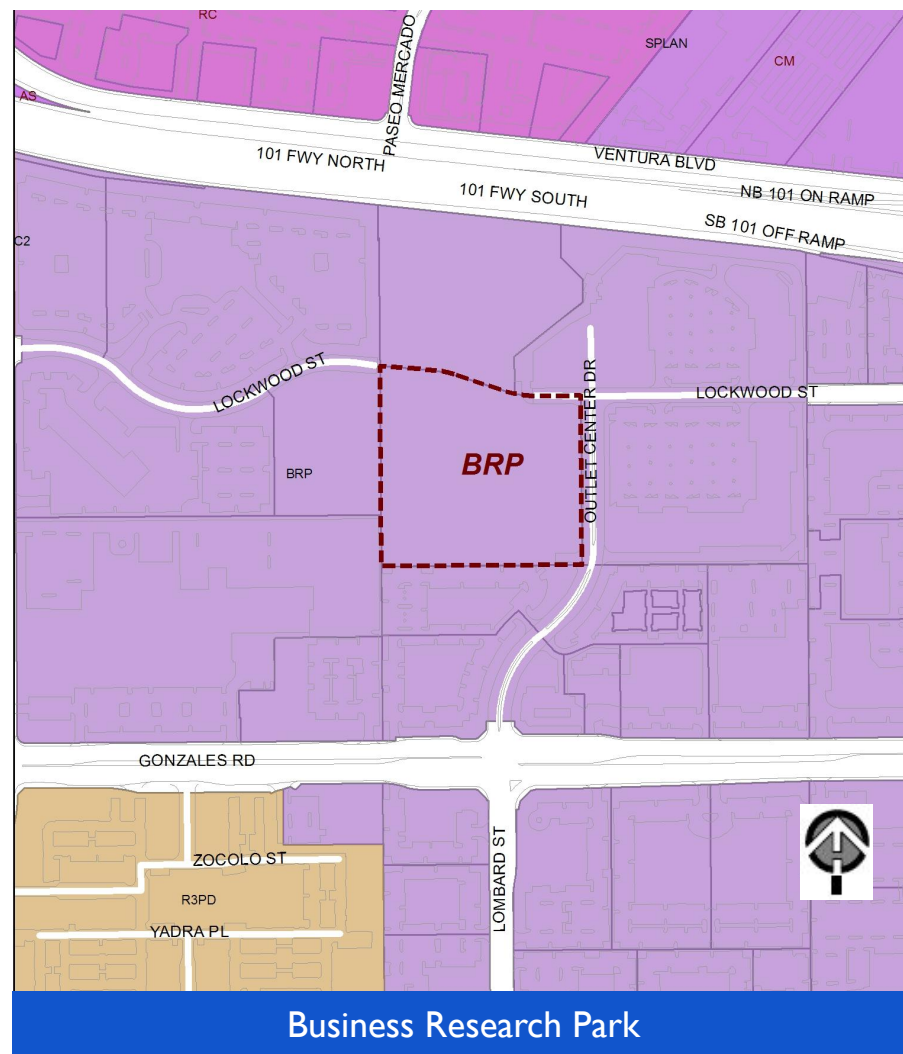
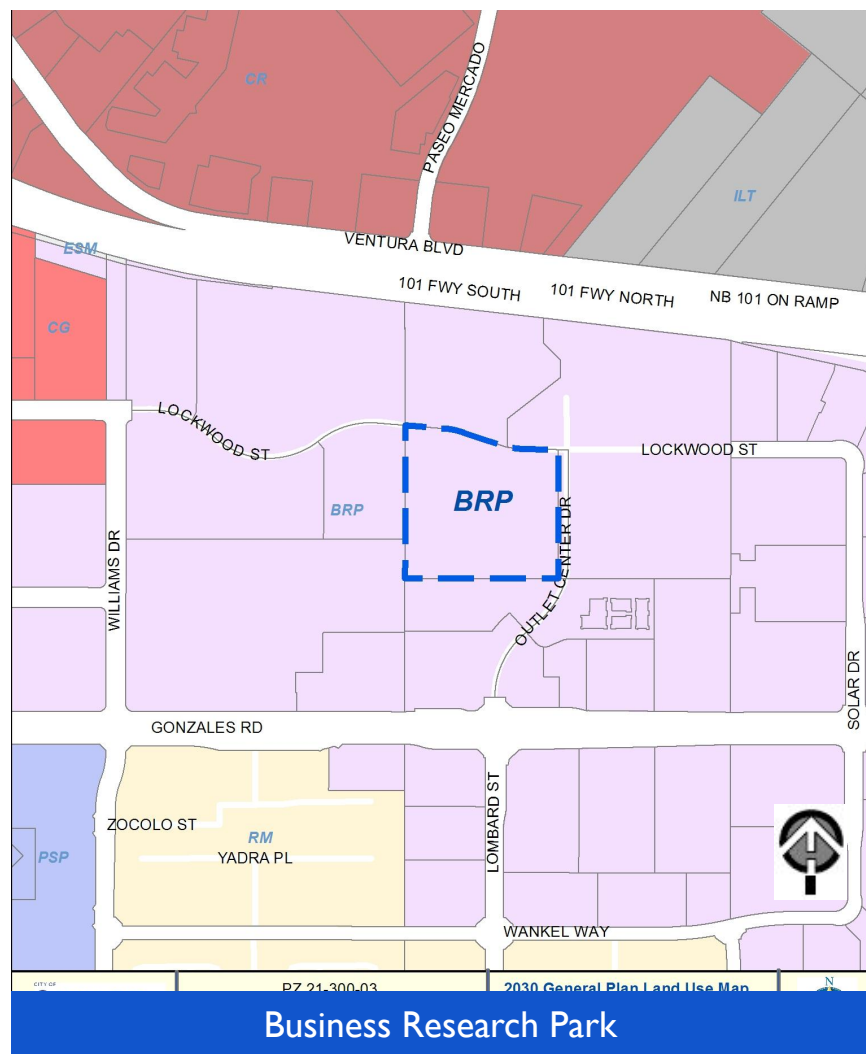
October 7, 2021

Project Description

- A request to subdivide an existing undeveloped 6.68 acre parcel located at the southwest corner of Lockwood Street and Outlet Center Drive into two (2) lots of net size 3.08 and 3.60 acres within the Business & Research Park (BRP) zone.
 - No physical development or improvements are required.
- Filed by Mark Ross on behalf of Sunbelt Enterprises, LLC, Property Owner.



2030 General Plan & Zoning Maps



Existing Site

Subject Site: Southwest corner of Lockwood Street and Outlet Center Drive

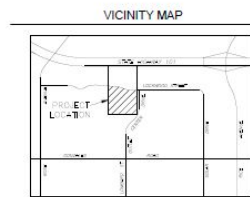
Surrounding Uses:

Location	Zoning	General Plan	Existing land use
Project site	Business Research Park (BRP)	Business Research Park (BRP)	Vacant/Undeveloped
North	Business Research Park (BRP)	Business Research Park (BRP)	Vacant/Undeveloped
South	Business Research Park (BRP)	Business Research Park (BRP)	Medical Office Building
East	Business Research Park (BRP)	Business Research Park (BRP)	The Palms Marketplace Center
West	Business Research Park (BRP)	Business Research Park (BRP)	CarMax Auto Storage

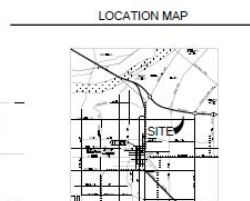
Background

- A Tentative Parcel Map (PZ 18-300-10) was approved by the City Council on September 17, 2019 to create the project parcel and construct the connection of Lockwood Street with associated infrastructure.
- The parcel has remained undeveloped since it was created.
- Discretionary application for a senior housing project.

TENTATIVE PARCEL MAP NO. 21-300-03
IN THE CITY OF OXNARD, COUNTY OF VENTURA



VICINITY MAP



LOCATION MAP

NOTES

1. PROJECT AREA: ZIPLOR (OF OUR AG)
2. DATE OF TEXT: THE MAP, JANUARY 30, 2021
3. SOURCE OF TOPOGRAPHY: TOPOGRAPHIC SURVEY PREPARED BY PEAK SURVEYS AS A FOR THE STREET AND UTILITY IMPROVEMENTS.
4. A TITLE REPORT PREPARED BY CHICAGO TITLE AND DATED OCTOBER 5, 2000 WAS USED REFERENCE FOR THIS TENTATIVE PARCEL MAP.
5. EXISTING LAND USE: BHP BUSINESS AND RESEARCH PARK
6. EXISTING ZONING: BHP BUSINESS AND RESEARCH PARK

LEGEND

[illegible]

PROJECT INFORMATION

[illegible]

EXISTING EASEMENT LEGEND

NOTE: EASEMENTS ARE FOR TITLE REPORT REFERENCES HERECIN, EASEMENTS IDENTIFIED BY A SQUARE NOTE DO NOT AFFECT THE FUND OR ARE NOT MATERIAL.

- [illegible]

ABBREVIATIONS

BSW	BACK OF WALK	HP	HIGH POINT
BLED	BLEED	IP	INVERT ELEVATION
CB	CATCH BASIN	LE	LOW POINT
CL	CLEANOUT	LP	LOW POINT
CONC	CONCRETE	MAN	MANHOLE
EASHT	EASEMENT	RE	RECEIVE
FC	FOOTING OR FOUNDATION	SE	SEWER ELEVATION
FDC	FIRE DEPARTMENT CONNECTION	SC	TOP OF CURB
FI	FIRE HYDRANT	SG	TOP OF GROUND
FL	FLOW LINE	WM	WATER METER
GS	GRADE BREAK	WH	WATER VALVE

LEGAL DESCRIPTION

THE AND HEREBY RETURNED TO HEREIN BELOW IS ESTATES IN THE CITY OF DENVER, IN THE COUNTY OF VENTURA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 5 OF TRACT NO. 14, IN THE CITY OF DENVER, COUNTY OF VENTURA, STATE OF CALIFORNIA, AS FOLLOWS RECORDED IN BOOK 68, PAGE 8 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF VENTURA, CALIFORNIA, AND A LINDA L. FINKEL, CEO OF PLANNING AND ZONING POWER MASTER PLAN, 2006, AND ALL ADJUSTMENT, AS SHOWN ON CERTIFICATE OF APPROVAL, FOR LOT 5 ADJUSTMENT, RECORDED IN BOOK 2, 206 AS INSTRUMENT NO. 2006-023-023 OF OFFICIAL RECORDS OF SAID COUNTY, SHOWING SA PARCEL OF LAND AND ZONING POWER MASTER PLAN TO UNAVAIL LOT 5 ADJUSTMENT, RECORDED IN BOOK 31, 208 AS INSTRUMENT NO. 2006-17868-01 OF OFFICIAL RECORDS OF SAID COUNTY, AND FULLY DESCRIBED AS FOLLOWS:

BEING THAT PORTION OF PARCEL "A" IN THE CITY OF ORLAND, COUNTY OF VENTURA, STATE OF CALIFORNIA AS PER THE LOT AND ADJUSTMENT RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY AS DOCUMENT NO. 280403287540 OF OFFICIAL RECORDS, LYING NORTHERLY OF THE FOLLOWING DESCRIBED LINE:

1ST SOUTH 89° 50' 51" EAST 56.10 FEET TO THE EASTERLY LINE OF SANDPRAIRY "N",

Community Input

- The project is approximately 500 feet from the nearest General Plan neighborhood (East Village).
- The proposed project will not increase the intensity of the use.
- Due to these factors, the project did not require a Community Workshop.
- Public notices sent for the Planning Commission hearing.
 - To date, staff has not received any comments or inquiry from the public

Conditions of Approval

There are 20 Conditions proposed for this project. Most are standard but the following are some less standard conditions.

Condition 18 states that all conditions of Tentative Parcel Map 18-300-10 shall remain in full force and effect.

Conditions 9-13 address cross-lot drainage and water quality concerns.

Condition 14 establish a 36-month period to record the map; otherwise, it will expire.

Environmental Review

- In accordance with Section 15061(b)(3) (No Possibility of Significant Effect) of the State CEQA Guidelines, projects “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” and, therefore, is exempt from the requirements of the California Environmental Quality Act (CEQA).
 - This proposal subdivides an existing vacant lot into two parcels.
 - No improvements or changes to the landlanguage use regulations are proposed as part of this project.
 - The existing parcel and proposed parcels meet the required lot dimensions of the BRP zoning and are compatible with the General Plan.
 - As a BRP zoned parcel, the division of the parcel into two lots will not increase the development potential of the project area.
- A Notice of Exemption will be filed.

Staff Recommendation

That the Planning Commission:

- a)** Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3) (No Possibility of Significant Effect); and
- b)** Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-300-03 for a Parcel Map Waiver, subject to certain findings and conditions.

End of Presentation

**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

DATE: October 7, 2021

SUBJECT: **Project Name: FGH Retail Services, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP);** Planning and Zoning Permit No. 21-516-36 (Retail); Located at 2320 North Rose Avenue (APN: 213-0-011-255).

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. 21-516-36 (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 23,275 square-foot commercial suite of a 92,591 square-foot multi-tenant commercial building on a 17.38-acre site 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, and installation of new secure doors/windows, and upgrades to the storefront facade (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 Jeff Zook (“**Applicant**”), 505 S. A Street Suite 200, Oxnard, CA 93030, on behalf of FGH Retail Services, LLC.

3) Existing & Surrounding Land Uses: The 17.38-acre property (APN: 213-0-011-175, 213-0-011-255, 213-0-011-265, 213-0-011-275, 213-0-011-195, 213-0-011-205, 213-0-011-215, and 213-0-011-225) is developed with a 92,591 square-foot multi tenant commercial building (Building 1), a 45,500 square-foot commercial building (Building 2), a 10,600 square-foot restaurant building, and 2,436 square-foot gasoline service station with a convenience store building, and 689 associated parking spaces. The project will be located within the 92,591 multi-tenant commercial building located at 2320 North Rose Avenue. The nearest established sensitive use is Peppermint Junction (Preschool and kindergarten School),

located approximately 2,001 feet southeast 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)	Multi-tenant commercial shopping center.
North	Commercial Regional (CR)	Rose Santa Clara Corridor Specific Plan (SPLN)	Multi-tenant commercial shopping center.
South	CG	C-2	Multi-tenant commercial shopping center.
East	CG	C-2	Vacant warehouse building.
West	CG	C-2	Multi-tenant commercial shopping center.

4) Background Information:

Cannabis Regulations

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

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

On December 1, 2020, the City Council adopted Ord. No. 2994 (Attachment C) establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII ("Code"). The adapted ordinance made modifications to implement the City's Local Equity Cannabis program, update appeal provisions, and made a number of other nonsubstantive updates to the existing cannabis regulations. The City Council also repealed Chapter 11, Article XV (Medical Cannabis Delivery), and Chapter 7,

Article XVI (Cannabis and Medical Cannabis Activities) due to State legalization of state-licensed cannabis delivery operators.

Development History

On March 8, 1995, the Land Use Advisors approved Planning and Zoning Permit No. 94-500-56 to allow the construction of a specialty shopping center (223,741 square feet) within a 21.59 acre site in two phases. As proposed, the first phase would contain six buildings: three major tenant buildings and three freestanding pad sites, 781 parking spaces, landscaping, and various other site improvements. Major tenant 1 was identified to operate as a Best Buy retail facility. The second phase, totaling 4.19 acres, would be located on the easternmost portion of the project site. It would consist of a 19,000 square-foot expansion of Major Tenant 3, construction of an additional 32,000 square-foot structure, with approximately 300 parking spaces and associated landscaping. This phase would require demolition of the T-shirt Warehouse at 1975 Lockwood Street.

On March 22, 1995, an Appeal of Planning and Zoning Permit No. 94-500-56 was submitted. On April 4, 1995, the City Council held a public hearing to consider the Appeal. The City Council upheld the approval of Planning and Zoning Permit No. 94-500-56 with restrictions to the scope of the project proposal. The City Council limited the construction of the building designated as Major Tenant 1, the required parking and access facilities for this building, and all off-site improvements specified in the and Land Use Advisors Resolution No. 95-9.

On December 13, 1995, the Planning Commission approved Planned and Zoning Permit No. 95-500-13 for the construction of Phase 1B consisting of a 117,769 square-foot shopping center. The proposed building area consisted of an 11,700 square-foot expansion to the Best Buy building and two free standing buildings of 42,025 square feet (Major 2), and 42,600 square feet (Major 3). Major 2 and Major 3 were expected to be occupied by a single retail tenant. Three building pad areas for future commercial use are also proposed along the Lockwood Street frontage. The pad areas ranged in size from approximately 5,400 square feet (Pad 1), to 10,044 square feet (Pad 2) to 6,000 square feet (Pad 3). The developer anticipated the future building on Pad 1 to be one or more retail businesses, Pad 2 to be occupied by a restaurant, and Pad 3 by a gasoline service station with car wash or possibly retail use.

On February 14, 1996, an Appeal of Planning and Zoning No. 95-500-1 was submitted. Grounds of Appeal were based upon access of emergency vehicles to Rio School District sites, pedestrian safety on the Rose Avenue freeway overpass bridge, timing of the EIR certification, funding sources for the project, and formulation of the assessment district to build a new overpass bridge/freeway interchange.

On June 12, 1996, the City Council denied the Appeal of Planning and Zoning No. 95-500-13 and adopted a Resolution approving Planning and Zoning No. 95-500-13 limited to Major Tenant No. 2 (Approximately 23,275 foot building), and deferring any further

project approvals until formation of the Assessment District for the Rose Avenue/ Highway 101 Interchange was completed.

Commercial Cannabis Retail License Selection

On January 7, 2021, FGH Retail Services, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a 23,000 square-foot cannabis retail facility.

On March 1, 2021, FGH Retail Services, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail (Attachment D). In order to successfully commence and inaugurate the Commercial Cannabis Business Permit FGH Retail Services, LLC. is required to receive approval of a SUP as specified within OCC Section 11-457.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request for retailing of cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff recommends that the Planning Commission find the Project is Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) (Attachment E).

6) Analysis:

a) General Discussion:

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

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

As part of the project request the facade for tenant 2320 North Rose Avenue will be remodeled.. The proposed remodel will include architectural style change and the repainting of the building. The facade will be improved by the installation of synthetic siding rainscreen material (Peruvian Teak) along the recessed tower elements and the

installation of aluminum panels (Honeycomb pattern with cometic white powder coat finish) and stone panels (Bluestone) on the main storefront tower. Other improvements include the installation of two metal entry canopies on the recessed towers of the building's frontage. Each canopy will be built with an 8 inch thick suspended sunshade with 6 inch "airfoil" blades. The proposed paint color is Masonry Cement Plaster (Sherwin Williams 7657) for the buildings walls and wainscoting building detail (Attachment B).

In addition, the Applicant is requesting a 1.2% 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 23,000 square feet to 23,275 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 FGH Retail Services, LLC. on March 1, 2021.

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

General Plan:

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

Zoning Consistency:

The Project is within the General Commercial (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, as conditioned, 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 Planned Development zone, and Section 11-473 (Location and Design of Cannabis Business). Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

c) Circulation and Parking:

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

USE TYPE & SQUARE FOOTAGE	PARKING STANDARD	PARKING REQUIRED	PROPOSED	COMPLIES?
Shopping Center - Regional 151,127 square feet	Cannabis Retail: 1 per 250 square feet of area Vehicles: 1 per 225 square feet of area Motorcycle: Uses with more than 100 automobile parking spaces shall provide motorcycle parking areas at the rate of three motorcycle parking spaces for every 100 automobile parking spaces required. Thereafter, one designated motorcycle space shall be required for each additional 40 spaces required Cannabis Retail: 1 per 250 square feet of area Bicycles: One space per 33 automobile parking spaces.	Vehicles: 665 Motorcycle: 17 Bicycles: 20	- 622 Standard spaces - 39 compact spaces - 12 ADA - 16 motorcycle - 12 Bicycle spaces	Yes, as conditioned
Total Provided Parking: :		665 Parking Spaces	689 Parking Spaces	

d) Police Department Review:

With implementation of the recommended operating conditions, the Police Department anticipates the retail of cannabis products will have little, if any, adverse impact on area crime or demand for policing services. Several conditions of approval have been incorporated into the draft resolutions of approval (Attachments 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 20, 2021. Conditions of approval from CRC are included in the attached Resolution.

8) Community Workshop and Public Input:

This project is not located within an established neighborhood. Therefore, a Community Workshop was not held for this proposal. To date, staff has received two letters regarding this Project from Seena M. Samimi on behalf of Jeffer Mangels Butler Mitchell LLP on April 24 and June 15, 2021. The two letters describe 1) that FGH Retail Services, LLC. has provided false and misleading information and 2) the shopping center's Covenants, Conditions, and Restriction (CC&Rs) prohibit the operation of cannabis businesses. Staff has extensively reviewed the project and has found it in compliance with cannabis, general plan, and zoning regulations. Furthermore, the City does not enforce CC&Rs. Additionally, the City received a petition in support of the proposed Project. The letters and petitions are provided as Attachment K. To date, staff has not received any additional public comments regarding this Project.

9) Appeal Procedure:

In accordance with OCC Section 16-545, the Planning Commission's action on Planning and Zoning Permit No. 21-516-36 (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. FGH Retail Services, LLC. Conditional Commercial Cannabis Business Permit
- E. Notice of Exemption

PZ No. 21-516-36, FGH Retail Services, LLC. (Cannabis Retail - SUP)

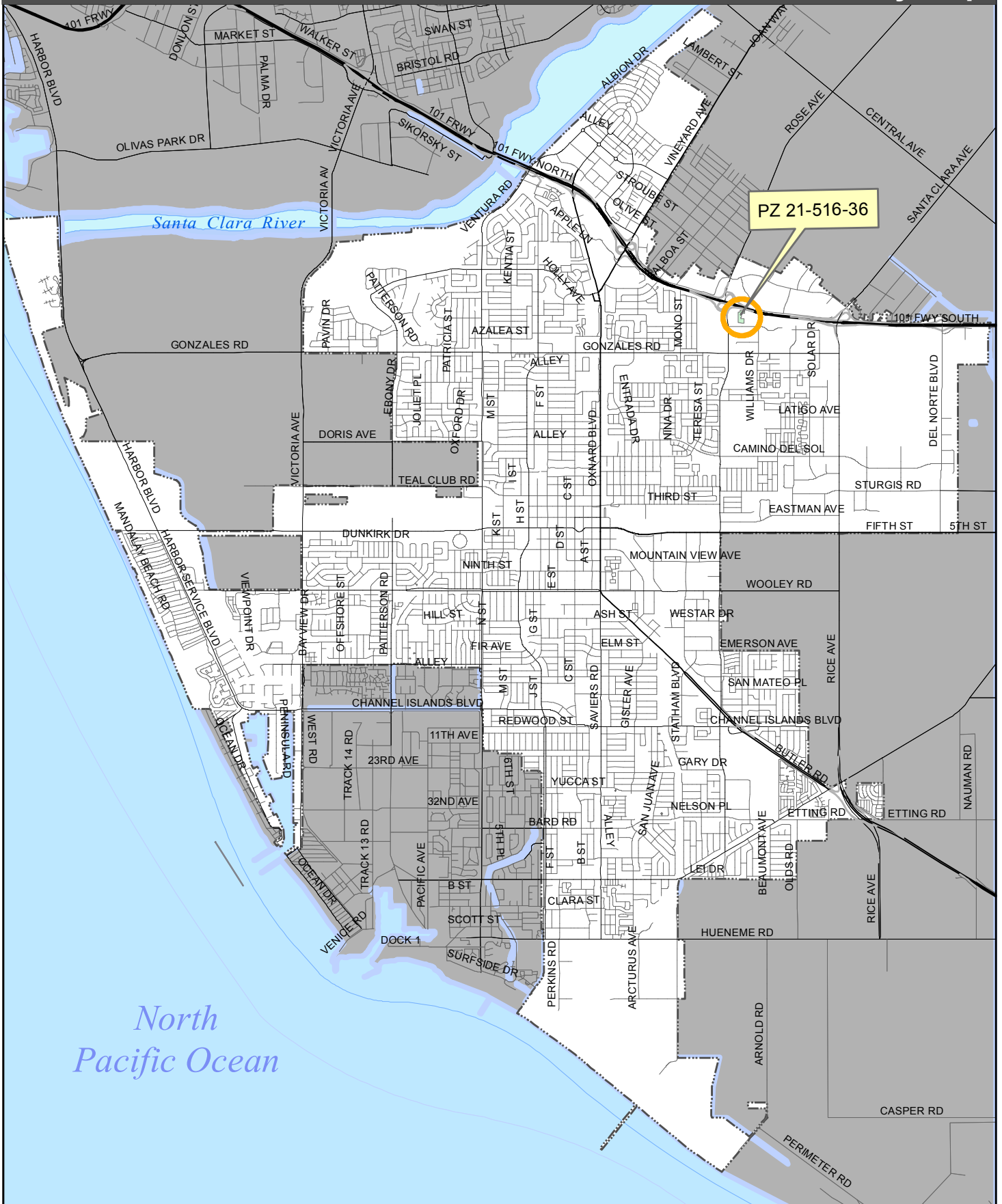
Planning Commission Hearing Date: October 7, 2021

Page 8 of 8

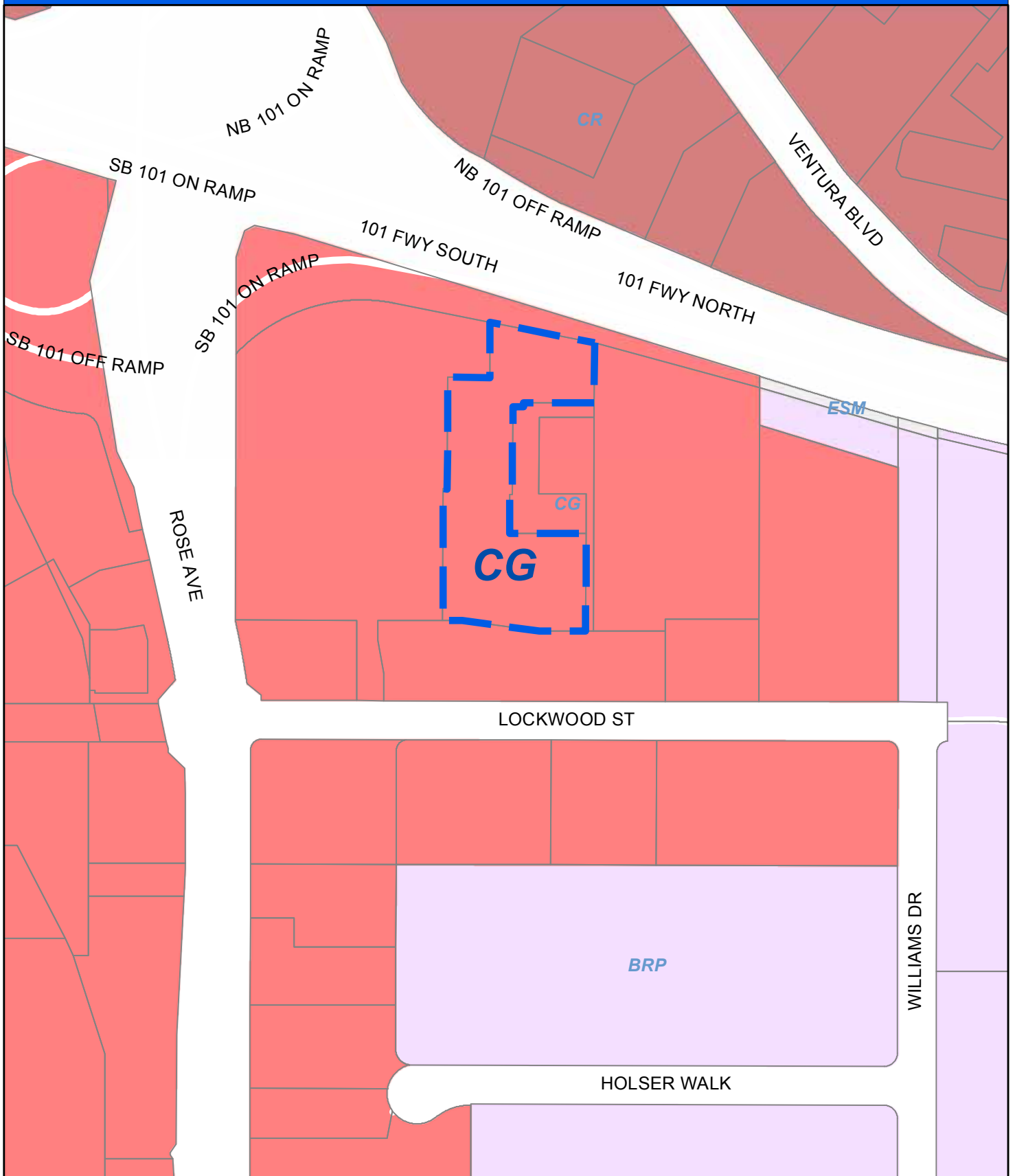
- F. Planning Division Policies & Procedures Item 2.7 - Minor Modifications
- G. 2030 General Plan Consistency Chart
- H. Zoning Consistency Chart
- I. Location and Design of Cannabis Business Consistency Chart
- J. Draft Resolution of Approval for Commercial Cannabis Retail
- K. Letters and Petitions Received
- L. Staff Presentation

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

Vicinity Map



2030 General Plan Land Use Map



Oxnard Planning
September 16, 2021

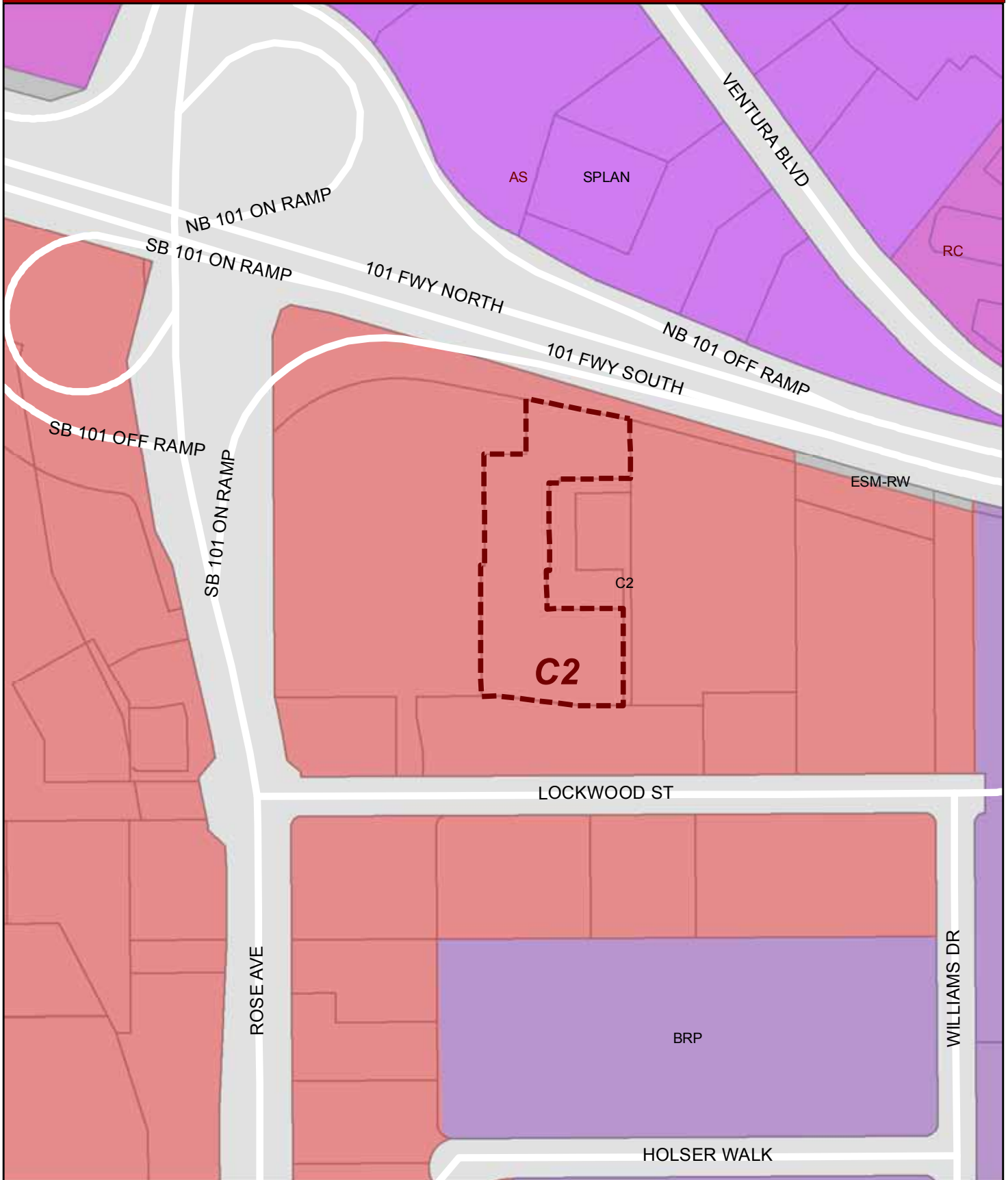
PZ 21-516-36
Location: 2320 N Rose Ave
APN: 2130011255
FGH Retail Services LLC
0 75 150 300 Feet

2030 General Plan Land Use Map



1:3,000

Zoning/Specific Plan Map



Oxnard Planning

September 16, 2021

PZ 21-516-36
Location: 2320 N Rose Ave
APN: 2130011255
FGH Retail Services LLC

0 50 100 200 300 400 Feet

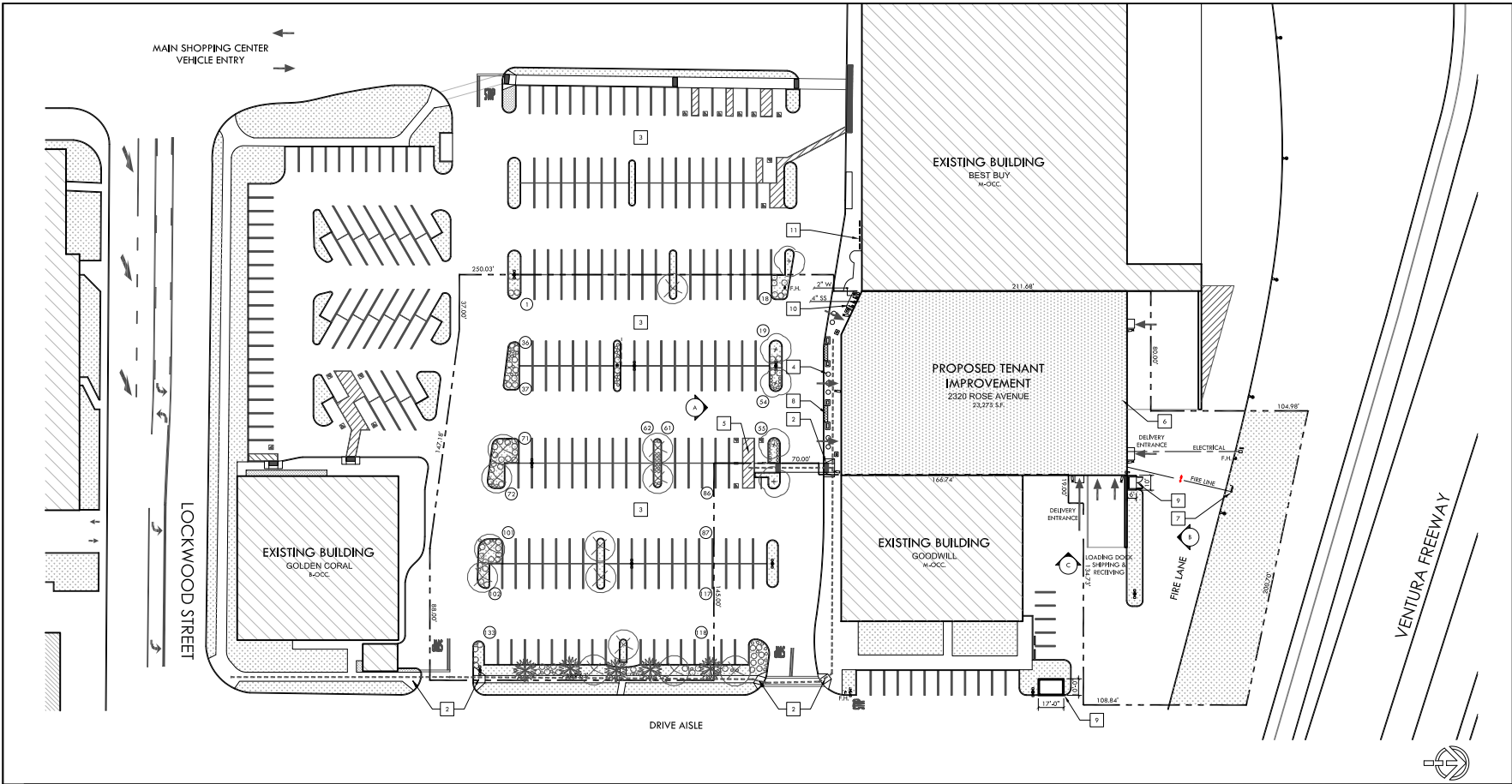
Zoning/Specific Plan Map



1:3,000



Attachment B - Reduced Project Plans



www.CoastalArch.com Tel 805.985.7654 Fax 805.201.3023
Principal Planner : Mike Sanchez Email Mike@CoastalArch.com

Architect : Jeff Zook Email Jeff@CoastalArch.com

905 S. A Street, Suite 200 Oxnard CA 93030

Approval:

DATE	PROJECT	DESIGN
10/20/20	100000	APPROVED

Revising:

REV. NO.	DATE	REVISIONS
1		

REGISTERED ARCHITECT
No. C2741
State of California

FGH RETAIL SERVICES, LLC
RETAIL CANNABIS DISPENSARY
2320 N. ROSE AVE.
OXNARD CA 93030

A1
Sheet No:

SITE PLAN
SCALE: 1"=20'-0"

1 NOT USED

2 PROVIDE TRUNCATED DOMES PER DETAILS 78.8/A1.1.

3 EXISTING PARKING LOT TO REMAIN

4 REINFORCED CONCRETE SPHERE BOLLARD, 34"Ø, STANDARD "WEATHERSTONE" FINISH, ANCHOR W/ 3"Ø, SCHEDULE 40 STEEL PIPE, SET 24" INTO NEW CONCRETE FOOTING / FGH INDUSTRIES, MODEL T-6091, ANCHOR STYLE 9", SEE DETAIL A/4.1.1

5 EXISTING ACCESSIBLE PARKING STALL TO REMAIN

6 EXISTING ELECTRICAL EQUIPMENT ROOM LOCATION.

7 EXISTING FIRE DOCV WITH FDC LOCATION TO REMAIN.

8 NEW PLANTER AREA AT FRONT ENTRY TO DIRECT PEDESTRIAN FLOW

9 EXISTING TRASH ENCLOSURE, A SOLID, NON COMBUSTIBLE ROOF COVERING SHALL BE PROVIDED IF NONE EXIST

10 E-BIKE CHARGING STATION, 4 SHORT TERM WITH SOLAR CANOPY

11 BIKE PARKING, 8 SHORT TERM BIKE PARKING LOCATIONS

--- INDICATES COMPLIANT ACCESSIBLE PATH OF TRAVEL, CONTINUOUS WALKWAY 48" MIN WIDTH, WITH NO ABUTT CHANGES IN LEVEL, 2% MAX. SLOPE IN DIRECTION OF TRAVEL AND 2% MAX. CROSS SLOPE.

ENTER / EXIT DOOR LOCATIONS

PARKING COUNT WITHIN PROPERTY

TREE FACTORY RETAIL CANNABIS STORE

EXISTING LANDSCAPE AREAS TO REMAIN

EXISTING LANDSCAPE AREA TO BE REPLANTED WITH DROUGHT TOLERANT PLANTS AND NEW ORNAMENTAL TREES PER CONCEPT LANDSCAPE PLAN

F.H. EXISTING FIRE HYDRANT

EXISTING PARKING LOT LIGHTING

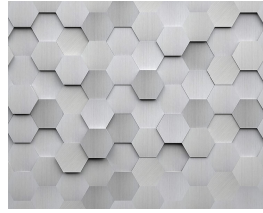
PROJECT SUMMARY		PARKING ANALYSIS		KEYNOTES	LEGEND
ASSESSORS PARCEL NUMBER:	220-0-273-015	SHOPPING AT THE ROSE II REQUIRED PARKING:	RETAIL 1 (BESTBUY) 59,316 S.F. / 225	264	
PROJECT ADDRESS:	2320 N. ROSE AVE. OXNARD, CA	RETAIL 2 (PGH RETAIL) 53,275 S.F. / 250	94		
SITE AREA:	150,325.56 S.F. (3.451 AC)	RETAIL 3 (GOODWILL) 10,000 S.F. / 225	45		
EXISTING SHELL STRUCTURE:	23,300 SF.	RETAIL 4 (BAIRES R US) 45,500 S.F. / 225	203		
CONSTRUCTION TYPE:	V - B (NO CHANGE)	RETAIL 5 (HOMEOWN) 2,436 S.F. / 225	11		
PROPOSED CONSTRUCTION TYPE:	V - B (NO CHANGE)	RETAIL 6 (HOMETOWN) 10,600 S.F. / 225	48		
FIRE SPRINKLER SYSTEM:	YES (FULL SPRINKLER SYSTEM)	PARKING REQUIRED:	665		
OCCUPANCY GROUP:	M - RETAIL STORE	PARKING PROVIDED:	622		
EXISTING ZONING:	C2	STANDARD:	39		
PROPOSED USE:	M - RETAIL STORE	COMPACT:	16		
EXISTING BUILDING HEIGHT:	29'	MOTORCYCLES:	12		
PROPOSED BUILDING HEIGHT:	29'	ACCESSIBLE:	12		
TOTAL OCCUPANCY:	57	TOTAL PROVIDED:	689		
		REQUIRED BIKE PARKING AT FGH RETAIL	SHOPPING CENTER WITH MORE THAN 50,000 SF GFA	1 SPACE PER 33 AUTO SPACES	
		95 REQUIRED AUTO SPACES / 33 = 4 BIKE PARKING REQUIRED	12 PROVIDED		



1. SYNTHETIC SIDING RAINSCREEN -
"PERUVIAN TEAK"



2. STONE PANELS -
BLUESTONE



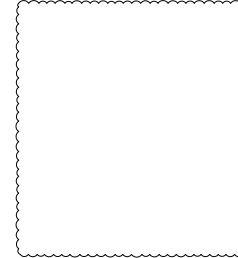
3. ALUMINUM PANELS -
HONEYCOMB PATTERN WITH
COSMIC WHITE POWDER COAT
FINISH



4. METAL ENTRY CANOPIES /
RACCADE



5/6. MASONRY / CEMENT PLASTER -
SW 7657 "TINSMITH"



7. WALL SCONCE -
ALVA LIGHTING,
TESSE-SLOTTED

THESE MATERIAL SAMPLES ARE ONLY FOR INFORMATION AND APPROVAL PURPOSES. THEY DO NOT REPRESENT THE FINAL DESIGN OR CONSTRUCTION. THE ARCHITECT AND CLIENT AGREE TO THE SELECTION OF THESE MATERIALS. THE ARCHITECT AND CLIENT AGREE TO THE SELECTION OF THESE MATERIALS. THE ARCHITECT AND CLIENT AGREE TO THE SELECTION OF THESE MATERIALS.

Approvals	
DATE	APPROVED
PROJECT	100000
REVISION	01
Revising	
REV. NO.	DATE
1	
2	
3	



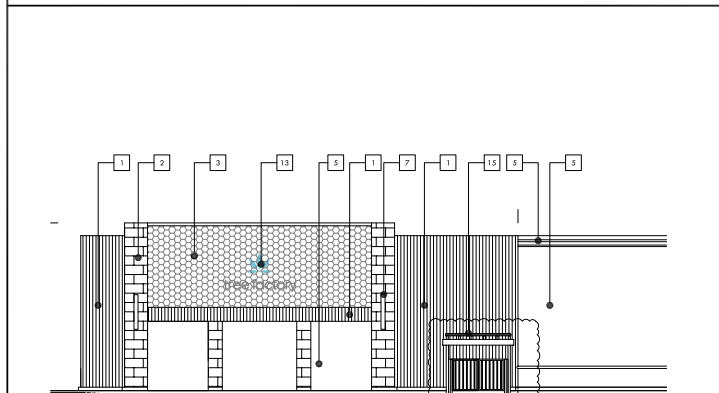
FGH RETAIL SERVICES, LLC
RETAIL CANNABIS DISPENSARY
2320 N. ROSE AVE.
OXNARD CA 93030



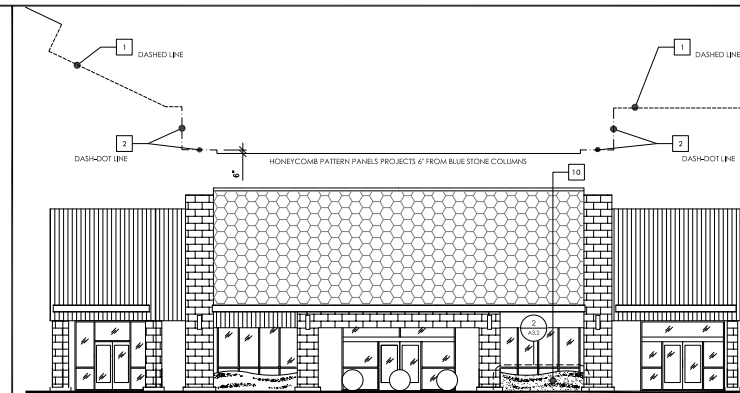
www.CoastalArch.com Tel 805.985.7654 Fax 805.201.3023
Principal Planner : Mike Sanchez Email Mike@CoastalArch.com
Architect : Jeff Zook Email Jeff@CoastalArch.com



PROPOSED SOUTH - FRONT SCALE: HITS A



PROPOSED NORTH - FREEWAY FACING SCALE: 1/8"=1'-0" B



PROPOSED SOUTH ELEVATION- MATERIAL TRANSITIONS PROFILE SCALE: 1/8"=1'-0" C

- KEYNOTES**
- VERTICAL COMPOSITE CLADDING SYSTEM, COLOR TO BE "PERUVIAN TEAK", BY NEWTECHWOOD OR EQUAL, RAINSCREEN INSTALLATION OVER EXISTING PLASTER SURFACES.
 - BLUESTONE STONE PANELS, DIRECT APPLIED TO EXISTING PLASTER SURFACE.
 - ALUMINUM PANEL FACADE WITH HONEYCOMB PATTERN, OFFSET 6" FROM BLUESTONE COLUMNS.
 - 8" THICK SUSPENDED SUNSHADE WITH 6" "AIRFOK" BLADES BY CONSTRUCTION SPECIALISTS 02 / NEW ENTRY DOOR LOCATIONS.
 - EXISTING CEMENT PLASTER / MASONRY TO BE REPAINTED, COLOR: SW 7657 "TINSMITH".
 - EXISTING CONCRETE APRON / WAINSCOT TO BE REPAINTED.
 - LED EXTERIOR LIGHT SCONCE BY ALVA LIGHTING, 7" WIDE X 30" TALL, DIRECT / INDIRECT LIGHTING, MODEL TESSE-SLOTTED, COLOR: BRONZE OR RUBBER SCONCE.
 - NEW STOREFRONT ENTRY DOORS, LIGHT BRONZE ANODIZED ALUMINUM FRAMES WITH CLEAR GLAZING PER FLOOR PLANS.
 - 24" DIAMETER CONCRETE TRAFFIC BOLLARDS W/ SOLID STEEL TYP ANCHORS @ 60" CENTER SPACING, TYP AT ALL EXPOSED STOREFRONT GLASS, COLOR: SW7657 "TINSMITH".
 - CAST-IN-PLACE CONCRETE BENCH, HEIGHT VARIES, 14" THICK, SEDIMENTARY LAYUP FINISH WITH INTEGRAL COLORED "PEWTER" AND "SANDY SLATE".
 - SCREEN LIGHTING WITH OUT-GOING LUMINAIR.
 - ALL EXISTING STOREFRONT WINDOW SYSTEMS WILL BE PROVIDED WITH INTERIOR ROLL-DOWN SECURITY GRILLES.
 - EXTERIOR SIGNAGE UNDER SEPARATE APPLICATION AND PERMIT.
 - EXISTING ROLL-UP DOORS FOR TRUCK DELIVERIES TO REMAIN.
 - EXISTING TRASH ENCLOSURE, PROVIDE NEW ROOF ENCLOSURE PER CURRENT CITY STANDARDS, MATCH SIMILAR TRASH ENCLOSURES ON SITE, PAINT TO MATCH NEW WOOD SIDING.

SHEET ___ OF ___

Attachment C - Cannabis Ordinance No. 2994

ORDINANCE NO. 2994

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

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

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

“ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

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

SEC. 11-451. LEGAL AUTHORITY.

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

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

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

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

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

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

SEC. 11-454. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

space(s) within the boundaries; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ZZ) OWNER - Any of the following:

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

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

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

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

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

Products.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Licensed by the State of California.

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

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

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

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

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

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

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

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

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

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

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

which the applicant or employee has been convicted;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-460. REVOCATION OF PERMITS.

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

SEC. 11-461. RENEWAL APPLICATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-463. APPEALS.

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

SEC. 11-464. WRITTEN REQUEST FOR APPEAL.

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

decision was not proper.

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

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

SEC. 11-465. APPEAL HEARING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

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

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

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

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

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

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

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

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

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

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

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

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

(C) Compliance with any specific plan requirements.

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

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

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

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

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

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

(E) Each proposed Commercial Cannabis Business use shall:

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-475. [RESERVED]

SEC. 11-476. RECORDS AND RECORDKEEPING.

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

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

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

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

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

SEC. 11-477. OPERATIONAL STANDARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any other breach of security.

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

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

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

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

SEC. 11-479. FEES AND CHARGES.

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

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

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

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

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

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

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

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

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

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

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

(G) Signage and notices -

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

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

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

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

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

(H) Minors -

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

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

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

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

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

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

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

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

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

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

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

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

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

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

verified methods.

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

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

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

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

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

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

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

engineer and serial number of the extraction unit being certified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) Access to retailer premises -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-489. COMMUNITY RELATIONS.

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

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

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

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

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

SEC. 11-491. INSPECTION AND ENFORCEMENT.

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

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

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

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

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

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

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

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

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

SEC. 11-495. CRIMINAL PENALTIES.

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

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

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

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

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

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

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

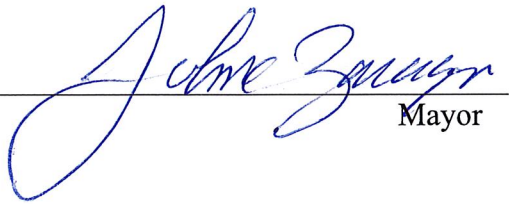
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

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

NOES: None.

ABSTAIN: None.

ABSENT: None.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

**Attachment D -FGH Retail Services, 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



FGH Retail Services, LLC
Vanessa Hernandez
3600 Avondale Lane
Oxnard, CA 93036
(Via Email and First Class Mail)

March 1, 2021

Subject: City of Oxnard - Selection of Three Local Equity Applicants/Retail

Dear Selected Local Equity Applicant/Retail:

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 three Local Equity Applicants who is being invited to apply for a Special Use Permit for a retail cannabis business in the City of Oxnard. The final rankings are attached.

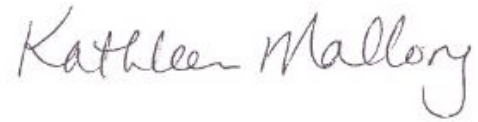
In accordance with the Retail Cannabis Application Procedures Guideline and Oxnard City Code Section 11-457, the City Manager has reviewed the City Selection Committee's evaluation and accepted the final determination.

Once the process outlined below is completed, the City will issue three (3) Local Equity Retail Cannabis permits. Based upon the approved rankings, the top Local Equity Applicants/Retail are:

1. Advocate Society - 2550 East Vineyard Avenue
2. FGH Retail Services, LLC - 2320 North Rose Avenue
3. 99 High Tide - Oxnard - 138 South A Street

The next step in the retail cannabis application process is for the selected Local Equity Applicants to submit an application for a Special Use Permit (SUP) with the City of Oxnard. 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 after you obtain an SUP from the City.

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

A handwritten signature in dark ink that reads "Kathleen Mallory". The signature is written in a cursive, flowing style.

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	

Attachment E - Notice of Exemption

NOTICE OF EXEMPTION

FGH Retail Services, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP); PLANNING AND ZONING PERMIT NO. 21-516-36 (Retail): A request to permit the operation of a commercial cannabis retail facility within an existing 23,275 square-foot commercial suite of a 92,591 square-foot multi-tenant commercial building on a 17.38-acre site located at 2320 North Rose Avenue (APN: 213-0-011-255) 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, and installation of new secure doors/windows, and upgrades to the storefront facade. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Jeff Zook on behalf of FGH Retail Services, LLC.

Finding:

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

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

Supporting Reasons:

In accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, qualifies as a Class 1 Categorical Exemption. This section applies to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The Project involves a request to retail cannabis products within an existing 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 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

**Attachment F - Planning Division Policies & Procedures Item 2.7 -
Minor Modifications**



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

SUBJECT: Minor Modifications

EFFECTIVE DATE: September 15, 1988

LAST REVISED: February 8, 2006

APPROVED BY: Susan L. Martin, AICP

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

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

Attachment G - 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	<i>Mitigate Land Use Conflicts</i> Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	X		The Project proposes to locate within an established commercial shopping center which allows for retailing of cannabis products. The proposed site would operate with other businesses that engage in similar retail business practices therefore the Project would be compatible. Furthermore, the Project was reviewed for neighborhood compatibility, architectural design compatibility, security, and overall community benefits.
Policy CD-4.2	<i>Commercial Revitalization and Redevelopment</i> Encourage upgrading, beautification, and revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.	X		
Policy CD-4.4	<i>Commercial Area Aesthetics</i> Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities.	X		
Policy CD-15.5	<i>Share of Regional Taxable Sales</i> Increase Oxnard's share of tax base and enhance the fiscal health of the City.	X		Cannabis business taxes will be required to be paid as a condition of approval further strengthening the fiscal health of the City.
Policy CD- 17.1	<i>Retain Local Talent</i> Provide opportunities for a variety of local jobs and actively support efforts to retain residents		X	The Project will provide an opportunity for new careers in cannabis retail.

	who have completed higher education.			
Policy CD-18.1	<i>Attract New Businesses</i> Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community's business climate and not detrimental to the existing local economy and environment.		X	The Project will help attract further cannabis related industries which currently are new and have the possibility of improving other local businesses and improving the local economy.
Policy CD-16.5	<i>Industrial and Commercial Development Standards</i> Require high quality development standards that increase the efficient use of existing industrial and commercial development areas so as to preserve agricultural land and minimize adverse environmental impacts.	X		The Project is conditioned to be consistent with the requirements of the General Commercial zone which includes architectural and landscape standards suitable for commercial development.
Policy ICS-19.2	<i>Police Review of Development Projects</i> Continue to require the Police Department to review proposed development project and provide recommendation that enhance public safety	X		The Project's security plan was reviewed and conditionally approved by the Oxnard Police Department to ensure crime prevention through preventive security measures and environmental design.
Policy ICS-19.4	<i>Crime Prevention Device Requirements</i> Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.	X		
Policy ICS-19.5	<i>Incorporating Security Design Principles</i> Encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design program, Neighborhood Watch Program, and/or other appropriate methods to enhance public safety.	X		
Policy SH-7.2	<i>Handling of Hazardous Materials</i> Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.	X		The Project has been reviewed and will be conditioned to maintain and store hazardous material in compliance to local, state and federal standards.

Attachment 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	29 feet No Change	YES
Front Yard Setback OCC Sec. 16-139	30 feet on Vineyard Avenue Scenic Corridor	390 feet No Change	YES
Side Yard Setback OCC 16-140	5 feet, 0 feet when a lot is zoned general commercial abuts another lot so zoned.	115 feet No Change	YES
Rear Yard Setback OCC Sec. 16-141	15 feet for buildings over 16 feet in height.	120 feet (for portion of building under 16 feet) No Change	YES
Vehicle Parking Requirements for Commercial Uses OCC Sec. 16-622	<u>Shopping Center - Regional</u> One space per 225 square feet of gross floor area. Total Required: 571 Parking Spaces <u>Cannabis Retail</u> One parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study. Total Required: 94 Parking Space Total Required for shopping center: 665	689 Parking Spaces	YES
Bicycle Parking Requirements Commercial Uses OCC Sec. 16-623	One space per 33 automobile parking spaces. Required Bicycle Parking 20	12 spaces	YES, AS CONDITIONED
Motorcycle Parking Requirements Commercial Uses OCC Sec. 16-624	Uses with more than 100 automobile parking spaces shall provide motorcycle parking areas at the rate of three motorcycle parking spaces for every 100 automobile parking spaces required. Thereafter, one designated motorcycle space shall be required for each additional 40 spaces required.	16 spaces	YES, AS CONDITIONED

	Required Motorcycle Parking: 17		
Outdoor Loading and Storage Areas OCC Sec. 16-644	2 loading space per 15,001-40,000 - square feet of commercial gross floor area Shall be placed in the side or rear yards only and shall be screened. A minimum 12-foot high wall shall be provided adjacent to unloading areas to provide for proper screening. Required Loading Spaces: 2	2	YES

**Attachment I - Location and Design of Cannabis Business Consistency
Chart**

Attachment I

Location and Design of Cannabis Business Requirements Consistency Chart

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Cannabis Manufacturing, Testing and Distribution Businesses Siting Criteria and Buffer Requirements Sec. 11-473(A)	Manufacturing, testing, and distribution facilities are conceptually permitted on property that must be located on property zoned M-L, M-1, M-2, and BRP, as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.	N/A	N/A
Cannabis Retail Dispensary Businesses Siting Criteria and Buffer Requirements Sec. 11-473(B)	Retail dispensaries are conceptually permitted in property zoned DT-C, DT-G, C-1, C-1-PD, C-2, C-2-PD, CPD, and business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.	The location is within General Commercial (C-2).	YES
Letter of Support from the Specific Plan Management Company or Association	Compliance with any specific plan requirements, including a letter of support from the specific plan management	The project is in compliance with the C-2 zone (see Attachment H). The property is not	YES

Sec. 11-473(C)	company or 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 Preschool and kindergarten School (Childrens' Park) is approximately 2,001 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 zone (see Attachment G and H).	YES
Findings Sec. 11-473(E)(2)	Comply with all applicable zoning, and specific plan requirements, and related development standards.	The project is in compliance with the C-2 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. through 9:00 p.m., seven days a week or reduced as stipulated through the discretionary land use permit.	The project will operate within the hours of 9:00 a.m. and 9:00 p.m. The project has been conditioned to restrict store retail hours based on the operating hour requirements.	YES, AS CONDITIONED
Cannabis Retail Parking Requirements Sec. 11-485(M)	Parking requirements shall be in accordance with chapter 16, article X of the Oxnard City Code - 1 parking space per 250	The project meets the parking requirements.	YES, AS CONDITIONED

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

**Attachment J - Draft Resolution of Approval for Commercial Cannabis
Retail**

RESOLUTION NO. XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-516-36 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A REQUEST TO PERMIT THE OPERATION OF A COMMERCIAL CANNABIS RETAIL FACILITY WITHIN AN EXISTING 23,275 SQUARE-FOOT COMMERCIAL SUITE OF A 92,591 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 17.38-ACRE SITE LOCATED AT 2320 NORTH ROSE AVENUE (APN: 213-0-011-175, 213-0-011-255, 213-0-011-265, 213-0-011-275, 213-0-011-195, 213-0-011-205, 213-0-011-215, AND 213-0-011-225) LOCATED AT 2320 NORTH ROSE AVENUE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on October 7, 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. 21-516-36 filed by Jeff Zook on behalf of FGH Retail Services, LLC. in accordance with Section 16-530 of the Oxnard City Code; and

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

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

The project site is located within the 2030 General Plan land use designation of Commercial General and the zoning is General Commercial (C-2). The Project is surrounded by commercial buildings. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

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

The proposed cannabis 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 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 commercial 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 September 20, 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 multi tenant building. As the Project will be located more than 600 feet from established commercial cannabis sensitive uses, the Project is consistent with public health, safety and general welfare by City standards. As conditioned, the Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

3. **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

As described in the Staff Report, the Project will be located within an existing development within the Commercial Planned Development (C-2) 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 17.38-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, front, side and rear setbacks, lot coverage, landscaping, and equipment screening standards. The existing development is not consistent with the City's parking standards for motorcycles (17 required) or bicycle parking (20 required). The parking lot will provide parking for a minimum of 665 vehicles, including 12 accessible parking spaces, 622 standard parking spaces, and 39 compact parking spaces, and the project has been conditioned to provide a total of 17 motorcycle parking spaces and 20 bicycle spaces within the whole of the shopping center's shared parking lot. The project site has a frontage and vehicular access on Rose Avenue and Lockwood 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 Rose Avenue and Lockwood 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 existing development is not consistent with the City's parking standards for motorcycles (17 required) or bicycle parking (20 required). The parking lot as designed will provide parking for a minimum of 665 vehicles, including 12 accessible parking spaces, 622 standard parking spaces, and 39 compact parking spaces, and 16 motorcycle parking spaces. Based on the configuration of the proposed cannabis retail facility the entire project site requires 2 loading spaces. The project will utilize an existing customer parking loading zone along the northwest side of the buildings accessed by the main storefront entrance to the tenant space. The project is consistent with City parking requirements. The project has been conditioned to include a total of 17 motorcycle and 20 bicycle parking spaces within the whole of the shopping center's shared parking lot, to design motorcycle and bicycle space during the building permit process, and provide these spaces prior to a Certificate of Occupancy being issued. The project also includes short and long term parking to support bicycle use. Therefore, the site will be served by streets, highways, transit and bike facilities adequate to provide access to the proposed building and its anticipated uses. As such, this Project meets this finding.

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

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

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determined that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to retail cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 21-516-36 (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. 21-516-36 (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.

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 October 7, 2021 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)
4. By commencing any activity related to the project or using any structure authorized by this permit, the Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
6. Applicant shall complete the “Notice of Land Use Restrictions and Conditions” form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
7. Applicant shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
8. Before placing or constructing any signs on the project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property. (PL/B, G-10)
9. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property, except as provided in a permit issued by the Fire Chief.
11. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
12. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
13. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

State Law and Regulations Compliance

14. The permittee shall comply with all relevant law, ordinance, or regulation of the State of California, City of Oxnard, and any other governmental entity Laws and Regulations at all times during the life of the permit.

15. Wherever a condition requires that something be initially “built,” “constructed,” “equipped,” “installed,” “provided” or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be “maintained” in accordance with the condition, requirement or approval.

PLANNING DIVISION STANDARD CONDITIONS

16. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
17. Before the City issues building permits, the Applicant shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director / Planning Commission in all sets of construction documents and specifications for the project. (PL, *PL-3*)
18. Before the City issues building permits, the Applicant shall provide to the Planning Manager color photographic reductions (8 1/2” by 11”) of full-size colored elevations and any other colored exhibit approved by the Community Development Director / Planning Commission. The Applicant may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
19. The Applicant may not modify any use approved by this permit unless the Planning Manager determines that the Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
20. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
21. Prior to issuance of building permits, the Applicant shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. The Applicant shall submit a plan showing both the lighting and landscape on the same sheet.
22. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. The Applicant shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. The applicant shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

23. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)
24. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
25. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)
26. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
27. Applicant shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, *PL-50*)

COMMERCIAL

28. Applicant shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)
29. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
30. For any exterior utility meter panels, Applicant shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)

31. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
32. Applicant shall restripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)

Special Conditions of Approval

33. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.
34. In accordance with Oxnard City Code Section 16-624, parking facilities for 17 motorcycles shall be provided in the shopping center's shared parking lot, the configuration and location of which shall be as reviewed and approved by the City Planning Division. Motorcycle parking area dimensions and location shall be a paved area at least 4'6" x 7' for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the motorcycle spaces have been provided and are not in conflict with the applicable development standards for building in the General Commercial (C-2) zone district.
35. In accordance with Oxnard City Code Section 16-637, parking facilities for 20 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 3 bicycle spaces, to be provided on site near the front entrance of the building located at 2320 North Rose Avenue and the remaining required spaces equally distributed in the shopping center near front entrances. 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.

36. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.

37. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

Automatic Expiration

38. The Commercial Cannabis Business Permits shall expire, and be subject to the renewable process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the Special Use Permit (SUP) pursuant to the Oxnard City Code Section 11-459.

Renewal

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

Appeals

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

Revocations of Commercial Cannabis Business Permits

41. Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to Sections 11-461, 11-462, 11-468, or 11-477 pursuant to any policy, procedure or regulation adopted by the City. The City Manager or his/her designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit's conditions and/or a license issued by the State of California, or by any of its departments or divisions, or if there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which is detrimental to the public safety or health. The City Manager or his/her designee shall immediately inform the Community Development Director and Planning Manager of the suspension and the Planning Manager shall schedule a hearing on the revocation of the permit by the

Community Development Director or other competent hearing officer to be held no more than 30-days after the beginning of the suspension. In the hearing, notice will be provided establishing the causal factors that caused the suspension and determination shall be made with the below options:

- a. End the suspension of the permit;
- b. Continue the suspension of the permit pending other legal action;
- c. Amend the permit conditions;
- d. Direct the permittee to change operations or business practices that precipitated the suspension of the permit;
- e. Or, any combination of the above;
- f. And, provide benchmarks and timeline for corrective action to take place.

42. The Applicant agrees suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

Enforcement and Compliance

43. For the life of the permit, the Applicant shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the Applicant or any employee or agent of the Applicant, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.
44. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently \$134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-36. Additional funds will be required as deposits are depleted to less than the equivalent of 10 hours of the Planning Hourly Fee or as additional funds are needed as determined by the Community Development Director.
45. All operators are subject to all penalties as outlined in Oxnard City Code.

Property Owner Authorization

46. Prior to the issuance of a zone clearance or business license, whichever comes first, the Applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner agrees to use of the property for

a Commercial Cannabis Business Permits subject to Chapter 11, Article XVI, Section 11-475 of the Oxnard City Code.

Business Location Transfers

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

Business Notification

48. The Applicant shall provide to the City, the name, telephone number, and email address of a community relations contact (community relations officer) designated by Applicant. The community relations contact shall be responsible for responding to complaints, should they arise between the hours of 10:00 p.m. and 7:01 a.m. Complaints shall be addressed within fifteen minutes of receiving the initial complaint
49. The Applicant shall provide the name/phone number/email address for the business community relations officer to all businesses and residences located within six hundred (600) feet of the commercial cannabis business before operation of the business. The contact name and number shall be prominently posted outside of the facility
50. During the first year of operation, the owner, manager, and community relations officer shall attend quarterly meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss conditions of approval, operations, and overall cannabis activities in the subject location.
51. After the first year of operation should no permit condition(s) violations be identified, the owner, manager, and community relations officer shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Inventory Tracking

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

53. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

Onsite Restrictions

54. Sales of cannabis may only occur between the hours of 9:00 A.M. and 9:00 P.M. daily.
55. The Applicant shall conform with the following requirements to prevent minors from having access to cannabis products:
- a. Persons under the age of twenty-one (21) years, or eighteen (18) years with a medical marijuana card, shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Article for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
 - b. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.
56. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.
57. No outdoor storage of cannabis or cannabis products is permitted at any time.

Operational Requirements for Retailers

58. Sales and service of cannabis or cannabis products is limited to only the customer service area, which consists of approximately 23,275 square feet inside the building as identified on PZ No. 21-516-36 floor plans presented at the Planning Commission public hearing on October 7, 2021 and incorporated herein.
59. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.
60. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

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

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

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

Signage and Notices

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

Community Benefits Agreement

63. Prior to issuance of a certification of occupancy, Applicant shall enter into a signed and recorded Community Benefits Agreement with the City. Said agreement shall include the following:
64. Retail
 - a. One time payment of \$250,000
 - b. Donation of 1% of gross revenues to the City of Oxnard required to be paid with the associated yearly business license fee. This amount is in addition to the license fee and the City cannabis taxes.
 - c. Requirement to hire 75% of the businesses employees from the City of Oxnard, as defined in Chapter 11 of the Oxnard City Code.

BILLING AND LICENSING CONDITIONS

Cannabis Business Tax Certificate

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

redetermined. If the certificant underpaid the redetermined Commercial Cannabis Business tax, the certificant shall immediately pay the amount due.

Reporting and remittance of quarterly tax payments

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

shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s)

Employee Work Permit

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

Employment Transfers

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

Revocation of Employee Work Permit

79. The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code or if facts become known to the City that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

Appeal of Employee Work Permit Revocation

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

POLICE CONDITIONS

Security Measures

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

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

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

99. The Applicant shall notify the Police Chief within twenty-four (24) hours after discovering any of the following:(Section 11.437 (E))
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
 - b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
 - c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the Commercial Cannabis Business.
 - d. Any other breach of security.
100. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.
101. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.
102. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
103. 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.
104. 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.
105. 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.
106. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.
107. 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).

108. 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.
109. 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

110. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
 - a. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
 - b. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - c. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
 - d. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.
111. 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.
112. All exterior lighting shall operate from dusk to dawn.
113. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

114. 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.
115. 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.
116. 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.
117. 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.
118. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

Operations and Inspections

119. 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 20-23.
120. Cash handling procedures shall be approved by the police chief or his/her designee.
121. 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.

122. 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.
123. 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.
124. 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.
125. 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.
126. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
127. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
128. 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.
129. 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.
130. 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.

131. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
132. 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.
133. 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

134. 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.
135. 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

136. 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.
- n. A high-definition cloud based-video security system shall be used with a required 90 day tamper proof hard drive or software system pursuant to BCC 5044. System will be remotely accessible by the Chief of Police or his designee at all times. Prior to 90 days, no video will be erased without prior approval from the Chief of Police. At no time shall the business be open if the security system is down regardless of the presence of armed security guards.
- o. Cameras shall be mounted outside the business to monitor pedestrian and vehicular traffic around the business. Where possible and practical, cameras will be positioned to capture the faces of persons approaching the business and the license plates of vehicles driving on parking area drive aisles.

Access Control Systems

137. 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

- 138. Intrusion/burglar alarms shall be “dual” technology and have the capability to differentiate between human and non-human motion. The burglar alarm sensors shall be mounted throughout the premises and shall specifically include: Receiving Area, Safe Room, Security Room, Holding Area, All Areas Noted Corridors, Processing, Receiving, Retail Area “Safe Room”, Delivery, On-Line Storage “Safe Room”, Education Room, Waiting Room, Grand Lobby, Retail (non-cannabis) and the Roof.
- 139. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery.

Security Site Plan

- 140. 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.
- 141. 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.
- 142. 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.
- 143. 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

- 144. 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.
145. 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.
146. 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.
147. 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.
148. 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.
149. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

Cannabis Deliveries

150. 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

- 151. The unit’s address “2320” shall be painted on the exterior of the rear door in numerals that are 3-inches in height.
- 152. The unit’s address “2320” shall be painted on the roof of the building above the unit in numerals that are 3-feet in height.
- 153. Bollards and enhanced security features are required for the storefront windows pursuant to general Police Conditions.
- 154. The property shall have and maintain at each vehicle entrance signs posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.
- 155. One parking stall 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.

FIRE DEPARTMENT STANDARD CONDITIONS

- 156. 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)
- 157. 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)

158. 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)
159. 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)
160. 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)
161. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)
162. 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)
163. 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)
164. 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)
165. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)
166. 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)
167. 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)
168. 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)

169. 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)
170. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)
171. 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)
172. 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.
173. 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.
174. 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.
175. 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

176. 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.

177. 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

178. 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)
179. 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)
180. 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)
181. Applicant shall pay the cost of all inspections of onsite and offsite improvements. (DS-22)
182. Applicant shall be responsible for all project related actions of Applicant's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)
183. Applicant shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)
184. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

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

187. Show all applicable existing and proposed utilities (sewer, water, storm, gas, elect.) affected by the proposed improvement on the site engineering plan. (DS)
188. The project shall comply with the latest California Building Code disabled access requirements. (DS)
189. The existing trash enclosure shall be retrofitted with a roof and shall include architectural screen mesh between the top of wall and roof to prevent unauthorized access and be sprinklered if required by the Fire Department. (DS)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 7th day of October 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 7th day of October 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

Attachment K - Letters and Petitions Received

FGH RETAIL SERVICES, LLC/ TREE FACTORY



Action Petition		We, the undersigned, are citizens of Ventura County and the surrounding counties, fully support FGH Retail Services and urge the City of Oxnard leaders to permit FGH Retail Services to open a Cannabis Dispensary located at 2320 North Rose Ave, Oxnard, CA 93036.			
Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest
8/6	Javier Garcia	<i>[Signature]</i>		TF has been serving the community since 2015.	✓
8/7	Courtney Janner	<i>[Signature]</i>		Tax revenue and great company	..
8/7	Xavier Hernandez	<i>[Signature]</i>		Honest, Reliable company	,
8/7	Nicolas Hernandez	<i>[Signature]</i>		Great staff 100%	
8/8	Philip Kurman	<i>[Signature]</i>		Honest	✓

FGH RETAIL SERVICES, LLC/ TREE FACTORY



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Date	Printed Name	Signature	Address/Email	Comment	Contact ☒ Employment Interest
8/5	Gregory Gupron		Port Hueneme, CA		
8/6	Jacqueline Tan		Camarillo,		
8/6	Armando Castillo		Oxnard, CA		☒
8/6	Stephen Swanson		Oxnard, CA		☒
8/6	Alex Ortiz		VENTURA, CA		

FGH RETAIL SERVICES, LLC/ TREE FACTORY



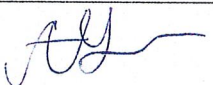
Action Petition		We, the undersigned, are citizens of Ventura County and the surrounding counties, fully support FGH Retail Services and urge the City of Oxnard leaders to permit FGH Retail Services to open a Cannabis Dispensary located at 2320 North Rose Ave, Oxnard, CA 93036.			
Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/2	DIMITRI LOMBERA	<i>[Signature]</i>	PORT HUENEME		
7/2	Kiana Okamoto	<i>[Signature]</i>	port hueneme		
7/2	Monica Osborne	<i>[Signature]</i>			
7/2/2021	Jacob R. Hernandez	<i>[Signature]</i>			
7/2/2021	Miguel Lopez	<i>[Signature]</i>			

FGH RETAIL SERVICES, LLC/ TREE FACTORY



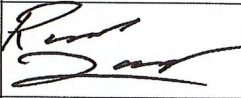
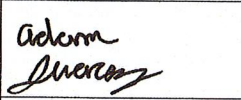
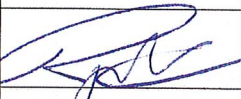
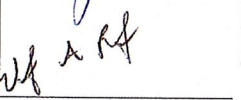
Action Petition

We, the undersigned, are citizens of Ventura County and the surrounding counties, fully support FGH Retail Services and urge the City of Oxnard leaders to permit FGH Retail Services to open a Cannabis Dispensary located at 2320 North Rose Ave, Oxnard, CA 93036.

Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7-2-21	Angel Garcia			T.F has been serving the community with integrity.	
7-2-21	Ricky Fransto			T.F has provided great quality service for years	
7-2-21	Carlos Bautista			T.F has made my life easier mental and physical wise!!	
7/2/21	Ivan Ovelas			TREE FACTORY has been giving best service - we need this	
7/2/2021	Crystal Martinez			largest ppl w/ great service, serving the community!	

FGH RETAIL SERVICES, LLC/ TREE FACTORY



Action Petition	We, the undersigned, are citizens of Ventura County and the surrounding counties, fully support FGH Retail Services and urge the City of Oxnard leaders to permit FGH Retail Services to open a Cannabis Dispensary located at 2320 North Rose Ave, Oxnard, CA 93036.				
Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/2	RICHARD LOPEZ				
7/2	Adam Juarez				
7/3	JENNELL PEREZ				
7/3	Ray Madueno				
7/4	Victor Renteria			Tree Factory is a great company with integrity.	

FGH RETAIL SERVICES, LLC/ TREE FACTORY



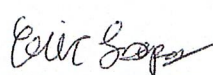
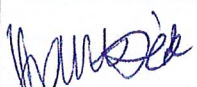
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/7/21	Ricky Carrion				
7/7/21	Serge Serrano				
7/7/21	Anthony Perez				
7-7-21	Jason Mendiola				
7-7-21	OSCAR Hernandez				

FGH RETAIL SERVICES, LLC/ TREE FACTORY



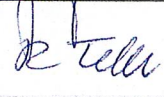
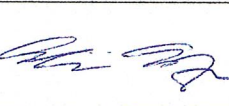
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
07/07	Eric Lopez				
7/8	Rae Marie				
7/8	Melissa Hendricks				
7/8	Alan Gross				
7/9	Carlos Bautista				

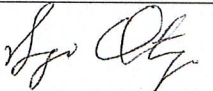
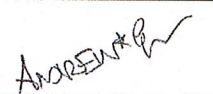
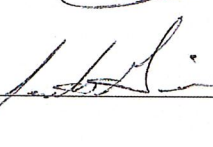
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/9/21	Sandra Tinglof				
7/9/21	RICHARD TEJER				
7/9/21	Adrian Almaraz				
7/9/21	Andre Coleman				
7/10/21	STEVE ROMERO	S. ROMERO			

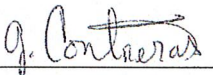
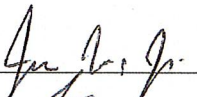
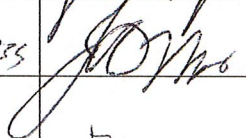
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/10/21	Sergio Ortega				
7/11/21	ANDREW ELIASON				
7/13/21	Jesus Alvarado				
7/15/21	Jorge Ruiz				
7/15/21	Jonathan Garcia				

FGH RETAIL SERVICES, LLC/ TREE FACTORY



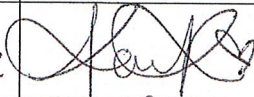
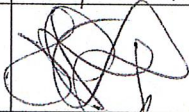
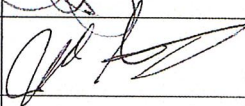
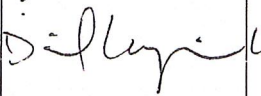
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/10/21	Giovanna Contreras				
7/15/21	Dolores G. Martinez				
7/16/2021	Jesus Meza Jr.				
7/16	Lara De Miss				
7/16	Felipe Larn	FL			

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
07/17	Dennis Canseco				
07/18	Anakaren Rodriguez				
07/18	Joss Rodriguez				
07/18	Joel Garcia			100%	☒
07/18	Danny Longoria			100%	☒

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/19/21	Victor Magaña				
7/19/21	David Garcia				
7/19/21	MALCOLM JONES				
7-19-21	Jose Cano				
7/19/21	Julio Huerta				

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7-19-21	Jonathan Vinolo				
7-20-21	Andrew Ventura				
7/22/21	Eileen Russell				
7/22/21	ROBERT RUSSELL	ROBERT RUSSELL			
7/22/21	Linda Wyrozowski				

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7-23-21	Victor Zambrano JR			3 The Best	
7-24	KEEB Mitchell			YAMAN.	
	Philip Korman			Yes I	✓
7/24	Anthony Rugs			;	
7/25	Daniel Chastain			The best	✓

FGH RETAIL SERVICES, LLC/ TREE FACTORY



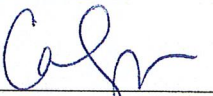
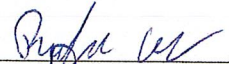
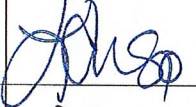
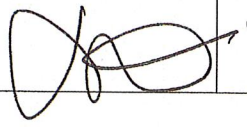
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest 
7/26/21	Daniel Alvarez			DS Page was here!	
7/26/21	Clay Criel				
7/27/21	Eliana Schuber				
7/27/21	Ivan Ornelas				
7/28	GARY COOK				

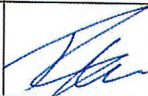
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest 
2/24	Carri & Spencer				
7/24	Rafael Alcaraz				
8/4	Laune Cisano				
8/5	Sierra DelaMora				
8/6	Jasmine Stoss				

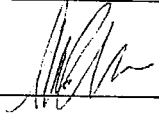
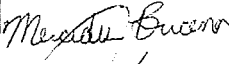
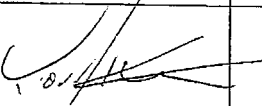
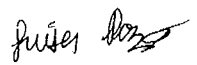
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
9/28/21	Raul Meza, M.D.		Ventura, CA 93001		
9/29/21	Anne Mikhailovskiy, MD		Ventura, CA 93004		
9/29/21	Preston Arnold MA		Camargo, CA 93010		

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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
9/23/21	TURNER S Steve Aban / turners				
9/23/21	Mercedes Briceño				
9/23/21	Joek hui @ hui zone				
9/23/21	ROSE LASANA LISA RAZO				
9/23/21	GAMB STOP JOSE				
9/23	Daniel's Jewelers				

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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
9-23	Areli Valled Sallys Beauty		N ROSE AVE	Send me a good job Application Please! ☺	
9/23	Angelica Mirel				
9-23	BIANCA MORALES				
9/23	CRYSTAL CORTES				
9/23					

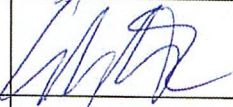
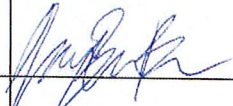
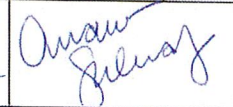
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
	Sal Orozco	<i>[Signature]</i>	Stay - mail	tree factory is the BEST!	
	Samuel Guillen	<i>[Signature]</i>		Quality product Quality service Quality people	
	Adrian Ayala President - mdnt.mdnights	<i>[Signature]</i>		Great people Always helps the community!	

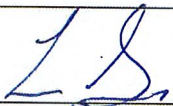
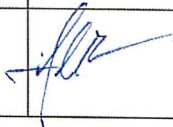
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
7/24/14	Victoria Yushenkoff		1.	Thorough, well thought out business plan. Good luck!!	Yes
7/24	Mike Mushkoviz		"	MSP + Call Center contact	Y
	Jesus Bello w/ We Live By the Beach			amazed how much you guys do for the community	Yes
7/24	Andrea Smith Quantified Bookkeeping ITax				y
7/24	Mike Willoughby Mikes Diesel Auto work				Y
7/24	Andrew Salinas City of Port Hueneme				

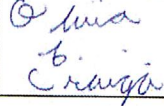
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
	Luis Gonzalez Joy Equipment			Great spot, Great People	y
	Valerie Brown			Amazing	y
	Eduardo Rodriguez			you guys are the best!	y
	Sam Castorina			great community work	y
	MIKE BARBER			is going to be a great place	
	Jon Michael Becerra REIGN CALIFORNIA			Love Tree Factory	

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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
7/24	Hilary Smith / N/A		1111, ...		
7/24	Gauge Lynn Wood				
7/24	Good Good Hustlers Richard Linanes		...		
7/24	Nike Williams		...		
7/24	Krista Lorey		...		
7/24	Olivia A. Craigie		—	Congratulations!	

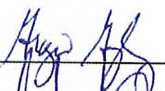
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
7/24 2021	Victoria Salazar			I have an eye situation where 5 Drs can't tell me whats wrong and only give me anti biotics but nothing has helped. These products with pain and swelling I am exhausted with nothing but pills.	3
7/24/21	Jacob Provost				
7/24/21	Sam Castorena		Oxnard CA, 93030	great	3
7/24	Cibeli Rocha		P.H.		
7/24	John Villan		SANTA PAULA CA 93060	Great.	
7/24	Ramon Hernandez		Oxnard CA 93036	Great cant wait	5

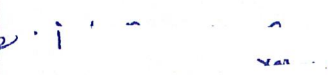
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
7/24	Jorgette Hernandez				Yes
7/24	Georgina Gonzalez				
7/24	ANGEL ORTIZ				Yes

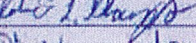
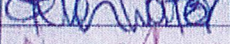
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
08/20	Alejandra Lopez				
8/20	Michael Inda				

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest
9/16/21	Albert Benavente		[Redacted]		
9/16/21	CARLA JENSEN		[Redacted]		
9/16/21	EUGENE R. LAVIS		3 [Redacted] STAST.		
9/16/21	Gabriel Ramirez		[Redacted]		
9/19/21	Giovanni Rojas		[Redacted]		
9/19/21	ALEXANDER GALLO		[Redacted]		
9/20/21	Nancy Peña		[Redacted]		
9/20/21	Robert G.		[Redacted]		
9/22/21	Stelva Water		[Redacted]		✓
9/21/21	Sylvia Sanchez		[Redacted]		
9/21/21	Sandy MUKULI		[Redacted]		
9/21/21	Veronica Marquez		[Redacted] MEX.		(205)



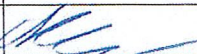
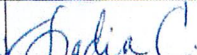
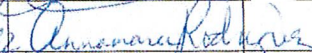
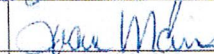
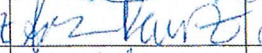
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest
9/22/21	Robin Turner	R Turner	[Redacted]	(S)	
9/22/21	Edward M...	[Redacted]	[Redacted]		
9/22/21	Susan Baptiste	Susan Baptiste	[Redacted]		
9/22/21	Jose Arguilla	[Redacted]	[Redacted]		
9/22/21	Albert Bernarde	[Redacted]	[Redacted]		
9-24-21	Ashley Sandoval	[Redacted]	[Redacted]		✓
9-25-21	Lilyana Janenez	Lilyana Janenez	[Redacted]		
9-25-21	Cris Perez	Cris Perez	[Redacted]		
9/28	Chas Sheffield	[Redacted]	[Redacted]	yes!	
9/28	Nicholas P. Calaveras	Nicholas P. Calaveras	[Redacted]		

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest
9-10	Anthony Marchant				
9/11	Robert Reyes				
9-12	Susie Brumley				
9-13	Nadia Carpentier				
9-13	Desiree Reyes				
09/13	Cesar Jasso				
9/13	Annamarie Rodriguez				
9/13	Joan Mains				
9/13	Michelle Gomez				
9/13	AVIS Ramirez				
9/19	MATT HERBERT				



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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
9/16	Julisa Manzano	<i>Julisa Manzano</i>	101...		
9/16	Allyssa Merjil	<i>Allyssa Merjil</i>	...		
9/16	Edmund Baim	<i>Edmund Baim</i>	1...		
9/16	Alfonso Gomez	<i>Alfonso Gomez</i>			
9/16	Armando Gomez	<i>Armando Gomez</i>			
9/16	Tyler Burre	<i>Tyler Burre</i>			
9/16	Angel Romero	<i>Angel Romero</i>			
9/17	Shirley Gomez	<i>Shirley Gomez</i>			
9/17	Thomas McHarrad	<i>Thomas McHarrad</i>			
9/17	Julio Huerta	<i>Julio Huerta</i>			
9/17	Gonzalez, Francisco	<i>Francisco Gonzalez</i>			



Action Petition

We, the undersigned, are citizens of Ventura County and the surrounding counties, fully support FGH Retail Services and urge the City of Oxnard leaders to permit FGH Retail Services to open a Cannabis Dispensary located at 2320 North Rose Ave, Oxnard, CA 93036.

Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest
9-8-21	LYDIA ROSALES				
9-8-21	Rose Denley				
9-9-21	Michael Schunicher				✓
9-9-21	SHANE SPARKS				
9/10	Julietta Lemus				✓
9/10	Bianca Gzeta				✓
9/10	Ricardo Gzeta				✓
9/10	Craig Ky				✓
9/10	Dreonna Wilson				✓
9/10	Huma Bell				✓
9/10	Jim Hampton				

Seena M. Samimi
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June 15, 2021

VIA EMAIL ONLY

City of Oxnard
City Manager's Office
300 West Third Street
4th Floor
Oxnard, CA 93030
Attn: Alexander Nguyen
City Manager
Alexander.Nguyen@oxnard.org

**Re: FGH LLC – PROPOSED LOCAL EQUITY CANNABIS FACILITY
APPLICANT FOR 2320 N. ROSE AVE., OXNARD, CA**

Dear Mr. Nguyen,

This letter is written on behalf of Rose II LLC (owner of 2200 N. Rose Avenue and 1901 Lockwood St.), Oxnard Place, LLC (owner of 2340 N. Rose Avenue), and Rose TIC, LLC (owner of 2330 N. Rose Avenue and Lot 4), all of which are owners and operators of businesses (the "Neighboring Owners") in the commercial complex (the "Complex") where FGH Retail Services LLC ("FGH") intends to open its cannabis retail dispensary business, at 2320 N. Rose Avenue, Oxnard, CA (the "Property"). FGH has progressed to Phase 4 of the City's application process based upon false and misleading information.¹ We therefore write this letter to set the record straight and bring to the City's attention several matters that FGH either flat out misrepresented or willfully failed to disclose as the City prepares to evaluate FGH's application for a Special Use Permit for a cannabis dispensary at the Complex.

FGH's February 18, 2021 PowerPoint presentation to the City² touted purported "Neighborhood Compatibility" as a key reason for why it should be selected to apply for and obtain a Special Use Permit, spending nearly 50% of the slides discussing FGH's efforts at "building trust" and "being a good neighbor." This inaccurate narrative, however, flies in the face of reality. FGH has been acutely aware of, but failed to disclose, the Neighboring Owners' strong opposition to its proposed

¹ Final rankings of retail cannabis applicants available at: <https://www.oxnard.org/wp-content/uploads/2021/03/City-Manager-Approved-Final-Ranking.pdf>

² Available at: https://www.oxnard.org/wp-content/uploads/2021/03/CCB-21-38-3.-FGH_Phase-3-Presentation_02.18.21_redacted.pdf

June 15, 2021

Page 2

operations since at least April 2020, when several of the Neighboring Owners put FGH on written notice that its proposed use at the Complex would violate several provisions of the governing CC&Rs, and would create various nuisances and disturbances within the Complex. (See Exhibit 1 [April 24, 2020 letter] and Exhibit 2 [May 27, 2020 letter].)

FGH's failure to be transparent with the City and disclose the strong opposition of the Neighboring Owners to its proposed use at the Complex is anything but an example of "building trust" and "being a good neighbor." Indeed, its presentation to the City attempted to give the impression that the Neighboring Owners in the Complex would benefit from, and perhaps even support, FGH's application. Nothing could be further from the truth.

Before it may issue a Special Use Permit, the first finding the City must make is that the proposed use will cause no adverse or detrimental effects to the neighboring uses and businesses. The requirement, in relevant part, is set forth below (emphasis added):

SEC. 16-531. REQUIREMENTS FOR GRANTING.

Before a special use permit may be granted, the applicant must show and the commission must find that the proposed use is in conformance with the general plan and other adopted standards and that the following conditions are met:

(A) The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.

...

In this particular case, the "nature, condition, and development of adjacent uses, buildings and structures" which the City *must* (read: "shall") consider in its decisionmaking process, are governed by a written document: the "Amendment and Restatement of Easements with Covenants and Restrictions Affecting Land" (the "CC&Rs") which was recorded on August 15, 1996. (See Exhibit 1 [attachment to April 24, 2020 letter].) The CC&Rs prohibit the proposed cannabis use, as thoroughly analyzed in the letters to FGH from the Neighboring Owners (See Exhibits 1-2). FGH acquired the Property having been provided with actual and constructive notice of the CC&Rs, and FGH was fully aware of the restrictions and limitations of the Property it purchased.

This letter's purpose is not to ask the City to enforce the CC&Rs governing the Complex. The Neighboring Owners will do so themselves.

Rather, this letter has two purposes: **First**, it provides the City with the relevant information, which FGH has not provided, for the City to properly analyze the "nature, condition and development of [FGH's] adjacent uses, buildings and structures," and to ensure that FGH's proposed use does not "adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare" as required by Section 16-531. The City cannot make that finding in a vacuum. All of the owners in the Complex have agreed to be bound by the CC&Rs; those CC&Rs are therefore relevant to the City's findings concerning the effects on surrounding

uses. The Neighboring Owners will vigorously oppose the permitting of FGH's proposed cannabis use through the administrative process, and at all public hearings, due to the numerous adverse effects that it will have on them. The City should understand this, and the CC&Rs provide insights into some of the reasons, and some of the specific adverse effects arising from the Property.

Second, because the Neighboring Owners understand and support the City's desire to grow its tax base, and approve businesses that will thrive in this new regulatory environment, it is important for the City to be on notice that even if it approves FGH's application for a Special Use Permit, FGH will not be permitted to open or operate its business in the Complex. Thus, the City will not see tax revenues from FGH at this location. Even if FGH were to succeed in securing a Special Use Permit, the Neighboring Owners will act to enforce the CC&Rs. Given the clarity of the CC&Rs on this issue, there is little question that a court will enforce them and enjoin any proposed cannabis operation at the Complex.

Indeed, the CC&Rs include a number of provisions that prohibit FGH's proposed cannabis use. Those provisions are detailed, with appropriate citations, in the April 24, 2020 letter attached as Exhibit 1. For the purposes of this letter, a brief summary of just two of the key prohibitions will suffice:

1. **Prohibition on "adult uses":** The CC&Rs broadly prohibit "adult uses" at the Complex. By definition, cannabis retail facilities are adult businesses that can only service adult customers under California law. In fact, the very first slide of FGH's presentation to the City describes a cannabis business as an "adult use." An adult cannabis business is no different than the myriad other types of adult businesses that are also expressly called out in the CC&Rs as prohibited uses in the Complex. A company that would seek the City's approval of a business that it undeniably knows is prohibited at the Property is not one deserving of the City's consideration for a Special Use Permit.
2. **Prohibition on illegal uses:** The CC&Rs also prohibit any use that violates "**any** law, ordinance, rule or regulation of **any** governmental authority with jurisdiction over any portion of the Shopping Center." Despite changes in State and local law, cannabis remains a Schedule 1 drug under the Controlled Substances Act (21 U.S.C. 802, 812) and the sale of cannabis is illegal under federal law. As a result, cannabis sales are prohibited by the CC&Rs.

In short, as the City proceeds to consider Special Use Permit applications from FGH and others who may be rightly deserving of one, the Neighboring Owners believe it is important for the City to have all of the relevant information at its disposal (including the CC&Rs) when considering whether it can make supportable findings. Moreover, the City should also understand that issuing a Special Use Permit—especially at the expense of another worthy applicant—would be a futile act resulting in wasted City efforts and the loss of needed tax revenues.

The Neighboring Owners are hopeful that, once the City is aware of the full information governing the Property and the Complex, it will understand that it cannot make the findings required under

June 15, 2021
Page 4

Section 16-531(A) of the Oxnard Municipal Code, and should thus reject FGH's application for a Special Use Permit.

Thank you for your attention to this important matter. The Neighboring Owners, and their counsel, would be happy to meet with the City to discuss further, to the extent that the City has any questions relating to the contents of this letter.

Very truly yours,



SEENA M. SAMIMI for
Jeffer Mangels Butler & Mitchell LLP

CC:

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city.attorney@oxnard.org (City of Oxnard)
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vanessa.hernandez246@gmail.com (FGH, 2320 N. Rose Avenue)
keithlfuller@yahoo.com (FGH, 2320 N. Rose Avenue)
stan@rothbartdev.com (Rose II LLC, 2200 N. Rose Avenue and 1901 Lockwood St.)
rastegarsean@gmail.com (Oxnard Place, LLC, 2340 N. Rose Avenue)
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April 24, 2020

VIA EMAIL ONLY

FGH, LLC.

1650 E. Gonzales Blvd., #296

Oxnard, CA 93036

Attn: Maria Valdez, David Allen Management Group

Office Phone: 805-384-0537

Cell: 805-223-4827

Email: mariav@damanagementgroup.com

**Re: POTENTIAL CANNABIS USE AT 2320 N. ROSE AVE., OXNARD,
CA, IN VIOLATION OF COVENANTS AFFECTING LAND**

Dear Ms. Valdez,

This letter is written on behalf of Oxnard Place, LLC, the owner of the property located at 2340 N. Rose Ave, Oxnard, CA 93036 (the "Neighboring Property"). As you know, the Neighboring Property, along with the property that you have recently purchased at 2320 N. Rose Ave, Oxnard, CA 93036 (the "Cannabis Property") are both governed by the "Amendment and Restatement of Easements with Covenants and Restrictions Affecting Land" (the "Restated E.C.R.") which was recorded on August 15, 1996. (See Exhibit 1.)

The Neighboring Property owner understands that the new owner and/or operator of the Cannabis Property intends to use the Cannabis Property for a cannabis-related retail/dispensary business enterprise ("Proposed Cannabis Business"). The purpose of this letter is to inform you that such a Proposed Cannabis Business would be in violation of the Restated E.C.R., and Neighboring Property owner will take any and all necessary legal action to ensure that the terms of the Restated E.C.R are properly effectuated.

The Restated E.C.R. has several provisions that restrict the use of the Cannabis Property for the use of the Proposed Cannabis Business. Those provisions have been reproduced below, with a brief analysis following each:

- Section 2.b.iv: "No portion of the Shopping Center shall be used for (iv) any violation of any law, ordinance, rule or regulation of any governmental authority with jurisdiction over any portion of the Shopping Center."
 - Cannabis is federally illegal as a Schedule 1 drug under the Controlled Substances Act (21 U.S.C. 802, 812, hereinafter "CSA"). This provision in the Restated

E.C.R. unequivocally references violation of "any law" of "any governmental authority with jurisdiction over" the Cannabis Property. Because the federal government has jurisdiction over the Cannabis Property, unless and until there is a change in federal law, any Proposed Cannabis Business is expressly forbidden under the Restated E.C.R. The fact that certain limited types of cannabis businesses have been legalized in certain limited localities within California does not affect the federal illegality of the use under the CSA.¹

- Section 2.b.i and 2.b.ii: "No portion of the Shopping Center shall be used for (i) any offensive, noisy or dangerous trade, business or manufacturing activity or occupation, (ii) any activity which constitutes a nuisance."
 - Although the details of the Proposed Cannabis Business are not known at this time, we understand that it will be a proposed retail/dispensary use. This provision from the Restated E.C.R. will present several issues with a Proposed Cannabis Business, for several reasons.
 - 1) Cannabis dispensaries often emit strong smells which the owners of the neighboring properties consider to be "offensive" and a "nuisance";
 - 2) Due to the federal illegality of cannabis which limits bank involvement in the industry, most cannabis dispensaries operate largely in cash, which means that there are often hundreds of thousands of dollars (if not millions) in cash and cannabis-related products that are in safes and other storage areas onsite. This often necessitates heavy security, including armed guards, which would be a "dangerous trade or business" and a "nuisance";
 - 3) To the extent applicable, manufacturing of certain volatile products in the processing of certain cannabis oils/edibles is a "dangerous" activity and would constitute a "nuisance"; and
 - 4) Because cannabis is a federally illegal drug, it is inherently "offensive" and/or "dangerous" under the CSA, and could be considered a "nuisance per se" due to its underlying illegality.
- Section 2.b.iii: "No portion of the Shopping Center shall be used for (iii) any activities which materially interferes with the business of any other occupant or tenant."
 - Cannabis smells and the increased security risks (with the potential presence of armed guards), are both considered by the Neighboring Property owner as a material interference with a business. In addition, a Proposed Cannabis Business

¹ It should also be noted that that the City of Oxnard is only issuing a very limited number of permits to cannabis-related businesses, and the owners of the Neighboring Properties would vigorously oppose the permitting of any Proposed Cannabis Business at the Cannabis Property on an administrative level. Therefore, it is also unlikely that local cannabis-related permits and entitlements would be granted, which in turn, means that the Proposed Cannabis Business would be unable to procure the necessary state licenses from the California Bureau of Cannabis Control and/or other state regulatory entities. In other words, beyond federal illegality, the Proposed Cannabis Business would also likely be operating in violation of local and state law as well.

would materially alter the prestige of the shopping center, and therefore, the neighboring businesses. Furthermore, patrons who obtain the cannabis from the Proposed Cannabis Business may loiter and use the cannabis products in the parking lot, and in and around the businesses of the neighboring properties, which would materially interfere with the operations and success of those businesses.

- Separately, the presence of the Proposed Cannabis Business may adversely affect the ability of the Neighboring Property owner to obtain financing and/or loans.
- Section 2.b: “No part of the Shopping Center shall be used for other than retail sales and service uses and incidental office uses. Retail services shall include, for example, banks, real estate brokerage offices, dental offices, accounting offices and insurance offices. ... No portion of the Shopping Center shall be used for the following uses: **entertainment or recreational uses** (such as, but not limited to, bowling alleys, billiard parlors, day care and children’s play centers [], health spas, game arcades and similar entertainment facilities, theaters, off-track betting parlors, etc.), **“adult” uses** (i.e. “adult” bookstores, “adult” theaters, massage parlors, and acupuncture studios)...ballroom, dance hall, **bar** (except a bar is permitted in connection with a restaurant use, provided such restaurant use is the primary or principal use), a **retail use or operation selling alcoholic beverages for off premises consumption** as its principal or primary businesses...” (emphasis added)
- This Restated E.C.R. provision contains a long list of prohibited uses, many of which are just examples to illustrate a larger point (the list is not exhaustive). Taken as a whole, the prohibitions in Section 2.b strongly indicate that a Proposed Cannabis Business use is prohibited. Sale of cannabis would be similar in nature to sale of alcohol for offsite use (which is prohibited, unless incidental), as patrons would largely be buying cannabis for offsite use. Sale of cannabis is also an “adult” use, and would therefore be expressly prohibited thereunder as well. Because cannabis sales were illegal in 1996 when the Restated E.C.R was adopted, it was unnecessary and duplicative to expressly list cannabis uses within the document. However, these provisions strongly indicate that any cannabis-related use is prohibited, given the analogous provisions prohibiting similar uses such as alcohol and adult uses.

Taken separately, each of the above provisions of the Restated E.C.R. would prohibit any Proposed Cannabis Business. Taken collectively, the Restated E.C.R. overwhelmingly forbids the use of the Cannabis Property for any Proposed Cannabis Business, and no court or other decision-making authority would allow a Proposed Cannabis Business to operate without a prior formal amendment to the Restated E.C.R.

The Neighboring Property owner is prepared to take any and all necessary action to strictly enforce the terms of the Restated E.C.R., as provided by Section 23 therein, which provides, in relevant part: “...each of them may, in their own absolute discretion, at any time, and from time to time, exercise any and all rights and powers, and pursue any and all remedies now or hereafter given at law or in equity, including but not limited to any rights or remedies granted herein or by

California or Federal case, statutory or regulatory law..." With that said, we are hopeful that your review of the relevant provisions in the Restated E.C.R. will help you understand and determine that the Cannabis Property cannot and will not be used for a Proposed Cannabis Business.

Thank you for your attention to this important matter. We look forward to hearing from you regarding your position relating to the Restated E.C.R., and your plan as to the Cannabis Property.

Very truly yours,



SEENA M. SAMIMI for
Jeffer Mangels Butler & Mitchell LLP
Attorneys for Oxnard Place, LLC

CC:

Representatives for Oxnard Place, LLC (2340 N. Rose Avenue)

- Sean Rastegar: rastegarsean@gmail.com
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- Seth Weissman: SIW@jmbm.com

Representatives for FGH, LLC (2320 N. Rose Avenue)

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- Keith Fuller: keithfuller@yahoo.com

Representative for Rose II LLC (2200 N. Rose Avenue and 1901 Lockwood St.)

- Stanley Rothbart: stan@rothbartdev.com

Representatives for MANP BB-OX, LLC, DMP BB-OX LLC (2300 N. Rose Avenue)

- Mark Perlmutter: mark@dmpproperties.com
- Brian Martini: brian@dmpproperties.com
- Shawna Pierno: shawna@dmpproperties.com

Representatives for McGrath Tenants in Common (2330 N. Rose Avenue)

- Laura McAvoy: l.mcavoy@musickpeeler.com
- Beverly Gutierrez: bevg@hvwonline.com

Attachment L - Staff Presentation

PZ 21-516-36
FGH Retail Services, LLC. -
Commercial Cannabis Business Retail
Special Use Permit (SUP)
2320 North Rose Avenue

Planning Commission Hearing
By: Jose Coyotl, Associate Planner

October 7, 2021



Project Description

- A request to permit the operation of a commercial cannabis retail facility within an existing 23,275 square-foot commercial suite of a 92,591 square-foot multi-tenant commercial building on a 17.38-acre site.
- As part of the project there will be a tenant improvement consisting of
 - the installation of new partition walls
 - security upgrades to the existing building
 - minor plumbing upgrades
 - upgrades to an existing fire alarm system
 - installation of secure doors/windows
 - upgrades to the storefront facade
- Cannabis retail operations will be conducted between 9:00 AM to 9:00 PM daily.
- Application filed by Jeff Zook.

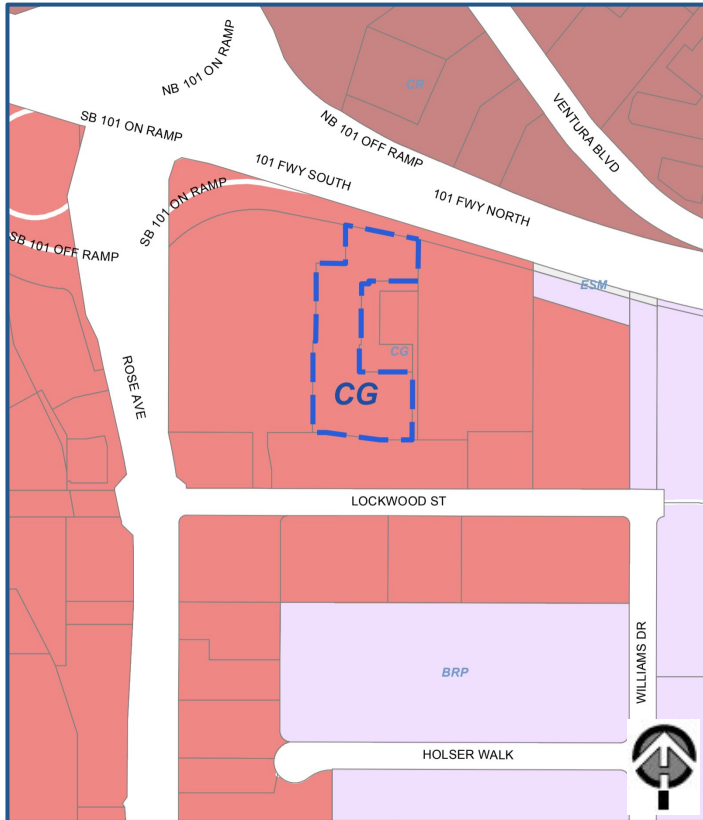
Project Location

Subject Site: 2320 North Rose Avenue



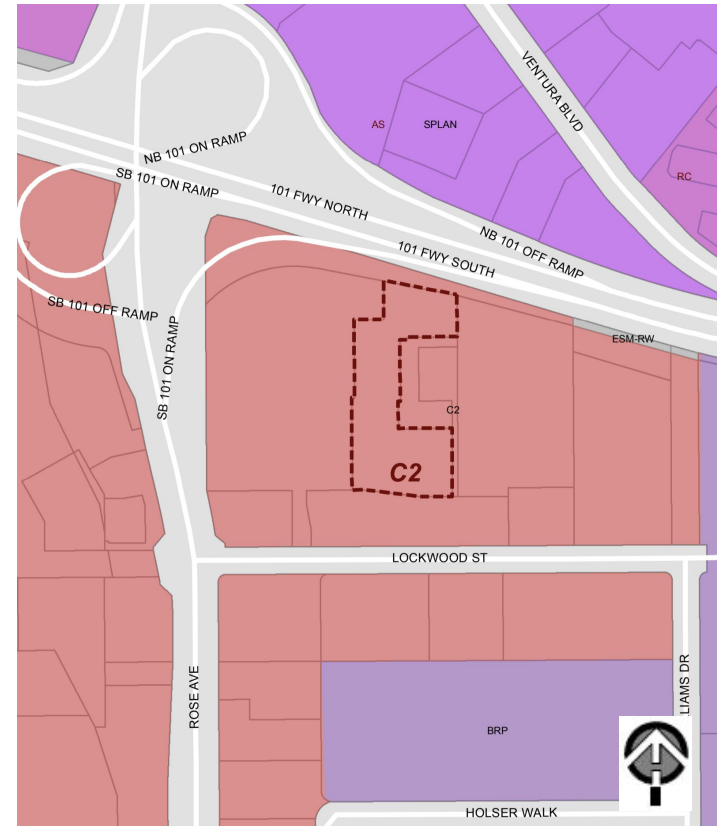
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



General Commercial (C-2)

Existing Site

Subject Site: 2320 North Rose Avenue

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial (C-2)	Multi-tenant commercial shopping center.
North	Commercial Regional (CR)	Rose Santa Clara Corridor Specific Plan (SPLN)	Multi-tenant commercial shopping center.
South	CG	C-2	Multi-tenant commercial shopping center.
East	CG	C-2	Vacant warehouse building.
West	CG	C-2	Multi-tenant commercial shopping center.

Existing Conditions

Street view looking north.



Background: Development History

- On March 8, 1995, the Land Use Advisors approved Planning and Zoning Permit No. 94-500-56 to allow the construction of a specialty shopping center (223,741 square feet) within a 21.59 acre site in two phases. As proposed, the first phase would contain six buildings: three major tenant buildings and three freestanding pad sites, 781 parking spaces, landscaping, and various other site improvements. Major tenant 1 has been identified to operate as a Best Buy retail facility. The second phase, totaling 4.19 acres, would be located on the easternmost portion of the project site. It would consist of a 19,000 square foot expansion of Major Tenant 3, construction of an additional 32,000 square foot structure, with approximately 300 parking spaces and associated landscaping. This phase would require demolition of the T-shirt Warehouse at 1975 Lockwood Street.

Background: Development History (Cont.)

- On March 22, 1995, an Appeal of Planning and Zoning Permit No. 94-500-56 was submitted.
- On April 4, 1995, the City Council held a public hearing to consider the Appeal. The City Council upheld the approval of Planning and Zoning Permit No. 94-500-56 with restrictions to the scope of the project proposal. The City Council limited the construction of the building designated as Major Tenant I, the required parking and access facilities for this building, and all off-site improvements specified in the Land Use Advisors Resolution No. 95-9.

Background: Development History (Cont.)

- On December 13, 1995, the Planning Commission approved Planned and Zoning Permit No. 95-500-13 for the construction of Phase 1B consisting of a 117,769 square-foot shopping center. The proposed building area consisted of an 11,700 square foot expansion to the Best Buy building and two free standing buildings of 42,025 square feet (Major 2), and 42,600 square feet (Major 3). Major 2 and Major 3 were expected to be occupied by a single retail tenant. Three building pad areas for future commercial use are also proposed along the Lockwood Street frontage. The pad areas ranged in size from approximately 5,400 square feet (Pad 1), to 10,044 square feet (Pad 2) to 6,000 square feet (Pad 3). The developer anticipated the future building on Pad 1 to be one or more retail businesses, Pad 2 to be occupied by a restaurant, and Pad 3 by a gasoline service station with car wash or possibly retail use.

Background: Development History (Cont.)

- On February 14, 1996, an Appeal of Planning and Zoning No. 95-500-1 was submitted. Grounds of Appeal were based upon access of emergency vehicles to Rio School District sites, pedestrian safety on the Rose Avenue freeway overpass bridge, timing of the EIR certification, funding sources for the project, and formulation of the assessment district to build a new overpass bridge/freeway interchange.
- On June 12, 1996, the City Council denied the Appeal of Planning and Zoning No. 95-500-13 and adopted a Resolution approving Planning and Zoning No. 95-500-13 limited to Maor Tenant No. 2 (Approximately 23,275 foot building), and deferring any further project approvals until formation of the Assessment District for the Rose Avenue/ Highway 101 Interchange was completed.

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)).

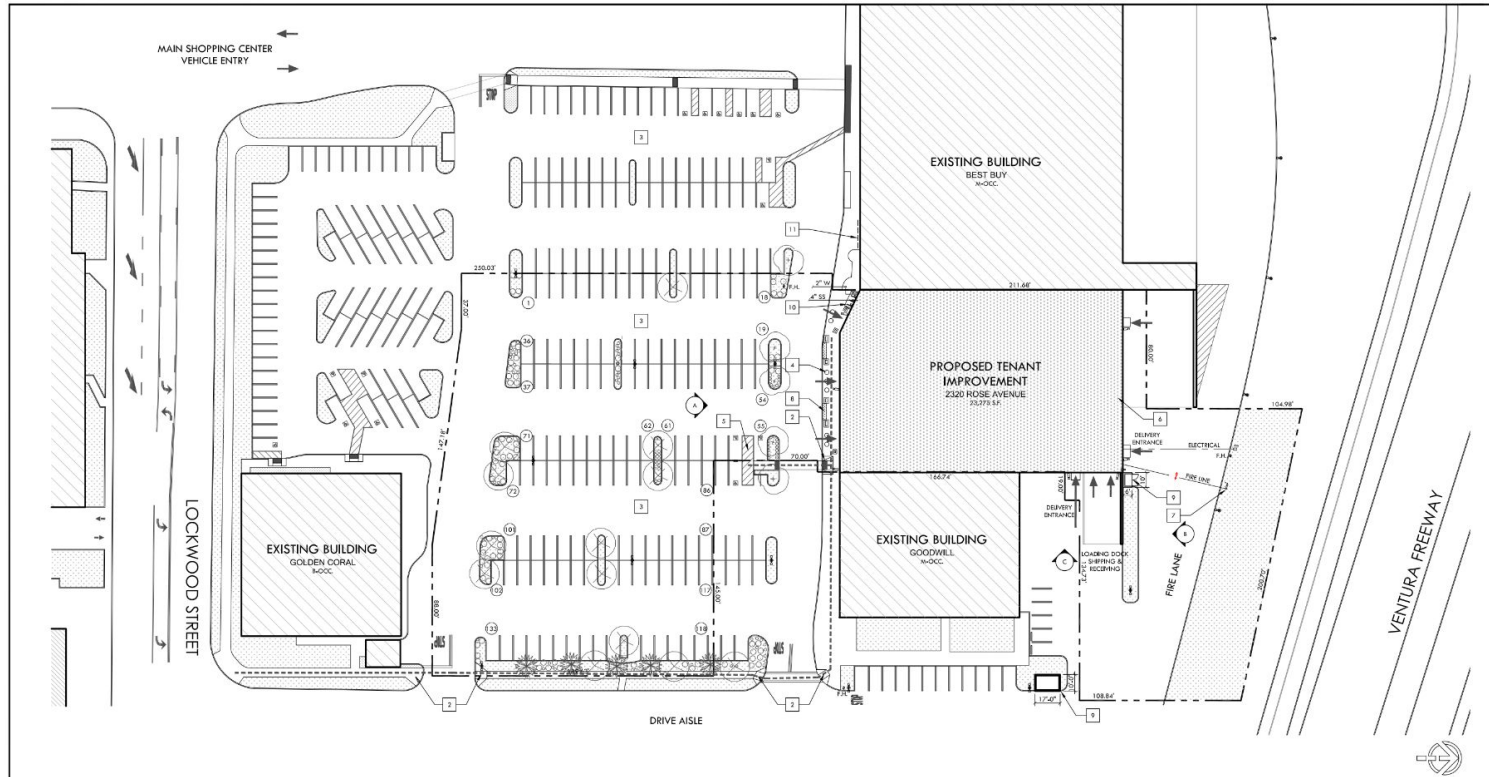
Background: Cannabis Regulations (cont.)

- 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, FGH Retail Services, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a 23,000 square foot cannabis retail facility.
- On March 1, 2021, FGH Retail Services, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit FGH Retail Services, LLC. is required to receive approval of a SUP as specified within OCC Section 11-457.

Site Plan



APPROVALS:

DATE	REVISIONS
10/20/2011	1.000
10/20/2011	1.001
10/20/2011	1.002
10/20/2011	1.003
10/20/2011	1.004
10/20/2011	1.005
10/20/2011	1.006
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Elevation - Proposed Storefront Upgrades



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

- This project is not located within an established neighborhood. Therefore, a Community Workshop was not held for this proposal.
- To date, staff has received two letters from Seena M. Samimi on behalf of Jeffer Mangels Butler Mitchell LLP on April 24 and June 15, 2021. The two letters describe 1) that FGH Retail Services, LLC. has provided false and misleading information and 2) the shopping center's Covenants, Conditions, and Restriction (CC&Rs) prohibit the operation of cannabis businesses.
 - Staff has extensively reviewed the project and has found it in compliance with City regulations.
 - The City does not enforce CC&Rs.
- Additionally, the City received a petition in support of the proposed Project.
- To date, staff has not received any additional public comments regarding this Project

Key Conditions of Approval

- **Conditions # 14, 41, 42:** Abide by City of Oxnard and State of California rules and regulations related to this business.
- **Conditions # 38:** The commercial cannabis business permit shall expire, and be subject to the renewable process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the SUP pursuant to the Oxnard City Code Section 11-459.

Retail Operating Conditions

- **Conditions # 58-60,134-135:** Provide regulatory action of cannabis retail procedures to allow only eligible members of the community to purchase product and allow for a secure selling environment.

Police Conditions

- **Conditions # 81-155:** Security features will be implemented as required by adopted cannabis Ordinance.

Key Conditions of Approval (Cont.)

Fire Department Conditions

- **Conditions #156-175:** This broad range of numbers indicates that the system is to be designed to be a safe facility.

Community Benefits / Community Relations

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

Taxes and Inventory Tracking

- **Condition #53-54, 65-73:** These set of conditions help the operator be responsible corporate citizen.

Environmental Review

- In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The project includes:
 - A request for to operate a cannabis retail facility within an existing individual building.
 - The Project will not increase the square footage of the existing building
- No substantial evidence the project will have a significant effect on environment.
- A Notice of Exemption will be filed.

Staff Recommendation

That the Planning Commission

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-516-36 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

End of Presentation

Planning Commission Hearing: October 7, 2021



**PLANNING COMMISSION
STAFF REPORT**

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

DATE: October 7, 2021

SUBJECT: **Project Name: HPC of Oxnard, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP);** Planning and Zoning Permit No. 21-516-41 (Retail); Located at 360 West Esplanade Drive (APN: 142-0-010-425).

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. 21-516-41 (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 2,761 square-foot commercial suite of a 5,950 square-foot multi-tenant commercial building on a 1.03-acre site within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, and installation of new secure doors/windows (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 Beth Thuna (“**Applicant**”), 501 West Channel Islands Boulevard Unit 304, Port Hueneme, CA 93041, on behalf of HPC of Oxnard, LLC.

3) Existing & Surrounding Land Uses: The 1.03-acre property is developed with a 5,950 square-foot commercial building (Building 1), a 1,850 square-foot commercial building (Building 2) and 38 associated parking spaces. The project will be located within the 5,950 multi-tenant commercial building located at 360 West Esplanade Drive. The nearest established sensitive use is a youth center named Childrens’ Park, located approximately 1,783 feet northeast of the project site which is outside the required 600-foot radius away from a sensitive use. The following table identifies the General Plan and zoning designations of the project site and adjacent properties:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Commercial shopping center.
North	CG	C-2-PD	Fast food drive-thru.
South	CG	C-2-PD	Commercial office building.
East	CG	C-2-PD	Commercial Shopping Center.
West	Residential High (RH)	The Village Specific Plan (SPLN)	Temporary construction staging area.

4) Background Information:

Cannabis Regulations

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

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

On December 1, 2020, the City Council adopted Ord. No. 2994 (Attachment C) establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII ("Code"). The adapted ordinance made modifications to implement the City's Local Equity Cannabis program, update appeal provisions, and made a number of other nonsubstantive updates to the existing cannabis regulations. The City Council also repealed Chapter 11, Article XV (Medical Cannabis Delivery), and Chapter 7,

Article XVI (Cannabis and Medical Cannabis Activities) due to State legalization of state-licensed cannabis delivery operators.

Development History

On June 3, 1976, the Planning Commission approved Planned Development Permit No. 274 for the construction of a 13,468 square-foot furniture store. The building was subsequently subdivided to accommodate multiple retail/office uses.

On October 14, 2002, the Planning & Environmental Services Manager approved a Minor Modification for minor changes to the sign program and a building façade change.

On October 20, 2016, the Planning Commission approved Special Use Permit 16-500-02 to allow the demolition of the commercial building and develop a 5,950 square-foot, multi-tenant commercial shopping center and a 1,850 square-foot Starbucks coffee shop with a drive-thru and associated site improvements on a 1.03-acre lot located at 360 West Esplanade Drive. The application included a request for a 25% reduction to the perimeter landscape requirement, from 10 feet to 7 feet, six inches, per City Code Section 16-271.

Commercial Cannabis Retail License Selection

On January 7, 2021, HPC of Oxnard, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a 2,608 square-foot cannabis retail facility.

On March 1, 2021, HPC of Oxnard, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail (Attachment D). In order to successfully commence and inaugurate the Commercial Cannabis Business Permit HPC of Oxnard, LLC. is required to receive approval of a SUP as specified within OCC Section 11-457.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request for retailing of cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, Staff recommends that the Planning Commission find the Project is Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) (Attachment E).

6) Analysis:

a) *General Discussion:*

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

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

In addition, the Applicant is requesting a 5.87% 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 2,608 square feet to 2,761 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 HPC of Oxnard, LLC. on March 1, 2021.

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

General Plan:

The City's 2030 General Plan land use designation for the subject site is Commercial Regional (CR), which allows for major multi-tenant shopping centers that may include offices, hotels, and other services. Residential, live/work, work/live, and mixed uses are strongly encouraged. The proposed Project is consistent with the 2030 General Plan and the property's land use designation (Attachment G).

Zoning Consistency:

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

Location and Design of Cannabis Business Requirements:

In accordance with OCC Section 11-473 (Location and Design of Cannabis Business), the retail sale of cannabis products is a conceptually permitted use on the property subject

to relevant requirements. As demonstrated in the table of Attachment I, the Project has been found to be in compliance with Section 11-473.

As demonstrated within the referenced table attachments, this Project is consistent with the City's General Plan, General Commercial Planned Development zone, and Section 11-473 (Location and Design of Cannabis Business). Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

c) Circulation and Parking:

Vehicular access to the site will occur via one existing approximately 25-foot wide driveway from west Esplanade Drive. In order to minimize security issues unloading of cannabis products, the project will utilize an existing customer parking loading zone along the northwest side of the buildings accessed by the main storefront entrance to the tenant space. Required parking is provided as follows:

USE TYPE & SQUARE FOOTAGE	PARKING STANDARD	PARKING REQUIRED	PROPOSED	COMPLIES?
Shopping Center - Regional 9,514 square feet	Vehicles: 1 per 250 square feet of area Motorcycle: Uses with more than 25 automobile parking spaces shall provide one designated space for use by motorcycle. Drive through Credit: Special design requirements are required if a drive through facility is proposed. Stacking credit in drive through lanes may count towards the required parking on the basis of one auto per each 23 linear feet of striped stacking line. A maximum credit not to exceed 30 percent of total requirements or no more than 20 spaces may be applied for stacking credit, whichever is less. Bicycles:	Vehicles: 37 Motorcycle: 1 Bicycles: 5	-32 Standard spaces - 0 compact spaces - 3 ADA - 1 motorcycle - 3 drive through credit parking spaces. - 6 Bicycle spaces	Yes

	Five spaces at each mall entrance.			
	Total Provided Parking: :	38 Parking Spaces	39 Parking Spaces	
		5 Bicycle Spaces	6 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 20, 2021. Conditions of approval from CRC are included in the attached Resolution.

8) Community Workshop and Public Input:

This project is not located within an established neighborhood. Therefore, a Community Workshop was not held for this proposal. To date, staff has not received any public comments regarding this Project.

9) Appeal Procedure:

In accordance with OCC Section 16-545, the Planning Commission's action on Planning and Zoning Permit No. 21-516-41 (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:

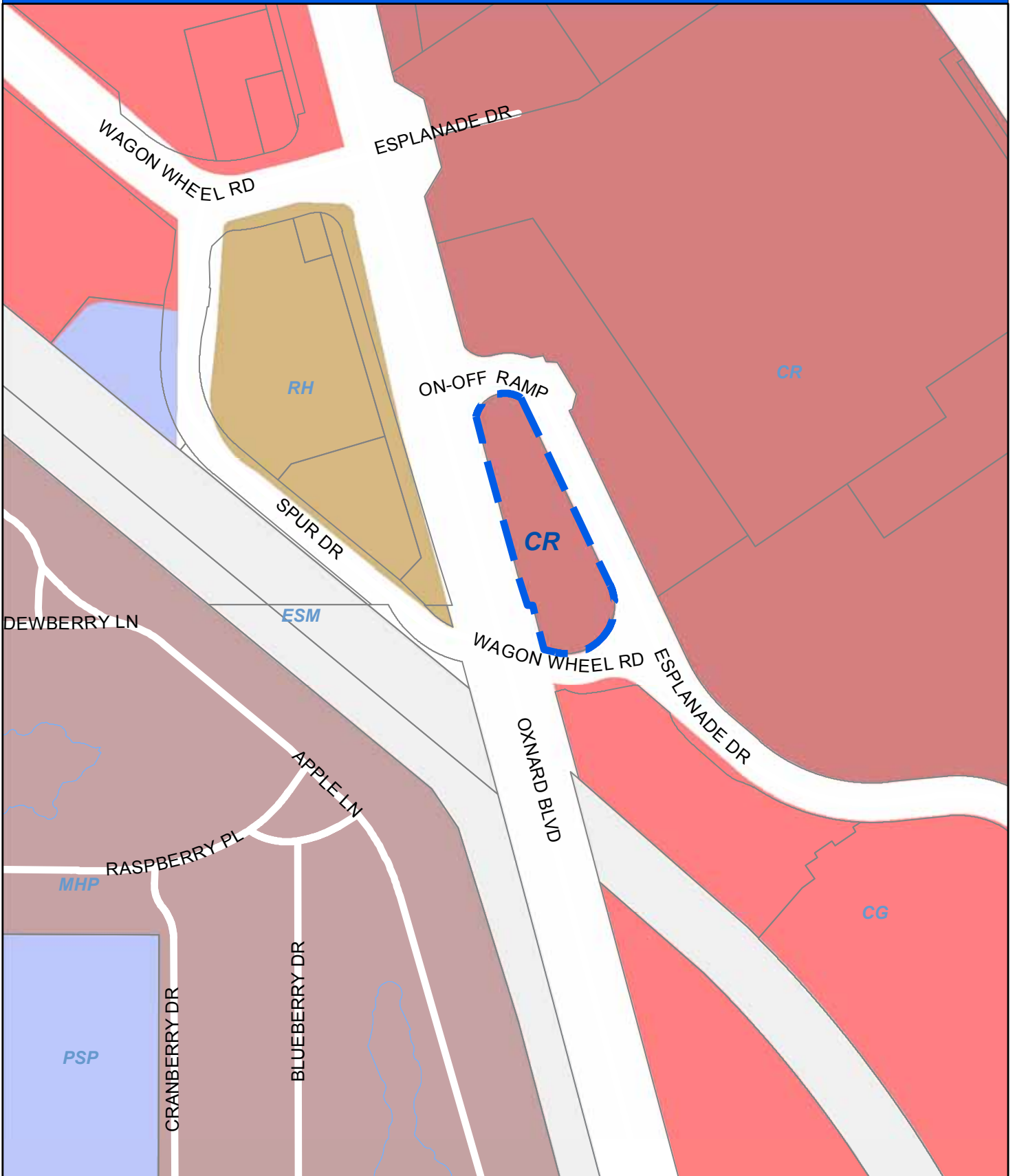
- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Cannabis Ordinance No. 2994
- D. HPC of Oxnard, LLC. Conditional Commercial Cannabis Business Permit
- E. Notice of Exemption
- F. Planning Division Policies & Procedures Item 2.7 - Minor Modifications
- G. 2030 General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

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

Vicinity Map



2030 General Plan Land Use Map



Oxnard Planning
September 15, 2021

PZ 21-516-41
Location: 360 W Esplanade Dr
APN: 1420010425
HPC Oxnard LLC

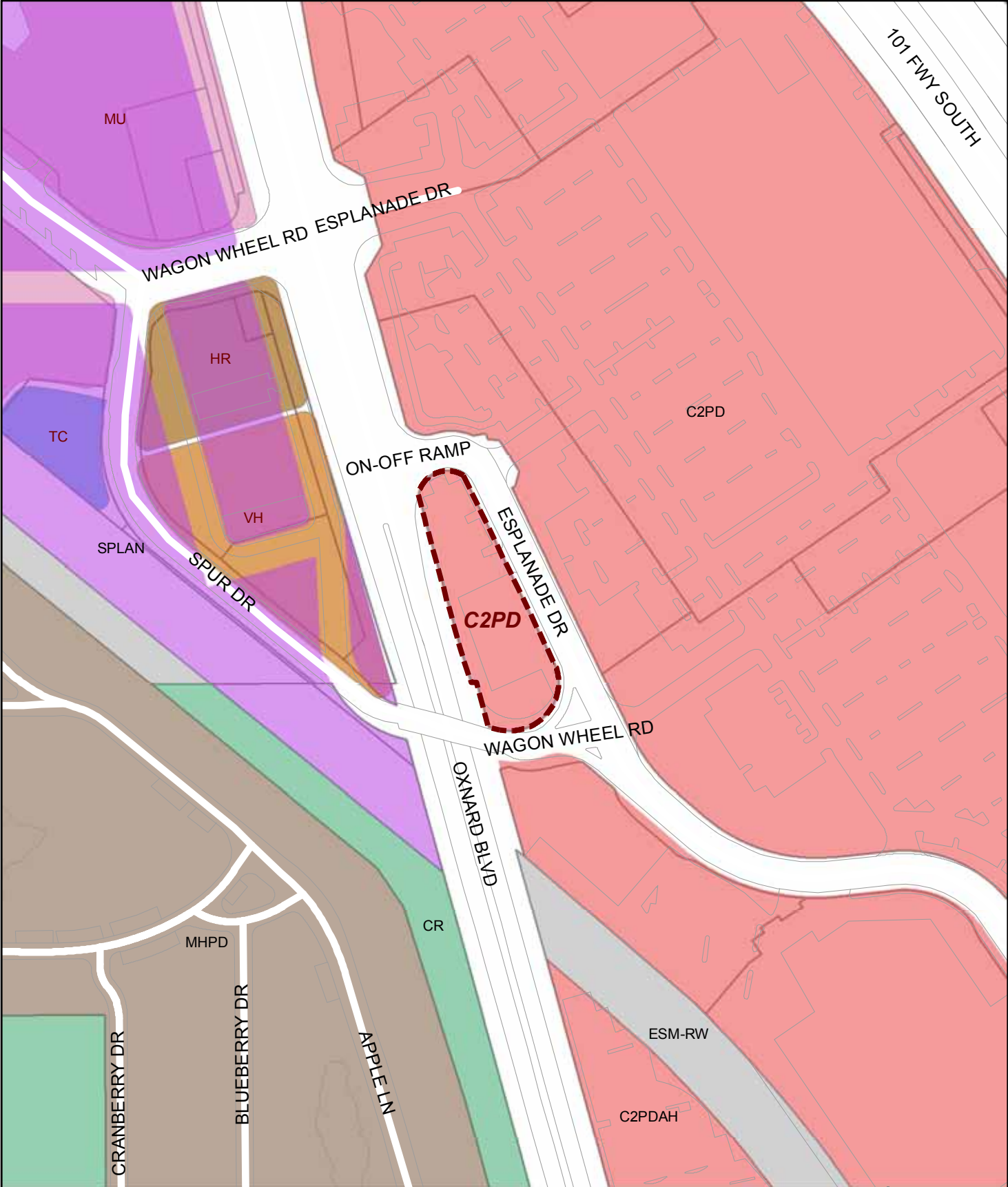
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2030 General Plan Land Use Map



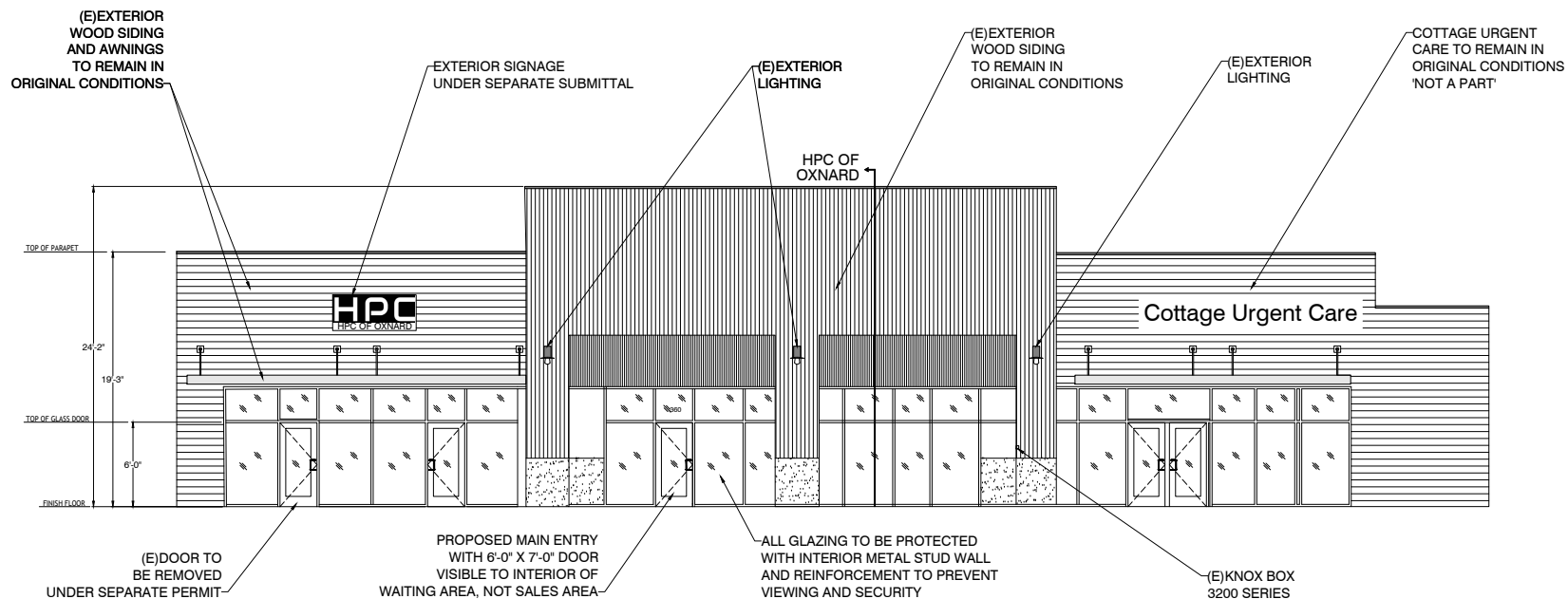
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Zoning/Specific Plan Map





Attachment B - Reduced Project Plans



NO EXTERIOR OR MATERIALS CHANGES, UON.

HPC of Oxnard, LLC

PROPOSED SOUTH ELEVATION

SCALE
1/4" = 1'-0"

1

**Yñiguez
&
Associates
Design Team**
COMMERCIAL & RESIDENTIAL

505 South 'A' Street
Suite 202
OXNARD, CA 93030
Ph 805 / 483-3710
Fax 805 / 483-3710
E-MAIL: JYNIGUEZ101@GMAIL.COM

Consultants:



COASTAL ARCHITECTS
505 So. 'A' St. #200
Oxnard, CA
Phone / FAX -
(805) 985-7654
ATTN: Jeff Zook

TENANT IMPROVEMENT

**HPC of Oxnard, LLC
Esplanade**
360 W. Esplanade Drive
Oxnard, CA 93036
PZ 21-516-41
(SUP CANNABIS RETAIL)

Revisions:

DATE	DESCRIPTION OF REVISIONS
REVISION:	SUBMITTAL TO CITY OF OXNARD BUILDING SAFETY
20-10-2021	REVISED HPC OF OXNARD LOGO

Approvals:

DESIGNED: JT	DRAWN: JT
REVIEWED: JT	APPROVED: JT
DATE: 2020-10-20	SCALE: 1/4" = 1'-0"
CITY: OXNARD, CA 93036	

THESE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. THE DESIGNER ASSUMES NO LIABILITY FOR ANY ERRORS OR OMISSIONS IN THESE DOCUMENTS. THE DESIGNER IS NOT RESPONSIBLE FOR ANY CHANGES OR MODIFICATIONS TO THESE DOCUMENTS AFTER THE DATE OF ISSUANCE.

Sheet Title:

**SOUTH
EXTERIOR
ELEVATION**

Sheet Number:

A.7.0

Attachment C - Cannabis Ordinance No. 2994

ORDINANCE NO. 2994

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

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

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

“ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

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

SEC. 11-451. LEGAL AUTHORITY.

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

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

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

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

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

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

SEC. 11-454. DEFINITIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

space(s) within the boundaries; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ZZ) OWNER - Any of the following:

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

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

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

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

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

Products.

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

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

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

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

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

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

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

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

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

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

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

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

(2) Licensed by the State of California.

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

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

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

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

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

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

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

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

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

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

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

which the applicant or employee has been convicted;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-460. REVOCATION OF PERMITS.

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

SEC. 11-461. RENEWAL APPLICATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-463. APPEALS.

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

SEC. 11-464. WRITTEN REQUEST FOR APPEAL.

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

decision was not proper.

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

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

SEC. 11-465. APPEAL HEARING.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

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

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

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

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

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

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

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

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

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

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

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

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

(C) Compliance with any specific plan requirements.

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

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

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

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

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

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

(E) Each proposed Commercial Cannabis Business use shall:

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-475. [RESERVED]

SEC. 11-476. RECORDS AND RECORDKEEPING.

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

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

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

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

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

SEC. 11-477. OPERATIONAL STANDARDS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) Any other breach of security.

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

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

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

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

SEC. 11-479. FEES AND CHARGES.

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

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

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

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

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

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

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

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

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

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

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

(G) Signage and notices -

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

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

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

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

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

(H) Minors -

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

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

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

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

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

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

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

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

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

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

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

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

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

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

verified methods.

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

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

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

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

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

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

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

engineer and serial number of the extraction unit being certified.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(I) Access to retailer premises -

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 11-489. COMMUNITY RELATIONS.

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

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

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

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

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

SEC. 11-491. INSPECTION AND ENFORCEMENT.

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

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

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

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

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

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

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

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

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

SEC. 11-495. CRIMINAL PENALTIES.

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

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

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

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

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

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

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

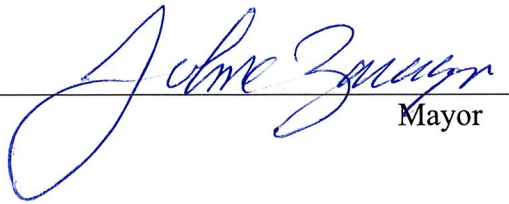
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

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

NOES: None.

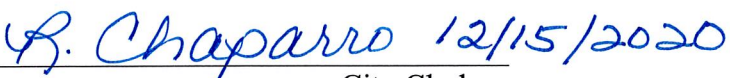
ABSTAIN: None.

ABSENT: None.



Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Stephen M. Fischer, City Attorney

**Attachment D -FGH Retail Services, 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



HPC of Oxnard, LLC
Beth Thuna
501 W. Channel Islands Blvd.
Port Hueneme, CA 93041
(Via Email and First Class Mail)

March 1, 2021

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

Dear Selected Retail Cannabis Applicant:

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

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

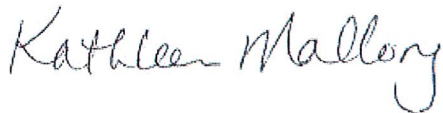
The City will be issuing thirteen (13) retail cannabis permits once the process outlined below is completed. Based upon the approved rankings, the top retail applicants are:

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

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

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

Congratulations on your successful advancement.

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

Kathleen M. Mallory
Planning & Sustainability Manager

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

Attachment: Final Retail Cannabis Ranking - February 26, 2021

Final Retail Cannabis Applicants - February 26, 2021

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	SGI Oxnard LLC	2343 N. Oxnard Blvd. Oxnard CA	No	1,196	99.67%	1,800	100.00%	2,996		
2	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	Heaven #8 LLC dba Haven	220 S. A Street Oxnard CA	No	1,196	99.67%	1,792	99.56%	2,988		
4	TD Enterprises LLC dba Oxnard Holistics	1013-1015 Harbor Blvd. Oxnard CA	No	1,179	98.25%	1,792	99.56%	2,971		
5	Blue Enterprises Oxnard LLC dba Cookies Oxnard	2655 N. Vineyard Ave. Oxnard CA	No	1,187	98.92%	1,783	98.06%	2,970		
6	EEL Oxnard LLC dba Catalyst-Oxnard	4749 S. Rose Ave Oxnard CA	No	1,173	97.75%	1,792	99.56%	2,965		
7	Harbor Management Group LLC dba Safeport	2150 Trabajo Dr Oxnard CA	No	1,187	98.92%	1,775	98.61%	2,962		
8	Blooming Organics LLC dba Elevate Oxnard	2731 E. Vineyard Ave. Oxnard CA	No	1,151	95.92%	1,763	97.94%	2,914		
9	Boxnard LLC	1970 N. Ventura Road Oxnard CA	No	1,191	99.25%	1,722	95.67%	2,913		
10	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	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	Yuma Way CA LLC dba Relief on Vine	2544 E. Vineyard Ave. Oxnard CA	No	1,191	99.25%	1,678	93.22%	2,869		
13	HPC of Oxnard LLC	360 W. Esplanade Dr. Oxnard CA	No	1,156	96.33%	1,683	93.50%	2,839		
14	Advocate Society LLC dba Advocate Society	2550 E. Vineyard Ave. Oxnard CA	YES	1,196	99.67%	1,642	91.22%	2,838		
15	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	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	South Oxnard Investment dba Traditional Oxnard	1804 Saviers Road Oxnard CA	No	1,178	98.17%	1,617	89.83%	2,795		
18	FGH Retail Services LLC	2320 N. Rose Ave. Oxnard CA	YES	1,187	98.92%	1,567	87.06%	2,754		
19	99 High Tide - La Sirena	138 S. A Street Oxnard CA	YES	1,176	98.00%	1,567	87.06%	2,743		
20	The Set Oxnard LLC dba The Set	1744 Saviers Road Oxnard CA	No	1,177	98.08%	1,555	86.39%	2,732		
21	Hempathy LLC dba Oxnard Healing Center	2981 Ventura Blvd. Oxnard CA	Yes	1,157	96.42%	1,567	87.06%	2,724		
22	Pure CA LLC	156 S. A Street Oxnard CA	No	1,187	98.92%	1,533	85.17%	2,720		
23	California Erudite Ventures dba HerbNJoy	211 E. Fifth Street Oxnard CA	No	1,185	98.75%	1,533	85.17%	2,718		
24	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	Hijole Firole dba Wheelhouse/Station 320	320 S. Oxnard Blvd. Oxnard CA	Yes	1,120	93.33%	1,542	85.67%	2,662		
26	Sweet Flower Oxnard LLC	2360 N. Oxnard Blvd. Oxnard CA	No	1,192	99.33%	1,458	81.00%	2,650		
27	Authentic Oxnard LLC	1450 S. Oxnard Blvd. Oxnard CA	No	1,196	99.67%	1,450	80.56%	2,646		
28	E7 Oxnard LLC	430 Meta Street Oxnard CA	No	1,187	98.92%	1,442	80.11%	2,629		
29	High Farma Inc dba High Farma	136 W. First Street Oxnard CA	Yes	1,159	96.58%	1,450	80.56%	2,609		
30	Soi Natural Inc dba Kindly	141 S. A Street, Suite 105 Oxnard CA	Yes	1,170	97.50%	1,433	79.61%	2,603		
31	MED Enterprise Inc	2731 Vineyard Ave. Suite C Oxnard CA	Yes	1,174	97.83%	1,422	79.00%	2,596		
32	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	TeraGreen LLC	2801 Paseo Mercado Oxnard CA	Yes	1,187	98.92%	1,388	77.11%	2,575		
34	Coastal Retail Oxnard LLC dba Coastal	805 Ventura Blvd. Oxnard CA	No	1,187	98.92%	1,380	76.67%	2,567		
35	Yuma Way CA LLC dba Relief on Saviers	3454 Saviers Road Oxnard CA	No	1,186	98.83%	1,367	75.94%	2,553		
36	Urban Leaf LLC	905 S. A Street Oxnard CA	No	1,137	94.75%	1,400	77.78%	2,537		
37	Adam Knopf dba Golden State Greens	3600 W. Fifth Street Oxnard CA	Yes	1,091	90.92%	1,425	79.17%	2,516		
38	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	Ash's Third LLC dba UpNorth	3570-C Saviers Road Oxnard CA	No	1,187	98.92%	1,288	71.56%	2,475		
40	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	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	Armony Oxnard LLC dba Armony Oxnard	923 E. Ventura Blvd. Oxnard CA	No	1,191	99.25%	1,202	66.78%	2,393		
43	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	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	323 Cooper Road LLC dba Neighborhood	323 Cooper Road Oxnard CA	Yes	1,102	91.83%	1,192	66.22%	2,294		
46	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	S&S Financial Group Inc	138 S. A Street Oxnard CA	No	1,018	84.83%	1,105	61.39%	2,123		
48	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	Green Dragon Collective	229 S. Oxnard Blvd. Oxnard CA	No	1,018	84.83%	917	50.94%	1,935		
50	Progrow Group Inc dba RedHeye	1515 S. Oxnard Blvd. Oxnard CA	No	1,187	98.92%	683	37.94%	1,870		
51	J&J Holdings Investments LLC dba First on A	216 W. First Street Oxnard CA	Yes	978	81.50%	600	33.33%	1,578		

Attachment E - Notice of Exemption

NOTICE OF EXEMPTION

HPC of Oxnard, LLC. - Commercial Cannabis Business Retail Special Use Permit (SUP); PLANNING AND ZONING PERMIT NO. 21-516-41 (Retail): A request to permit the operation of a commercial cannabis retail facility within an existing 2,761 square-foot commercial suite of a 5,950 square-foot multi-tenant commercial building on a 1.03-acre site located at 360 West Esplanade Drive (APN: 142-0-010-425) within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, and installation of new secure doors/windows. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Beth Thuna on behalf of HPC of Oxnard, LLC.

Finding:

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

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

Supporting Reasons:

In accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, qualifies as a Class 1 Categorical Exemption. This section applies to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination.” The Project involves a request to retail cannabis products within an existing 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 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

**Attachment F - Planning Division Policies & Procedures Item 2.7 -
Minor Modifications**



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

SUBJECT: Minor Modifications

EFFECTIVE DATE: September 15, 1988

LAST REVISED: February 8, 2006

APPROVED BY: Susan L. Martin, AICP

The following are the guidelines for minor modification requests to projects approved by the City Council and/or the Planning Commission:

1. The Development Services Director does not have the authority to allow variances or deviations from City Code requirements, except as may be specifically allowed by the Code.
2. The Development Services Director may approve increase or decreases of the following elements on approved plans, by no more than 10 percent:
 - Building height
 - Setback distance
 - Landscape area
 - Building areaIn no case may the increase or decrease be below the minimum or exceed maximum standards established by the City Code.
3. Increases and decreases in building size may be permitted, provided that all Code requirements are met for parking, landscaping, and other development standards.
4. Modifications to building elevations may be considered, subject to the review and recommendation by the City's Development Advisory Committee. Changes to elevations must be in substantial compliance with the originally approved project.
5. The Development Services Director reserves the right to deny applications for minor modifications. Appeals of a denial by the Development Services Director may be made by filing a major modification application for consideration by the Planning Commission.
6. The Development Services Director may delegate the authority to approve or disapprove minor modifications to the Planning Manager, subject to the Planning Manager advising the Development Services Director of his/her actions.

Attachment G - 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	<i>Mitigate Land Use Conflicts</i> Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	X		The Project proposes to locate within an established commercial shopping center which allows for retailing of cannabis products. The proposed site would operate with other businesses that engage in similar retail business practices therefore the Project would be compatible. Furthermore, the Project was reviewed for neighborhood compatibility, architectural design compatibility, security, and overall community benefits.
Policy CD-4.2	<i>Commercial Revitalization and Redevelopment</i> Encourage upgrading, beautification, and revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, sales and property valuation.	X		
Policy CD-4.4	<i>Commercial Area Aesthetics</i> Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities.	X		
Policy CD-15.5	<i>Share of Regional Taxable Sales</i> Increase Oxnard's share of tax base and enhance the fiscal health of the City.	X		Cannabis business taxes will be required to be paid as a condition of approval further strengthening the fiscal health of the City.
Policy CD- 17.1	<i>Retain Local Talent</i> Provide opportunities for a variety of local jobs and actively support efforts to retain residents		X	The Project will provide an opportunity for new careers in cannabis retail.

	who have completed higher education.			
Policy CD-18.1	<i>Attract New Businesses</i> Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community's business climate and not detrimental to the existing local economy and environment.		X	The Project will help attract further cannabis related industries which currently are new and have the possibility of improving other local businesses and improving the local economy.
Policy CD-16.5	<i>Industrial and Commercial Development Standards</i> Require high quality development standards that increase the efficient use of existing industrial and commercial development areas so as to preserve agricultural land and minimize adverse environmental impacts.	X		The Project is conditioned to be consistent with the requirements of the General Commercial Planned Development zone which includes architectural and landscape standards suitable for commercial development.
Policy ICS-19.2	<i>Police Review of Development Projects</i> Continue to require the Police Department to review proposed development project and provide recommendation that enhance public safety	X		The Project's security plan was reviewed and conditionally approved by the Oxnard Police Department to ensure crime prevention through preventive security measures and environmental design.
Policy ICS-19.4	<i>Crime Prevention Device Requirements</i> Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.	X		
Policy ICS-19.5	<i>Incorporating Security Design Principles</i> Encourage crime prevention and defensible space through design principles such as those employed through the National Crime Prevention Through Environmental Design program, Neighborhood Watch Program, and/or other appropriate methods to enhance public safety.	X		
Policy SH-7.2	<i>Handling of Hazardous Materials</i> Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.	X		The Project has been reviewed and will be conditioned to maintain and store hazardous material in compliance to local, state and federal standards.

Attachment 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	24 feet No Change	YES
Front Yard Setback OCC Sec. 16-139	30 feet on Vineyard Avenue Scenic Corridor	30 feet No Change	YES
Side Yard Setback OCC 16-140	5 feet, 0 feet when a lot is zoned general commercial abuts another lot so zoned.	7.5 feet No Change	YES
Rear Yard Setback OCC Sec. 16-141	15 feet for buildings over 16 feet in height.	7.5 feet (for portion of building under 16 feet) No Change	YES
Vehicle Parking Requirements for Commercial Uses OCC Sec. 16-622	<u>Shopping Center - Neighborhood</u> One space per 250 square feet of gross floor area. Total Required: 25 Parking Spaces <u>Cannabis Retail</u> One parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study. Total Required: 11 Parking Spaces <u>Drive Through Credit:</u> Special design requirements are required if a drive through facility is proposed. Stacking credit in drive through lanes may count towards the required parking on the basis of one auto per each 23 linear feet of striped stacking line. A maximum credit not to exceed 30 percent of total requirements or no more than 20 spaces may be applied for stacking credit, whichever is less.	39 Parking Spaces	YES

	Total drive through parking credit: 3 spaces Total parking required for the site: 38 parking spaces		
Bicycle Parking Requirements Commercial Uses OCC Sec. 16-623	Five spaces at each entrance.	6 spaces	YES
Motorcycle Parking Commercial Uses OCC Sec. 16-624	Uses with more than 25 automobile parking spaces shall provide one designated space for use by motorcycles, Required Motorcycle Parking: 1	1 spaces	YES
Outdoor Loading and Storage Areas OCC Sec. 16-644	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: 1	1 space and 1 dedicated space for cannabis product deliveries.	YES, AS CONDITIONED

**Attachment I - Location and Design of Cannabis Business Consistency
Chart**

Attachment I

Location and Design of Cannabis Business Requirements Consistency Chart

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Cannabis Manufacturing, Testing and Distribution Businesses Siting Criteria and Buffer Requirements Sec. 11-473(A)	Manufacturing, testing, and distribution facilities are conceptually permitted on property that must be located on property zoned M-L, M-1, M-2, and BRP, as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.	N/A	N/A
Cannabis Retail Dispensary Businesses Siting Criteria and Buffer Requirements Sec. 11-473(B)	Retail dispensaries are conceptually permitted in property zoned DT-C, DT-G, C-1, C-1-PD, C-2, C-2-PD, CPD, and business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.	The location is within General Commercial Planned Development (C-2-PD).	YES
Letter of Support from the Specific Plan Management Company or Association	Compliance with any specific plan requirements, including a letter of support from the specific plan management	The project is in compliance with the C-2-PD zone (see Attachment H). The	YES

Sec. 11-473(C)	company or association	property is not located within a specific plan management company or association area.	
Distance Requirements Sec. 11-473(D)	(1) It shall be no closer than 600 feet of any of the following: (a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12. (b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius. (c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius. (2) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.	The nearest youth center (Childrens' Park) is approximately 1,783 feet away from the project site.	YES
Findings Sec. 11-473(E)(1)	Conform with the city's General Plan, any applicable specific plans, master plans, and design requirements.	The project is in compliance with the General Plan and C-2-PD zone (see Attachment G and H).	YES
Findings Sec. 11-473(E)(2)	Comply with all applicable zoning, and specific plan requirements, and related development standards.	The project is in compliance with the C-2-PD zone district and other pertinent sections of the OCC (see Attachment G and H).	YES
Findings Sec. 11-473(E)(3)	Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.	The project includes Odor Control devices	YES, AS CONDITIONED

Findings Sec. 11-473(E)(4)	Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.	The project is in compliance with the requirements for development (see Attachment H).	YES
Findings Sec. 11-473(E)(5)	Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.	The project is indirectly served by and connected to Highway 101. The proposed use is anticipated to generate traffic in quantities that are consistent with the original 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. through 9:00 p.m., seven days a week or reduced as stipulated through the discretionary land use permit.	The project will operate within the hours of 9:00 a.m. and 9:00 p.m. The project has been conditioned to restrict store retail hours based on the operating hour requirements.	YES, AS CONDITIONED
Cannabis Retail Parking Requirements Sec. 11-485(M)	Parking requirements shall be in accordance with chapter 16, article X of the Oxnard City Code - 1 parking space per 250	The project meets the parking requirements.	YES, AS CONDITIONED

	square feet or as stipulated in a city traffic engineer approved sparking study.		
Cannabis Retail Storefront/ Retail Security Requirements Sec. 11-485(N)	All security measures required by section 11-477 (operating standards) are directly applicable to and binding on all commercial cannabis businesses, including all retailers.	The project is conditioned to provide security as specified by the Security Plan approved by the Chief of Police.	YES, AS CONDITIONED

**Attachment J - Draft Resolution of Approval for Commercial Cannabis
Retail**

RESOLUTION NO. XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-516-41 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A 2,761 SQUARE-FOOT CANNABIS RETAIL FACILITY WITHIN AN EXISTING 5,950 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 1.03-ACRE SITE (APN: 140-0-010-425) LOCATED AT 360 WEST ESPLANADE DRIVE, SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on October 7, 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. 21-516-41 filed by Beth Thuna on behalf of HPC of Oxnard, LLC. in accordance with Section 16-530 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

- (a) **Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.**

The project site is located within the 2030 General Plan land use designation of Commercial General and the zoning is General Commercial Planned Development (C-2-PD). The Project is surrounded by commercial and residential buildings. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

- (b) **Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

The proposed cannabis 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 or residential 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 commercial 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 September 20, 2021.

- (f) **Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.**

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the proposed project is consistent with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

As described in the Staff Report, the proposed cannabis retail facility is an allowable use within the General Commercial Planned Development (C-2-PD) zone, subject to approval of a Special Use Permit. Therefore, the proposed cannabis retail use is in conformance with the 2030 General Plan, Oxnard City Code, and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

2. **The proposed use will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

As described in the Staff Report, the Project will allow cannabis retail within an existing commercial multi-tenant building. As the Project will be located more than 600 feet from an established commercial cannabis sensitive uses, the Project is consistent with public health, safety and general welfare by City standards. As conditioned, the Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. As such, this Project meets this finding.

3. **The site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards except as may be specifically excepted by the special findings and conditions of this Resolution.**

As described in the Staff Report, the Project will be located within an existing development within the Commercial Planned Development (C-2-PD) zone which has previously been reviewed and approved to ensure the development is adequately proportional to the size of the property and served by public infrastructure. The existing project site is a developed 1.03-acre lot. Pursuant to the C-2-PD zone, the Project will be located within an existing building designed to be consistent with the development and design standards included within the C-2-PD zone, including, but not limited to, maximum building height, front, side and rear setbacks, lot coverage,

landscaping, parking standards, and equipment screening standards. The project site has a frontage and vehicular access on Esplanade Drive. Proposed interior tenant improvements to the site will be reviewed for compliance with C-2-PD zoning requirements. Given these circumstances, the site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards. Therefore, this Project meets this finding.

4. The site for the proposed use will be served by streets and highways adequate in width and structure to carry the kind and quantity of traffic such use will generate.

As described in the Staff Report, the project is currently served by existing infrastructure and will continue to be accessed directly from Esplanade Drive, 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 project site requires 38 total parking spaces. The parking lot will provide parking for a minimum of 39 vehicles, including 3 accessible parking spaces, 32 standard parking spaces, 3 drive through credit parking spaces, and 1 motorcycle parking space. Based on the configuration of the proposed cannabis retail facility the entire project site requires 1 loading space. The project will utilize an existing customer parking loading zone along the northwest side of the buildings accessed by the main storefront entrance to the tenant space. The project is consistent with City parking requirements. The project proposes to include motorcycle and bicycle parking spaces, and the project has been conditioned to design motorcycle and bicycle space during the building permit process and provide these spaces prior to a Certificate of Occupancy being issued. The project also includes short and long term parking to support bicycle use. Therefore, the site will be served by streets, highways, transit and bike facilities adequate to provide access to the proposed building and its anticipated uses. As such, this Project meets this finding.

5. The site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities.

As described in the Staff Report, the proposed Project will operate within an existing development with minor tenant improvements proposed. The Project has been reviewed by City Departments and divisions who have determined that the project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is not anticipated to generate utility demands in quantities that are different from other commercial uses which have previously occupied the building. Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this Project meets this

finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determined that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving “negligible or no expansion of use beyond that existing at the time of the lead agency’s determination” may be found to be exempt from the requirements of CEQA. The Project involves a request to retail cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 21-516-41 (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. 21-516-41 (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.

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 October 7, 2021 (“the plans”) on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager (“Planning Manager”) or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items. (PL, *G-2*)
3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)
4. By commencing any activity related to the project or using any structure authorized by this permit, the Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, G-7)
6. Applicant shall complete the “Notice of Land Use Restrictions and Conditions” form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, G-8)
7. Applicant shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code. (PL/B, G-9)
8. Before placing or constructing any signs on the project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property. (PL/B, G-10)
9. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)
10. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property, except as provided in a permit issued by the Fire Chief.
11. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)
12. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)
13. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

State Law and Regulations Compliance

14. The permittee shall comply with all relevant law, ordinance, or regulation of the State of California, City of Oxnard, and any other governmental entity Laws and Regulations at all times during the life of the permit.

15. Wherever a condition requires that something be initially “built,” “constructed,” “equipped,” “installed,” “provided” or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be “maintained” in accordance with the condition, requirement or approval.

PLANNING DIVISION STANDARD CONDITIONS

16. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)
17. Before the City issues building permits, the Applicant shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director / Planning Commission in all sets of construction documents and specifications for the project. (PL, *PL-3*)
18. Before the City issues building permits, the Applicant shall provide to the Planning Manager color photographic reductions (8 1/2” by 11”) of full-size colored elevations and any other colored exhibit approved by the Community Development Director / Planning Commission. The Applicant may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)
19. The Applicant may not modify any use approved by this permit unless the Planning Manager determines that the Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)
20. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)
21. Prior to issuance of building permits, the Applicant shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. The Applicant shall submit a plan showing both the lighting and landscape on the same sheet.
22. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. The Applicant shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. The

applicant shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

23. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)
24. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)
25. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)
26. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).
27. Applicant shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. (PL, *PL-50*)

COMMERCIAL

28. Applicant shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)
29. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)
30. For any exterior utility meter panels, Applicant shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of

screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)

31. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, PL-47)
32. Applicant shall restripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)

Special Conditions of Approval

33. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.
34. In accordance with Oxnard City Code Section 16-637, parking facilities for 5 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 5 bicycle spaces, to be provided on site near the front entrance of the building located at 360 West Esplanade Drive. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the bicycle rack has been provided and is not in conflict with the applicable development standards for building in the General Commercial Planned Development (C-2-PD) zone district.

The applicant shall submit a bicycle parking plan to be reviewed and approved by the Community Development Director or his/her designee(s). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space and shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.

35. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.
36. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

Automatic Expiration

37. The Commercial Cannabis Business Permits shall expire, and be subject to the renewable process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the Special Use Permit (SUP) pursuant to the Oxnard City Code Section 11-459.

Renewal

38. All Commercial Cannabis Business Permits shall be renewed in accordance with Chapter 11, Article XVII of the Oxnard City Code.

Appeals

39. The permittee shall within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggravated party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. At the time of filing, the permittee shall pay the designated appeal fee, established by Resolution of the City Council from time to time.

Revocations of Commercial Cannabis Business Permits

40. Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to Sections 11-461, 11-462, 11-468, or 11-477 pursuant to any policy, procedure or regulation adopted by the City. The City Manager or his/her designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit's conditions and/or a license issued by the State of California, or by any of its departments or divisions, or if there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which is detrimental to the public safety or health. The City Manager or his/her designee shall immediately inform the Community Development Director and Planning Manager of the suspension and the Planning Manager shall schedule a hearing on the revocation of the permit by the Community Development Director or other competent hearing officer to be held no more than 30-days after the beginning of the suspension. In the hearing, notice will be provided establishing the causal factors that caused the suspension and determination shall be made with the below options:
- a. End the suspension of the permit;
 - b. Continue the suspension of the permit pending other legal action;
 - c. Amend the permit conditions;

- d. Direct the permittee to change operations or business practices that precipitated the suspension of the permit;
 - e. Or, any combination of the above;
 - f. And, provide benchmarks and timeline for corrective action to take place.
41. The Applicant agrees suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

Enforcement and Compliance

42. For the life of the permit, the Applicant shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the Applicant or any employee or agent of the Applicant, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.
43. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently \$134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-41. 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 2,761 square feet inside the building as identified on PZ No. 21-516-41 floor plans presented at the Planning Commission public hearing on October 7, 2021 and incorporated herein.
58. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.
59. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

60. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:
- a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
 - b. An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Signage and Notices

61. The permittee shall conform with the following Signage Specifications:
- a. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a City sign permit.
 - b. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
 - c. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
 - d. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - e. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
 - f. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial

cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business.

Community Benefits Agreement

62. Prior to issuance of a certification of occupancy, Applicant shall enter into a signed and recorded Community Benefits Agreement with the City. Said agreement shall include the following:
63. Retail
 - a. One time payment of \$250,000
 - b. Donation of 1% of gross revenues to the City of Oxnard required to be paid with the associated yearly business license fee. This amount is in addition to the license fee and the City cannabis taxes.
 - c. Requirement to hire 75% of the businesses employees from the City of Oxnard, as defined in Chapter 11 of the Oxnard City Code.

BILLING AND LICENSING CONDITIONS

Cannabis Business Tax Certificate

64. Prior to commencing operations, any business engaged in a Commercial Cannabis Business shall obtain a Commercial Cannabis Business tax certificate, pursuant to Article I. The Commercial Cannabis Business taxes imposed by Chapter 11, Article XVI of the Oxnard City Code shall be paid, in arrears, on a quarterly basis to the City Licensing Department.
65. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.
66. On applying for a Commercial Cannabis Business tax certificate, the applicant shall furnish to the tax administrator a sworn statement, on a form provided by the tax administrator setting forth the following:
 - a. The exact nature of the Commercial Cannabis Business for which the Commercial Cannabis Business tax certificate is applied;
 - b. The street address where such business is to be conducted, the street addresses of the residences of the owners of the business or names and street addresses of the officers or partners if a corporation or partnership;
 - c. If the amount of the Commercial Cannabis business tax is measured by gross receipts, the applicant shall estimate the gross receipts for a period of one full calendar quarter. Such an estimate, if accepted by the tax administrator as reasonable, shall be used in determining the amount of the Commercial Cannabis Business tax. However, the amount is only provisional.
 - d. At the end of the tax period, the tax administrator may request the certificate to verify gross receipts. Within 30 days of the request, the certificate shall report to

the tax administrator the gross receipts during the Commercial Cannabis Business tax period, and the Commercial Cannabis Business tax will be redetermined. If the certificant underpaid the redetermined Commercial Cannabis Business tax, the certificant shall immediately pay the amount due.

Reporting and remittance of quarterly tax payments

67. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.
68. Each person owing Commercial Cannabis Business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating the tax.
69. For the purpose of ascertaining the amount of Commercial Cannabis Business tax owed or verify any representations made by any taxpayer to the city in support of his or her calculation, proof of gross revenues (including but not limited to bookkeeping records, State and Federal income tax returns, and other records relating to the gross receipts of the business) must be provided prior to obtaining or renewing a Commercial Cannabis Business tax certificate.
70. Quarterly after commencing operations, Applicant shall allow the City of Oxnard officials or their designees to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.
71. At all times during the life of the permit, Applicant shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City with respect to any reasonable request to audit the Commercial Cannabis Business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.
72. The Applicant shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business permit issued pursuant to Chapter 11, Article XVI, Section 11-476 of the Oxnard City Code), or at any time upon reasonable request of the City, each Commercial Cannabis Business shall file a sworn statement detailing the fiscal value of sales by the Commercial Cannabis Business during the previous

twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s)

Employee Work Permit

73. Prior to issuance of a certificate of occupancy for the Commercial Cannabis Business, all employees are required to comply with Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code which specifies the requirements for employees of cannabis operators; the Cannabis Employee Work Permit is required to be obtained from the City Licensing Department.
74. Cannabis Employee Permit Requirements shall comply with Chapter 11:
- a. Cannabis Employee Work Permit Application;
 - b. Cannabis Employee Work Permit Fee \$125.00, or as update by the City;
 - c. Age and verification of applicant, copy of government ID required (must be at least 21 years of age);
 - d. Investigation Questionnaire;
 - e. Live Scan (fingerprinting and a recent photograph of the applicant); and
 - f. A statement signed under penalty of perjury that the information is true and correct.
75. A Cannabis Employee Work Permit shall be valid for up to twelve (12) months from the date of certificate of occupancy and shall be renewed on an annual basis by the permittee/employer and all applicable employees. If a permit is issued for less than a 12-month basis, then the cost of such permit shall be adjusted on a pro-rata basis.
76. The Applicant and Commercial Cannabis Business employees will be issued a permit in the form of a personal identification card that shall be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Employment Transfers

77. In the event a person changes employment from one Commercial Cannabis Business in the City to another, the work permit holder shall notify the applicable Department Head or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business within the City.

Revocation of Employee Work Permit

78. The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code or if facts become known to the City that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

Appeal of Employee Work Permit Revocation

79. The Applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial/ revocation. Revocation shall follow the provisions contained in Oxnard City Code Chapter 11.

POLICE CONDITIONS

Security Measures

80. The Applicant shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the Best Practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the land use permit approval.
81. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider.
82. An access control system and security personnel shall restrict access to the site to persons engaged directly with the permitted operations of the Commercial Cannabis Business.
83. Security personnel shall remove any person on or about the Commercial Cannabis Business who is not engaged directly with the permitted operations of the business.
84. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products,

including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

85. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.
86. A security plan shall be approved by the Police Chief or his/her designee(s). The security plan shall include all elements of the alarm system, security camera system, and access control system. The plan shall also include security policies, cash handling policies, security personnel post orders, and requirements for security patrols during hours the business is closed. The security plan is subject to review on the annual anniversary of the issuance of the permit. Should a deficiency in the plan be discovered through findings during an inspection, a theft event, an audit or other significant event where a flaw in the security plan failed to sufficiently capture or deter a theft, loss of product, or an injury the plan may be amended by the Police Chief or his/her designee(s).
87. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.
88. Security personnel shall monitor premises in accordance with a security plan as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Police Chief.
89. Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
90. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either:
 - a. An employee of the Commercial Cannabis Business; or
 - b. A licensed security professional

91. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.
92. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.
93. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
94. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
95. The Applicant shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or his/her designee(s) upon request that meets the following requirements:
 - a. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
 - b. Identifies all Managers of the Commercial Cannabis Business and their contact phone numbers.
 - c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
 - d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
 - e. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business' control.
 - f. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (i) free of individuals loitering or causing a disturbance; (ii) are cleared of employees and their vehicles one-half hour after closing.
96. The Applicant shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. The storage and transportation plan shall be a confidential document that is intended to be reviewed and approved by the City Manager and his/her designee(s) and not available for public consumption.

97. The Applicant shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article. Prevention Fire Inspectors shall be allowed access to audit buildings for Fire Life Safety concerns on a yearly basis or as determined necessary per the Fire Marshal.
98. The Applicant shall notify the Police Chief within twenty-four (24) hours after discovering any of the following:(Section 11.437 (E))
 - a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
 - b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
 - c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the Commercial Cannabis Business.
 - d. Any other breach of security.
99. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.
100. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.
101. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
102. 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.
103. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the employer intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Commercial Cannabis Business intends to establish and to operate.
104. The Applicant acknowledges no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.
105. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.

106. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).
107. Inbound and outbound shipping of product and/or cash shall only occur during daylight hours. Deliveries and departure times of product and/or cash shall be irregular and maintained as a confidential matter known only to those persons who have a need to know.
108. No signage, graphic or symbol displayed visible outside the building shall show that the site is a cannabis business unless the specific sign, graphic or symbol is jointly approved by the Planning Manager and the Chief of Police or their designees.

Exterior Lighting

109. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
 - a. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
 - b. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
 - c. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to one 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
 - d. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.
110. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes.
111. All exterior lighting shall operate from dusk to dawn.

112. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).
113. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.
114. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.
115. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above any walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.
116. Safe Room construction shall consist of the below minimum features:
 - a. Concrete or CMU wall or walls and/or
 - b. Wood or steel stud constructed walls and ceiling wrapped with a metal mesh enveloped under drywall surfacing. Metal mesh shall have a minimum weight of .45 lbs. per sq. ft. and be opened spaced no more than 76%.
 - c. Other than doors, openings in the metal mesh walls shall not be larger than 12-inches square to provide HVAC ventilation and similar mechanical access.
 - d. Each door and window shall have callouts on plans identifying their size and design features.
 - e. Any service windows shall be constructed with a securable metal door or plate and have a vertical opening no taller than 12-inches.
117. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

Operations and Inspections

118. The permittee is authorized to operate the commercial cannabis retail business license between the hours of 9:00 a.m. to 9:00 p.m, subject to lighting requirements of Conditions 20-23.
119. Cash handling procedures shall be approved by the police chief or his/her designee.

120. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.
121. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.
122. The business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.
123. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.
124. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.
125. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.
126. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.
127. Scheduled and unscheduled inspections of the site may occur during the business' authorized hours of operation, or under the below listed circumstances:
 - a. At a time while the business is closed that is mutually agreed to by the business' management and the Police Department
 - b. During any criminal investigation at the business.
128. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

129. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.
130. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.
131. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the employer intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Commercial Cannabis Business intends to establish and to operate.
132. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

Retail Cannabis Conditions

133. Each customer entering the business shall present a valid form of government issued photo identification. A staff member or licensed security professional shall use an approved “identification card scanner” which verifies the age of the customer. The security officer will also visually confirm that the person presenting the identification card by matching the person with the card’s photo and confirming other data on the card.
134. The permittee shall acquire an “identification card scanner” for use by security officers to screen all customers as they enter the business. These scanners shall have these features:
 - a. Determine that the person is legal age to enter the premises.
 - b. Records the data from the presented identification including name, address, and date of birth and the time and date of the scan.

Security Camera System

135. A security camera system shall be installed and operated 24-hours a day to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:
- a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
 - b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
 - c. Cameras shall have low light capability to facilitate the later identify persons involved in criminal or problem activities.
 - d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
 - e. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
 - f. Recorded images shall bear a date and time stamp that cannot be altered.
 - g. All entry doorways to the premises shall be monitored by a camera or cameras that are strategically mounted to capture quality images of the heads and shoulders of persons who enter. Such cameras shall be mounted no higher than 7-feet above the floor/ground.
 - h. At least one camera shall be dedicated to the point of sale, or equivalent as determined by the Police Chief, to monitor the exchange of money and identification checks for age.
 - i. A monitor shall be placed near the primary entrance to the business to show patrons their image has been captured.
 - j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
 - k. Site management shall provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.
 - l. The video system shall be made available to the Chief of Police or his/her designee at all times by means of a secure Internet connection.
 - m. Height gauges are required on the interior frame of each exterior door.
 - n. A high-definition cloud based-video security system shall be used with a required 90 day tamper proof hard drive or software system pursuant to BCC 5044. System will be remotely accessible by the Chief of Police or his designee at all times. Prior to 90 days, no video will be erased without prior approval from the Chief of Police. At no time shall the business be open if the security system is down regardless of the presence of armed security guards.
 - o. Cameras shall be mounted outside the business to monitor pedestrian and vehicular traffic around the business. Where possible and practical, cameras will be positioned to capture the faces of persons approaching the business and the license plates of vehicles driving on parking area drive aisles.

Access Control Systems

136. The site shall be equipped with an access control system that shall restrict access throughout the site.
- a. The access control system shall have the capability to add, subtract or modify a cardholder's access.
 - b. Access to various areas or rooms within the site will be restricted based on the cardholder's need for access according to the business plan and the security plan.
 - c. The primary entry to the site shall be controlled by a card or similar instrument coupled with a keypad to provide entry. A keypad entry will be required for the first access of each business day. Each employee authorized for "opening" entry shall have their own access and their own emergency code.
 - d. Access to interior "safe rooms" where product and cash are stored shall require keypad and pass card to enter.
 - e. Those persons authorized to utilize keypad entry locations will have two passcodes unique for their use. One passcode for normal entry and one for "distress" entry. The "distress" entry shall be used if the cardholder is entering under distress such as a robbery, kidnap or threat of harm. Permittee shall coordinate with the alarm service provider for this function.
 - f. An access card providing universal access to the site shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

137. Intrusion/burglar alarms shall be "dual" technology and have the capability to differentiate between human and non-human motion. The burglar alarm sensors shall be mounted throughout the premises and shall specifically include: Receiving Area, Safe Room, Security Room, Holding Area, All Areas Noted Corridors, Processing, Receiving, Retail Area "Safe Room", Delivery, On-Line Storage "Safe Room", Education Room, Waiting Room, Grand Lobby, Retail (non-cannabis) and the Roof.
138. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery.

Security Site Plan

139. A Security Site Plan in a pdf format shall be submitted to the Chief of Police or his or her designee and approved prior to the issuance of building permits. The plan shall include:
- a. The plan shall identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.
 - b. The plan shall include a chart shall identify each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).

- c. The plan shall identify any area which is served by an intrusion/burglary alarm system.
- d. The plan shall identify the location of each panic alarm installation.
- e. The Security Site Plan shall identify all the components of the access control system, their location and a chart that identifies each instrument with an alpha-numeric with the device name, make and model.

140. The Security Plan includes all matters relating to the security camera system, access control system, alarm system, security officer post orders, security site plan and other documents related to the safe and secure operation regulated under this permit. An updated Security Plan in a pdf format shall be submitted to the Police Department to specialprojects@oxnardpd.org under any of the below circumstances:

- a. Any modification to the site that changes the location of walls, doors or windows.
- b. Any system upgrades or significant changes to the security camera or access control systems.
- c. Or, when deemed appropriate by the Chief of Police or his or her designee based on security deficiencies discovered during any inspection of the site or any violation of the conditions of this permit.

141. Any component of the security system including all elements of the alarm, camera and access control systems are subject to replacement, upgrades, adjustments or additions should any of these circumstances occur:

- a. Equipment is outdated and not up to current industry standards or formats.
- b. Or, through the oversight process exercised by the City of Oxnard or the State of California, deficiencies are discovered in the security and monitoring equipment which can be addressed through the adjustment or addition of security equipment.

142. The permittee shall create and maintain Post Orders for security officers working at the site. Post Orders shall be a “living document” and shall be subject to change based on operational experiences, noted deficiencies, and recommendations by the Oxnard Police Department. These orders shall outline the following:

- a. Specific duties and responsibilities for each security officer.
- b. Procedures security officers shall follow during normal operations, emergency circumstances and when a crime is discovered.
- c. Post orders shall delineate activities that security officers shall not perform as they distract or interfere from their security role.
- d. Post Orders shall be identified by the last approved revision date and shall include the approval of the permittee and a designee from the Oxnard Police Department. Each updated revision shall be reviewed and acknowledged by each security officer working the site.
- e. The Post Orders shall be reviewed and approved by the Oxnard Police Department prior to the issuance of the permit and shall be subject to revision as part of any inspection.

- f. A copy of the current approved version of the Post Orders shall be available on-site for review by any security officer assigned at the site or any representative of the City of Oxnard visiting the site.

Notifications

- 143. The permittee shall establish and maintain the following to facilitate communication and notifications between the permittee and the Oxnard Police Department:
 - a. Identify two management level employees as points of contact 24-hours a day, 7-days a week available to respond to the site in the event of an emergency or unlawful entry at the site.
 - b. A designated email address for the Oxnard Police Department to use for notifications pertaining to the business.
 - c. The management “points of contact” and the email address for notifications shall be provided by an email to: specialprojects@oxnardpd.org and shall include the names of the point of contact managers, their positions within the business and their phone numbers.
 - d. The Oxnard Police Department may establish additional staff members as points of contact for the permittee.
- 144. The Police Chief may temporarily suspend this permit pending a hearing as outlined in Article V of the Oxnard City Ordinance under any of the below circumstances:
 - a. Discovery of any controlled substance or product classified in Schedules I, II, III and IV of the Uniform Controlled Substances Act of the Health and Safety Code and not identified as being permitted at the site within the scope of this permit or an authorizing permit issued by the State of California.
 - b. Failure to maintain security features at or above industry standards, failure to correct security deficiencies required in these conditions in a timely manner, and/or failure to accurately or timely report a loss or theft of product as required under this permit.
 - c. Any sales or transfer of cannabis products outside the restrictions, regulations and tracking mechanisms established through this permit or related cannabis permits issued by the State of California.
- 145. Bollards or similar barriers shall be placed in front of all windows that the bottom sill is lower than 30-inches above grade and the windows are in close proximity to a vehicle driving surface. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.
- 146. All applications of window tinting shall be identified on submitted security site plans. “Black-out” tinting will not be allowed. Tinting that provides for clear outward viewing but blocks viewing from the outside is allowable.

147. Windows shall be protected by either of the following technologies:
- a. Interior mounted security screens that are 50% see through which allows the interior of the business to be seen during hours where the screen is secured.
 - b. A transparent material that can withstand the impact of a sledge hammer or similar impact tool without breaching the window sufficiently to create a puncture hole of any size.
148. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

Cannabis Deliveries

149. All deliveries of cannabis shall require the following:
- a. The persons making the delivery shall be a minimum of 21-years of age.
 - b. Cannabis products for delivery shall be locked in the truck of the vehicle or secured in a non-portable box or storage unit in the passenger compartment during transport.
 - c. Each driver making a cannabis delivery shall check the identification of the person depicted on the identification is of age and is the person receiving the delivery. The driver shall ensure the recipient of the cannabis product is 21-years of age, or 18 years of age and possess a cannabis medical card. The driver shall photograph or scan the identification using an identification scanner to record and verify the age of the person taking record of the delivery.
 - d. The permittee shall provide information on any website menu that clearly states that all deliveries that include cannabis will require the recipient of the cannabis products to present their government photo identification as proof of age. Recommended language for on-line menus: “ The City of Oxnard required the delivery driver to photograph and scan a government issued photo identification of the recipient of all deliveries of cannabis products.
 - e. The permittee shall require that staff members taking phone orders for delivery of cannabis products shall advise customers of the requirements under subsection “(c)” of this condition.
 - f. On-line orders for delivery which include cannabis products shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.

Police Special Conditions

150. The unit’s address “360” shall be painted on the exterior of the rear door in numerals that are 3-inches in height.
151. The unit’s address “360” shall be painted on the roof of the building above the unit in numerals that are 3-feet in height.
152. Bollards and enhanced security features are required for the storefront windows pursuant to general Police Conditions.

153. Windows with landscaping strips beneath them shall be planted with defensive plantings in place of replacing existing windows with security features. Plant species selection and maintenance requirements shall be approved by Planning & Police.
154. The property shall have and maintain at each vehicle entrance signs posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.

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. Developer shall install bike racks in accordance with City standards at locations approved by 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 serving the project 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 7th day of October 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 7th day of October 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

Attachment K - Staff Presentation

PZ 21-516-41
HPC of Oxnard, LLC. -
Commercial Cannabis Business Retail
Special Use Permit (SUP)
360 West Esplanade Drive

Planning Commission Hearing
By: Jose Coyotl, Associate Planner

October 7, 2021



Project Description

- A request to permit the operation of a commercial cannabis retail facility within an existing 2,761 square-foot commercial suite of a 5,950 square-foot multi-tenant commercial building on a 1.03-acre site.
- As part of the project there will be a tenant improvement consisting of
 - the installation of new partition walls
 - security upgrades to the existing building
 - minor plumbing upgrades
 - upgrades to an existing fire alarm system
 - installation of secure doors/windows
- Cannabis retail operations will be conducted between 9:00 AM to 9:00 PM daily.
- Application filed by Beth Thuna

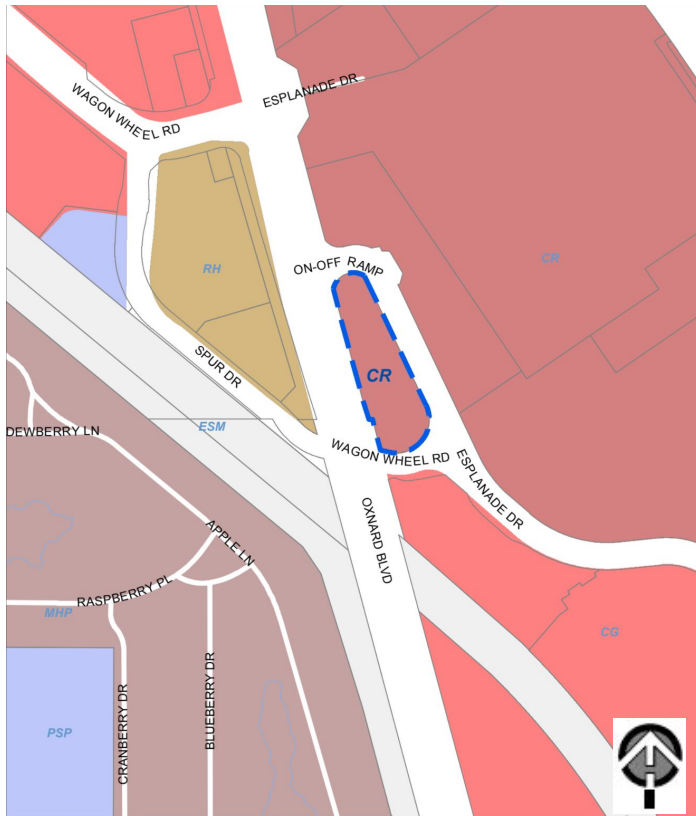
Project Location

Subject Site: 360 West Esplanade Drive



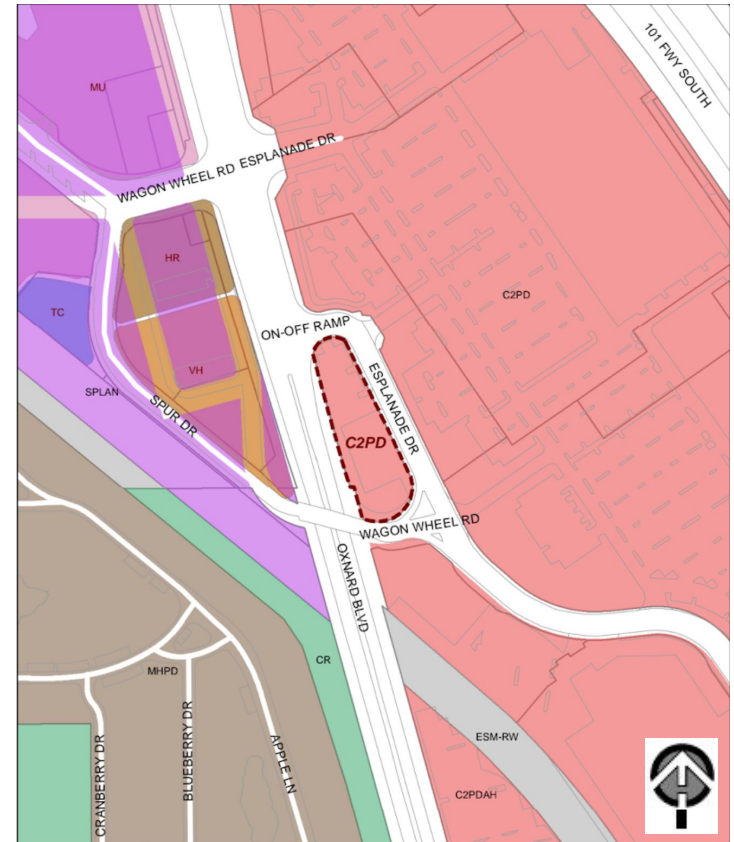
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



General Commercial Planned Development
(C-2-PD)

Subject Site: 360 West Esplanade Drive

Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General (CG)	General Commercial Planned Development (C-2-PD)	Commercial shopping center.
North	CG	C-2-PD	Fast food drive-thru.
South	CG	C-2-PD	Commercial office building.
East	CG	C-2-PD	Commercial Shopping Center.
West	Residential High (RH)	The Village Specific Plan (SPLN)	Temporary construction staging area.

Existing Conditions

Street view looking southwest.



Background: Development History

- On June 3, 1976, the Planning Commission approved Planned Development Permit No. 274 for the construction of a 13,468 square-foot furniture store. The building was subsequently subdivided to accommodate multiple retail/office uses.
- On October 14, 2002, the Planning & Environmental Services Manager approved a Minor Modification for minor changes to the sign program and a building façade change.
- On October 20, 2016, the Planning Commission approved Special Use Permit 16-500-02 to allow the demolition of the commercial building and develop a 5,950 square-foot, multi-tenant commercial shopping center and a 1,850 square-foot Starbucks coffee shop with a drive-thru and associated site improvements on a 1.03-acre lot located at 360 West Esplanade Drive. The application included a request for a 25% reduction to the perimeter landscape requirement, from 10 feet to 7 feet, six inches, per City Code Section 16-271.

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)).

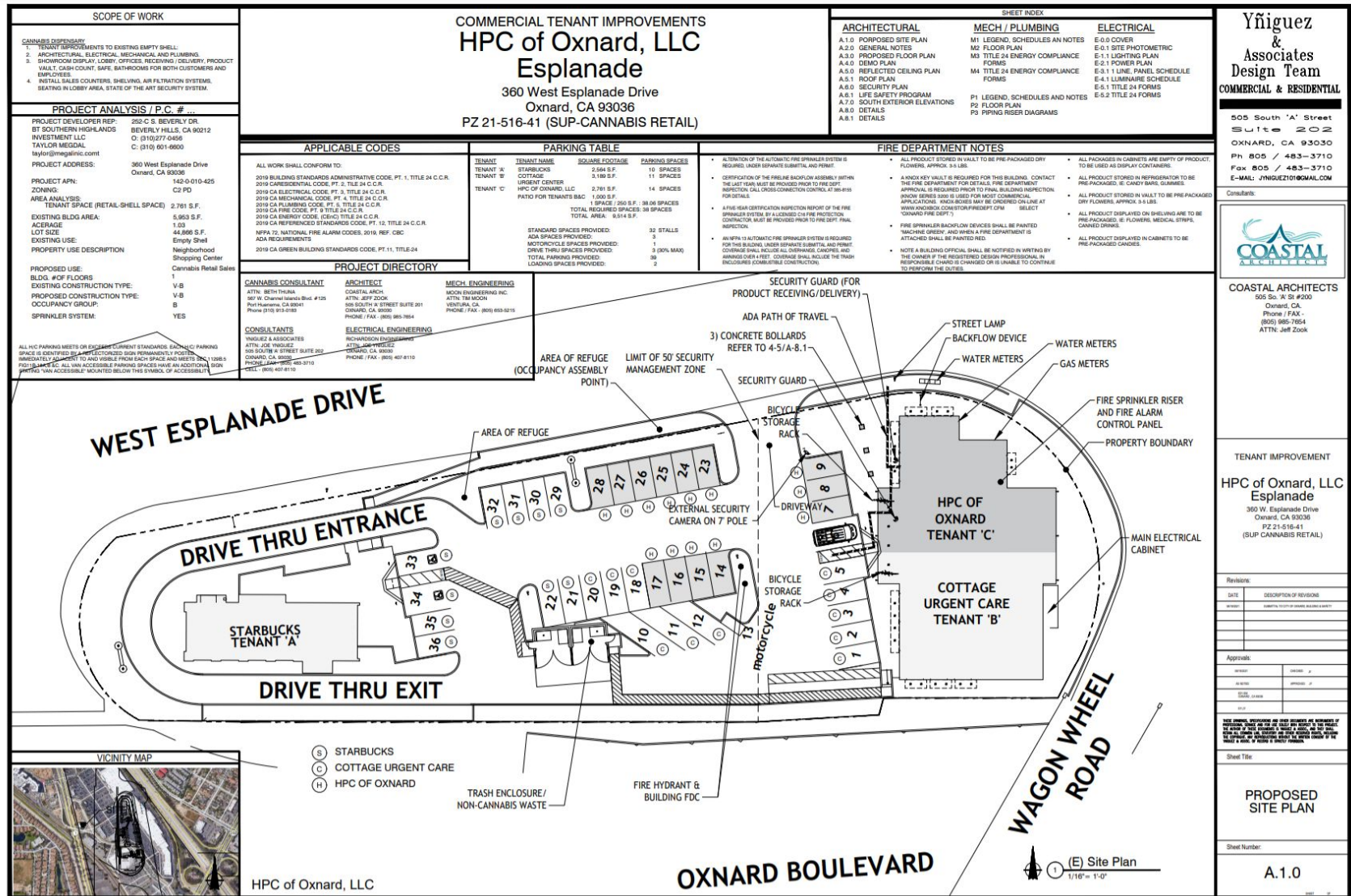
Background: Cannabis Regulations (cont.)

- 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, HPC of Oxnard, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a 2,608 square foot cannabis retail facility.
- On March 1, 2021, HPC of Oxnard, LLC. was awarded a conditional Commercial Cannabis Business Permit for cannabis retail. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit HPC of Oxnard, LLC. is required to receive approval of a SUP as specified within OCC Section 11-457.

Site Plan



Yñiguez & Associates
Design Team
COMMERCIAL & RESIDENTIAL

505 South 'A' Street
Suite 202
Oxnard, CA 93036
Ph 805 / 463-3710
Fax 805 / 463-3710
E-MAIL: JYÑIGUEZ@YAGMAIL.COM



COASTAL ARCHITECTS
505 So. A St. #200
Oxnard, CA
Phone / FAX:
(805) 985-7654
ATTN: Jeff Zook

TENANT IMPROVEMENT
HPC of Oxnard, LLC
Esplanade
360 W. Esplanade Drive
Oxnard, CA 93036
PZ 21-516-41
(SUP-CANNABIS RETAIL)

DATE	DESCRIPTION OF REVISION

Approvals

DATE: _____
BY: _____
TITLE: _____

Sheet Title

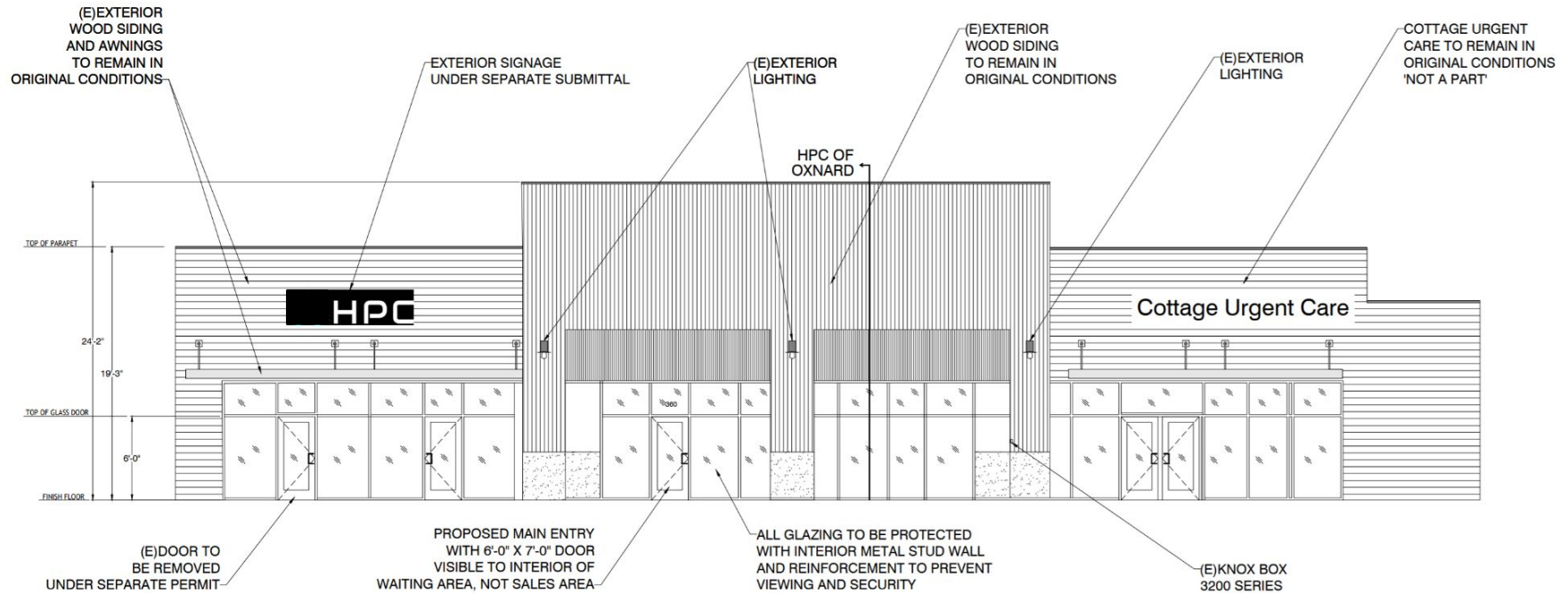
PROPOSED SITE PLAN

Sheet Number:

A.1.0



Elevations



NO EXTERIOR OR MATERIALS CHANGES, UON.

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

- This project is not located within an established neighborhood. Therefore, a Community Workshop was not held for this proposal.
- To date staff has not received any public comment regarding the project.

Key Conditions of Approval

- **Conditions # 14, 40, 41:** Abide by City of Oxnard and State of California rules and regulations related to this business.
- **Conditions # 37:** The commercial cannabis business permit shall expire, and be subject to the renewable process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the SUP pursuant to the Oxnard City Code Section 11-459.

Retail Operating Conditions

- **Conditions # 57-59,133-134:** Provide regulatory action of cannabis retail procedures to allow only eligible members of the community to purchase product and allow for a secure selling environment.

Police Conditions

- **Conditions # 80-154:** Security features will be implemented as required by adopted cannabis Ordinance.

Key Conditions of Approval (Cont.)

Fire Department Conditions

- **Conditions #155-174:** This broad range of numbers indicates that the system is to be designed to be a safe facility.

Community Benefits / Community Relations

- **Condition #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. 21-516-41 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

End of Presentation

Planning Commission Hearing: October 7, 2021

