

CITY OF OXNARD

PLANNING COMMISSION

AGENDA

SPECIAL MEETING

Human Resources Activity Room, 300 West Third Street
Wednesday, October 13, 2021, 6:30 p.m.

This meeting is being held in accordance with Assembly Bill 361, allowing members of the Planning Commission, members of the public and staff to participate via teleconference.

Consistent with City policies imposed to promote social distancing, the facility where the Planning Commission regularly meets is temporarily closed to the public. The public is encouraged to view the meeting from home on the City's website at Oxnard.org/city-meetings, Spectrum Channel 10, Frontier Channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings are typically available online following the meeting at the City's website at <http://www.oxnard.org/city-meetings>

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. EMAILING COMMENTS OR REQUESTS TO SPEAK BEFORE THE MEETING
 - a. Submit an email to Planning@oxnard.org no later than 3:00 p.m. on the day of the meeting (Please indicate the agenda item number in the subject line). All email correspondence will be forwarded to the Planning Commission prior to the start of the meeting and made part of the legislative record.
 - b. Submit a request to speak by no later than 3pm on the day of the meeting by using the form <https://forms.gle/FvsJGMkMFoEMdtndA>, emailing the Planning office at planning@oxnard.org, or calling (805) 385-7878.
2. PROVIDING PUBLIC COMMENTS DURING THE MEETING
 - a. Speakers shall have up to three minutes to speak.
 - b. If you wish to speak during public comments or a particular item on the agenda, please follow the below instructions:
 1. Dial phone number (888) 475-4499
 2. Enter the meeting ID: 889 1225 7053
 3. Enter the meeting passcode: 389360
 4. Wait in the Zoom waiting room. Once the Chair calls for public speakers, press *9 to raise your hand to inform the recording secretary you would like to speak and the recording secretary will allow you to speak.
 - c. Public comments on items not on the agenda shall be taken at the beginning of the meeting. If there are more speakers than can be accommodated during thirty minutes, additional speakers who will be given an opportunity to speak at the end of the meeting. After all public speakers have been given an opportunity to speak, the public comment period shall be held open for three minutes to allow additional speakers to register or otherwise be recognized for the purpose of providing public comment. During this three minute time period, the Planning Commission or staff may briefly respond to comments on items not appearing on the agenda.
 - d. Public comments on items on the agenda shall be taken following the announcement of the item. After all public speakers have been given an opportunity to speak on an agenda item, the public comment period shall be held open for three minutes to allow additional speakers to register or otherwise be recognized for the purpose of

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

providing public comment. During this three minute time period, the Planning Commission or staff may discuss the item being considered.

In the event of a disruption which prevents a legislative body of the City of Oxnard 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 legislative body 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 legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

A. ROLL CALL

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

C. CONSENT AGENDA

1. None

D. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

E. CONTINUED PUBLIC HEARING

- 1. Project Name: 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, 505 S. A Street Suite 200, Oxnard, CA 93030, on behalf of FGH Retail Services, LLC.

City Staff: Jose Coyotl, Associate Planner

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

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(Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/KOmMz1-D_60

- 2. Project Name: 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, 501 West Channel Islands Boulevard Unit 304, Port Hueneme, CA 93041, on behalf of HPC of Oxnard, LLC.

City Staff: Jose Coyotl, Associate Planner

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.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/NUnbC3J_WWY

F. STUDY SESSION/REPORTS

G. PLANNING COMMISSION BUSINESS

H. COMMUNITY DEVELOPMENT STAFF UPDATES

I. ADJOURNMENT

FUTURE MEETINGS

Thursday, October 21, 2021, 6:00 p.m., Human Resources Activity Room, 300 West Third Street

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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MEMO



DATE: October 13, 2021

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

SUBJECT: **Project Name: 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, 505 S. A Street Suite 200, Oxnard, CA 93030, on behalf of FGH Retail Services, LLC.

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.

Background:

On October, 7, 2021, the Planning Commission continued the FGH Retail Services, LLC. - Commercial Cannabis Business Retail SUP project to a Special Meeting to be held on a date certain of October 13, 2021, starting at 6:30 PM.

The public hearing documents that were prepared for the Planning Commission's public hearing on October 7, 2021, have not changed for the Special Meeting on October 13, 2021. For the convenience of the Planning Commission and interested parties, attached to this memo are the following documents originally prepared for the Planning Commission's public hearing on October 7, 2021:

1. Staff Report and associated attachments, and
2. Transmittal Memos No. 1 and No. 2, which contain correspondence from interested parties.

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

Planning Commission Hearing Date: October 13, 2021

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Additionally, the required Measure M pre-recorded presentation video has not been changed, and it can be viewed online at this address: https://youtu.be/KOmMz1-D_60

**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)

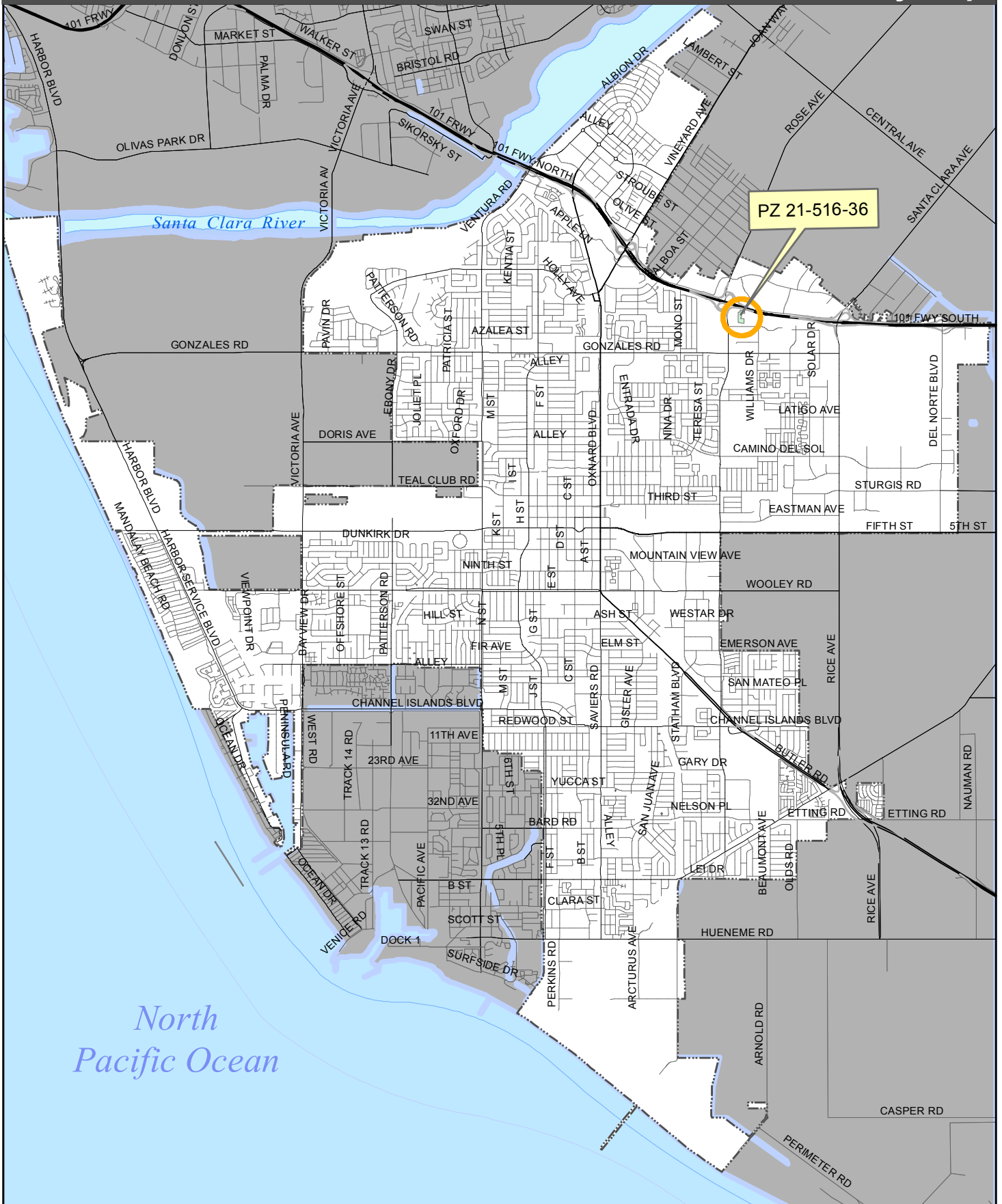
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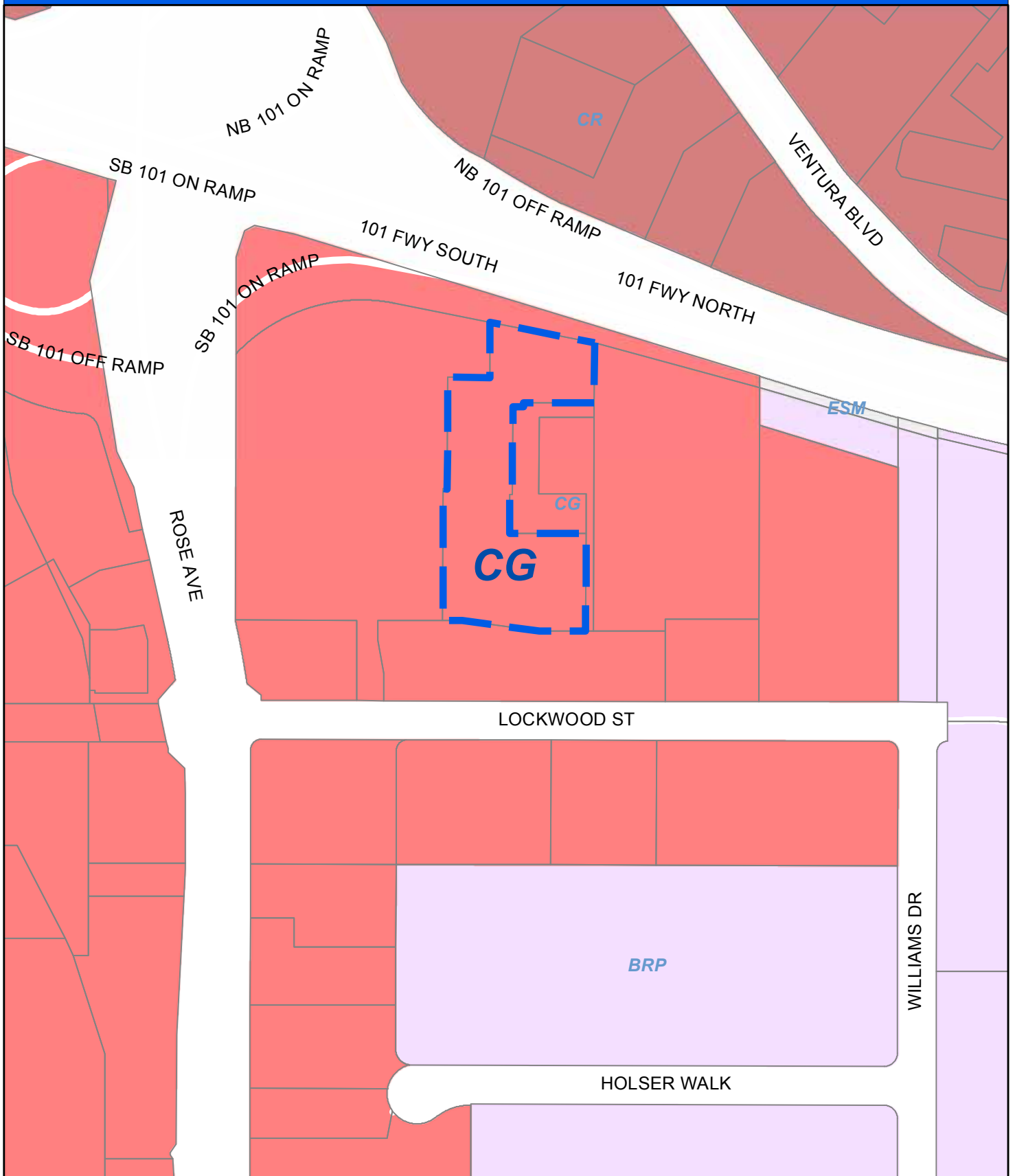
- F. Planning Division Policies & Procedures Item 2.7 - Minor Modifications
- G. 2030 General Plan Consistency Chart
- H. Zoning Consistency Chart
- I. Location and Design of Cannabis Business Consistency Chart
- J. Draft Resolution of Approval for Commercial Cannabis Retail
- K. Letters and Petitions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

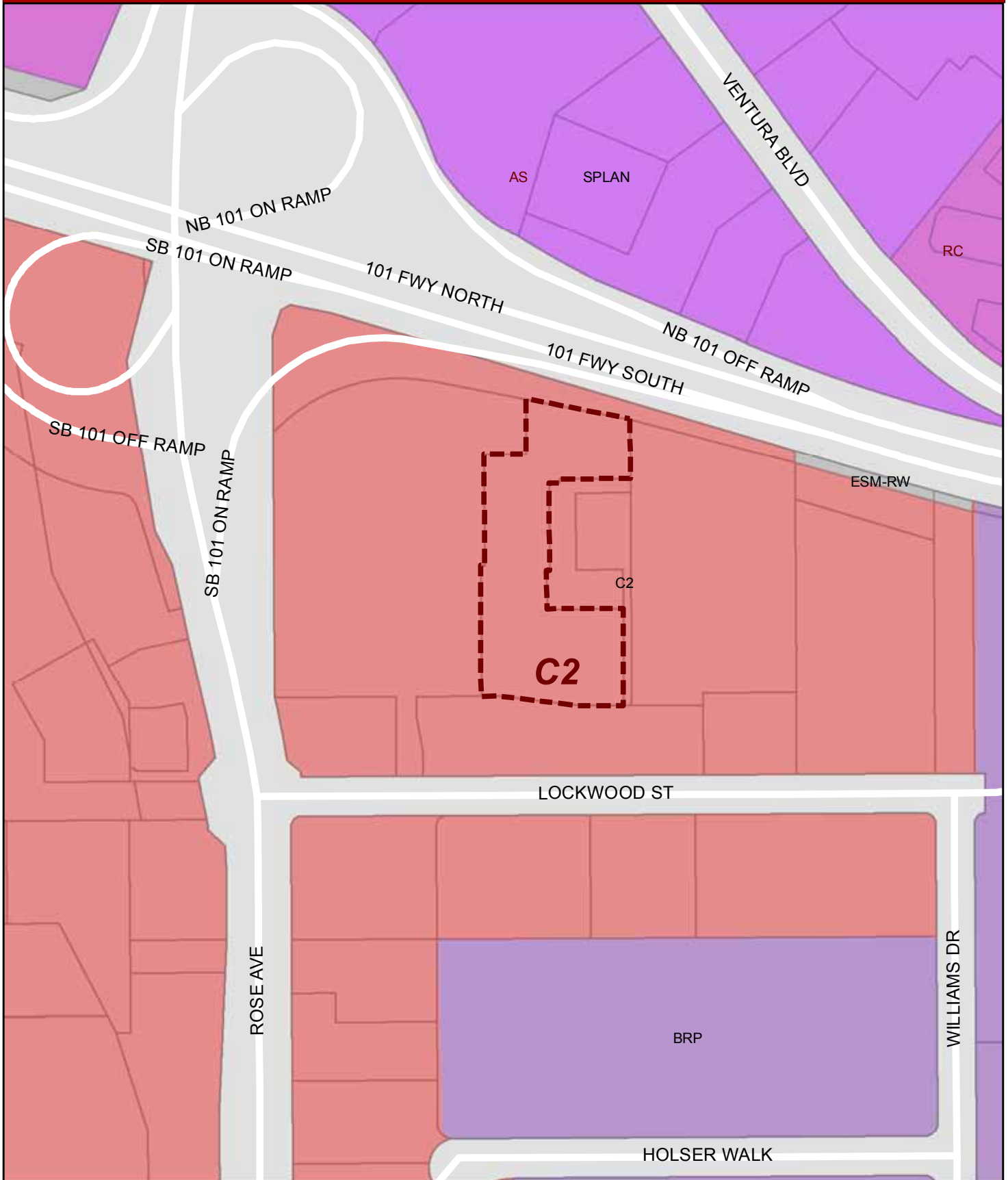
PZ 21-516-36
Location: 2320 N Rose Ave
APN: 2130011255
FGH Retail Services LLC
0 75 150 300 Feet

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

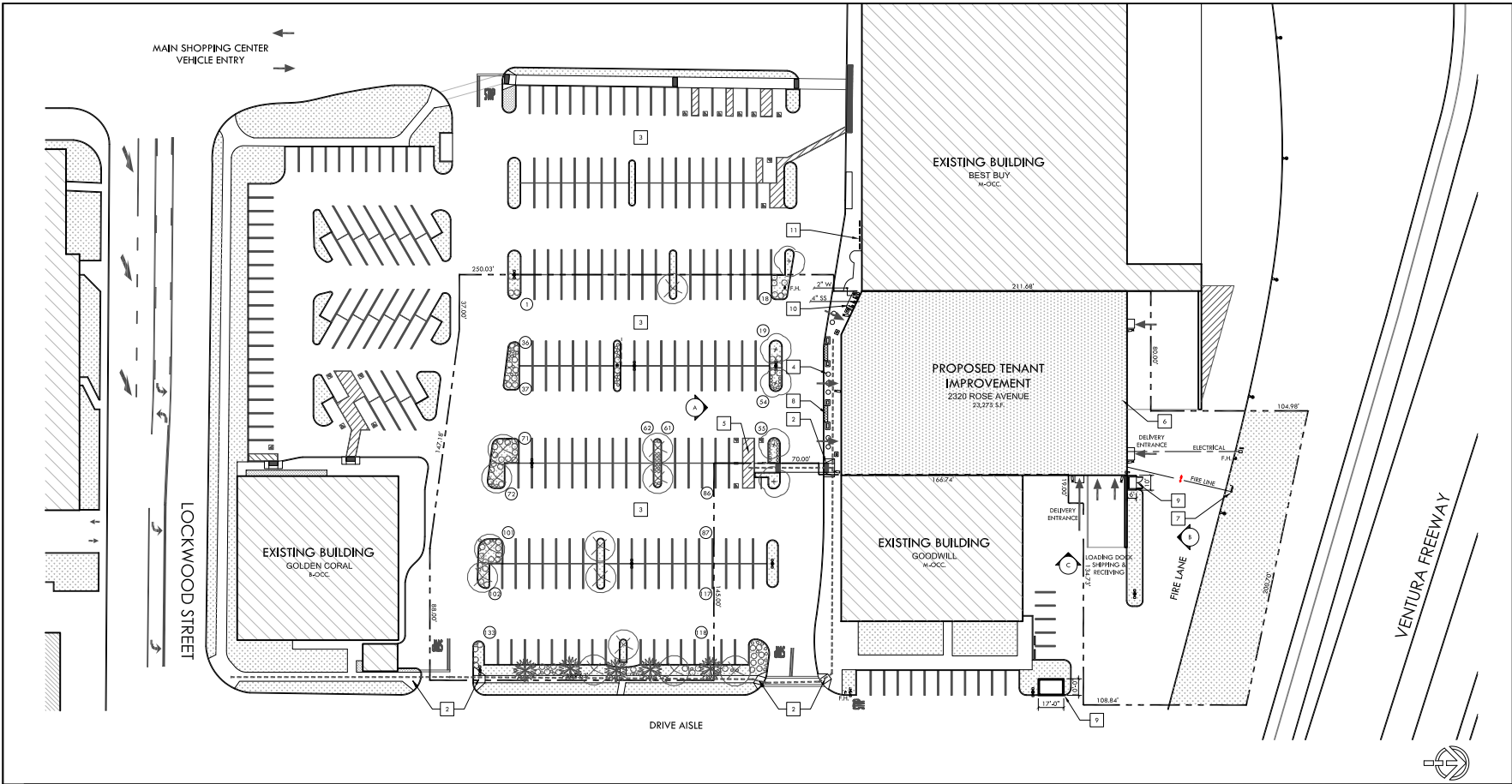
Zoning/Specific Plan Map



1:3,000



Attachment B - Reduced Project Plans



SITE PLAN				SCALE: 1"=20'-0"	1																														
PROJECT SUMMARY		PARKING ANALYSIS	KEYNOTES	LEGEND																															
ASSESSORS PARCEL NUMBER: 220-0-273-015 PROJECT ADDRESS: 2320 N. ROSE AVE. OXNARD, CA SITE AREA: 150,325.56 S.F. (3.451 AC) EXISTING SHELL STRUCTURE: 23,300 SF CONSTRUCTION TYPE: V-B PROPOSED CONSTRUCTION TYPE: V-B (NO CHANGE) FIRE SPRINKLER SYSTEM: YES (FULL SPRINKLER SYSTEM) OCCUPANCY GROUP: M - RETAIL STORE EXISTING ZONING: C2 PROPOSED USE: M - RETAIL STORE EXISTING BUILDING HEIGHT: 29' PROPOSED BUILDING HEIGHT: 29' TOTAL OCCUPANCY: 57		<u>SHOPPING AT THE ROSE II REQUIRED PARKING</u> <table><tr><td>RETAIL 1 (BESTBUY)</td><td>59,316 S.F. / 225</td><td>264</td></tr><tr><td>RETAIL 2 (FISH RETAIL)</td><td>53,275 S.F. / 250</td><td>94</td></tr><tr><td>RETAIL 3 (GOODWILL)</td><td>10,000 S.F. / 225</td><td>45</td></tr><tr><td>RETAIL 4 (BAIRES R US)</td><td>45,500 S.F. / 225</td><td>203</td></tr><tr><td>RETAIL 5 (CHEVYON)</td><td>2,436 S.F. / 225</td><td>11</td></tr><tr><td>RETAIL 6 (HOMETOWN)</td><td>10,600 S.F. / 225</td><td>48</td></tr><tr><td>PARKING REQUIRED:</td><td></td><td>665</td></tr></table> PARKING PROVIDED: <table><tr><td>STANDARD:</td><td>622</td></tr><tr><td>COMPACT:</td><td>39</td></tr><tr><td>MOTORCYCLES:</td><td>16</td></tr><tr><td>ACCESSIBLE:</td><td>12</td></tr><tr><td>TOTAL PROVIDED:</td><td>689</td></tr></table> <u>REQUIRED BIKE PARKING AT FGH RETAIL</u> 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	RETAIL 1 (BESTBUY)	59,316 S.F. / 225	264	RETAIL 2 (FISH RETAIL)	53,275 S.F. / 250	94	RETAIL 3 (GOODWILL)	10,000 S.F. / 225	45	RETAIL 4 (BAIRES R US)	45,500 S.F. / 225	203	RETAIL 5 (CHEVYON)	2,436 S.F. / 225	11	RETAIL 6 (HOMETOWN)	10,600 S.F. / 225	48	PARKING REQUIRED:		665	STANDARD:	622	COMPACT:	39	MOTORCYCLES:	16	ACCESSIBLE:	12	TOTAL PROVIDED:	689	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/A1.1 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 ABRUPT CHANGES IN LEVEL, 2% MAX. SLOPE IN DIRECTION OF TRAVEL AND 2% MAX. CROSS SLOPE. ← ENTRY / 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
RETAIL 1 (BESTBUY)	59,316 S.F. / 225	264																																	
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THESE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS ARE PREPARED BY OR FOR THE ARCHITECT AND ARE NOT TO BE USED FOR ANY OTHER PROJECT WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE ARCHITECT DOES NOT WARRANT THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS. THE ARCHITECT ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED BY OTHERS.

Approvals:

DATE	PROJECT	DESIGN	APPROVED
10/06/2023	10/06/2023	10/06/2023	10/06/2023

Revisions:

REV. NO.	DATE	REVISIONS
1		
2		
3		
4		
5		

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905 S. A Street, Suite 200 Oxnard CA 93030

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

Coastal Architects
A1 Sheet No:

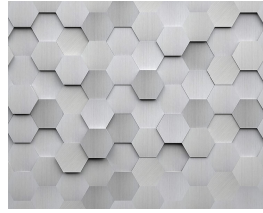
SHEET ___ OF ___



1. SYNTHETIC SIDING RAINSCREEN -
"PERUVIAN TEAK"



2. STONE PANELS -
BLUESTONE



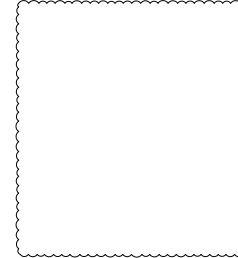
3. ALUMINUM PANELS -
HONEYCOMB PATTERN WITH
COSMIC WHITE POWDER COAT
FINISH



4. METAL ENTRY CANOPIES /
RAINSHADE



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



7. WALL SCONCE -
ALVA LIGHTING -
TESSE-SLOTTED

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COASTAL ARCHITECTS, INC.

Approvals:		DATE	BY
OWNER	DESIGNER		
PROJECT	100000		
REVISION			
Revising:		DATE	REVISIONS
REV.	NO.		
1			
2			
3			



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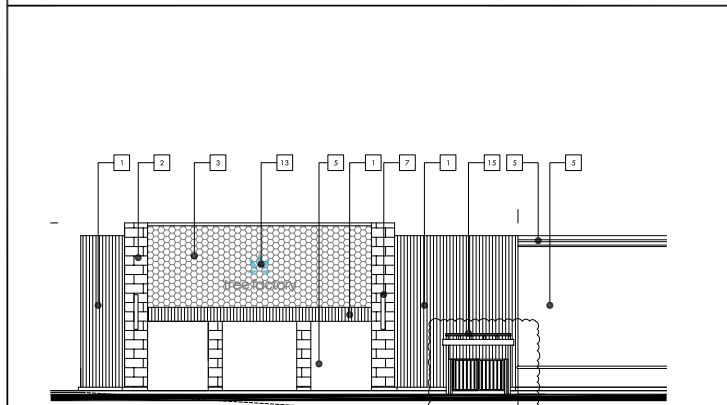
Coastal Architects
505 S. A Street, Suite 200 Oxnard CA 93030



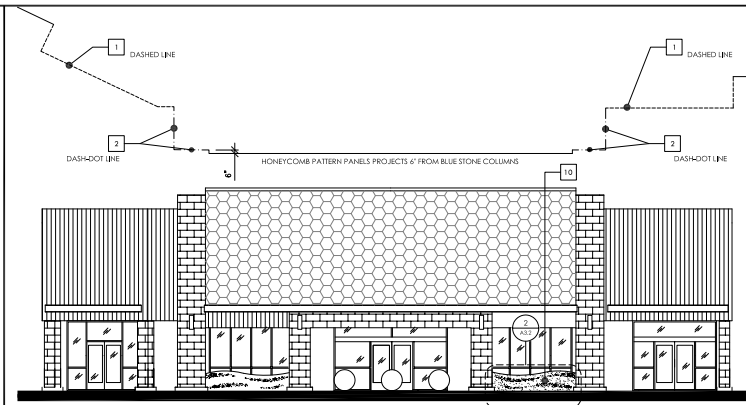
SHEET ___ OF ___



PROPOSED SOUTH - FRONT SCALE: HTS A



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



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

- KEYNOTES**
1. VERTICAL COMPOSITE CLADDING SYSTEM, COLOR TO BE "PERUVIAN TEAK", BY NEWTECHWOOD OR EQUAL, RAINSCREEN INSTALLATION OVER EXISTING PLASTER SURFACES.
 2. BLUESTONE STONE PANELS, DIRECT APPLIED TO EXISTING PLASTER SURFACE.
 3. ALUMINUM PANEL FACADE WITH HONEYCOMB PATTERN, OFFSET 6" FROM BLUESTONE COLUMNS.
 4. 8" THICK SUSPENDED SUNSHADE WITH 6" "AIRFOK" BLADES BY CONSTRUCTION SPECIALISTS 02 / NEW ENTRY DOOR LOCATIONS.
 5. EXISTING CEMENT PLASTER / MASONRY TO BE REPAINTED, COLOR: SW 7657 "TINSMITH"
 6. EXISTING CONCRETE APRON / WAINSCOT TO BE REPAINTED
 7. LED EXTERIOR LIGHT SCONCE BY ALVA LIGHTING, 7" WIDE X 30" TALL, DIRECT / INDIRECT LIGHTING, MODEL TESSE-SLOTTED, COLOR: BRONZE OR RUBBER SCONCE.
 8. NEW STOREFRONT ENTRY DOORS, LIGHT BRONZE ANODIZED ALUMINUM FRAMES WITH CLEAR GLAZING PER FLOOR PLANS
 9. 24" DIAMETER CONCRETE TRAFFIC BOLLARDS W/ SOLID STEEL TOP ANCHORS @ 60" CENTER SPACING, TYP AT ALL EXPOSED STOREFRONT GLASS, COLOR: SW7657 "TINSMITH"
 10. CAST-IN-PLACE CONCRETE BENCH, HEIGHT VARIES, 14" THICK, SEDIMENTARY LAYUP FINISH WITH INTEGRAL COLORED "PEWTER" AND "SILVER SLATE"
 11. SIGNAGE LIGHTING WITH LOGO OFFLINE
 12. ALL EXISTING STOREFRONT WINDOW SYSTEMS WILL BE PROVIDED WITH INTERIOR ROLL-DOWN SECURITY GRILLES
 13. EXTERIOR SIGNAGE UNDER SEPARATE APPLICATION AND PERMIT
 14. EXISTING ROLL-UP DOORS FOR TRUCK DELIVERIES TO REMAIN
 15. EXISTING TRASH ENCLOSURE, PROVIDE NEW ROOF ENCLOSURE PER CURRENT CITY STANDARDS, MATCH SIMILAR TRASH ENCLOSURES ON SITE, PAINT TO MATCH NEW WOOD SIDING.

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.

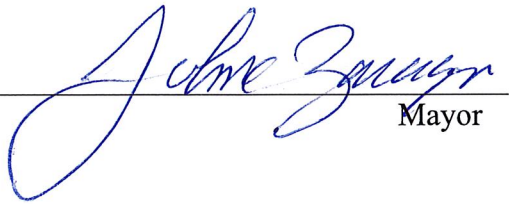
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

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

NOES: None.

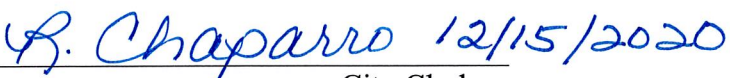
ABSTAIN: None.

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.

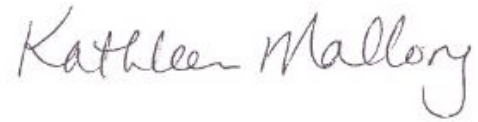
In accordance with the Retail Cannabis Application Procedures Guideline and Oxnard City Code Section 11-457, the City Manager has reviewed the City Selection Committee's evaluation and accepted the final determination.

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 Jamer	<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		Post Ventura, CA		
8/6	Jacqueline Tan		Camarillo,		
8/6	Ammonia Castillo		Oxnard, CA		☒
8/6	Stephen Swanson		Oxnard, CA		☒
8/6	Alex Ortiz		VENTURA, CA		

FGH RETAIL SERVICES, LLC/ TREE FACTORY



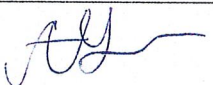
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Date	Printed Name	Signature	Address/Email	Comment	Contact ☒ Employment Interest
7/2	DIMITRI LOMBERA		PORT HUENEME		
7/2	Kiana Okamoto		port hueneme		
7/2	Monica Osborne				
7/2/2021	Jacob R. Hernandez				
7/2/2021	Miguel Lopez				

FGH RETAIL SERVICES, LLC/ TREE FACTORY



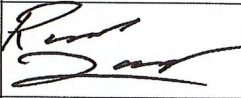
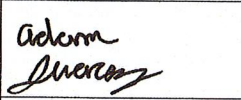
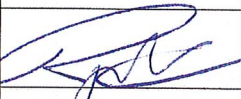
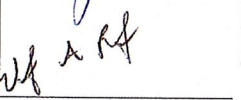
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
1-2-21	Angel Garcia			T.F has been serving the community with integrity.	
7-2-21	Ricky Fransto			T.F has provided great quality service for years	
7-2-21	Carlos Bautista			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



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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	[Signature]			
7/7/21	Serge Serrano	[Signature]			
7/7/21	Anthony Perez	[Signature]			
7-7-21	Jason M... [unclear]	[Signature]			
7-7-21	OSCAR Hernandez	[Signature]			

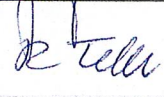
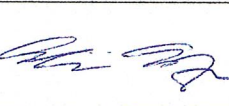
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
07/07	Eric Lopez	<i>Eric Lopez</i>			
7/8	Rae Marie	<i>Rae Marie</i>			
7/8	Melissa Hendricks	<i>Melissa Hendricks</i>			
7/8	Alan Gross	<i>Alan Gross</i>			
7/9	Carlos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

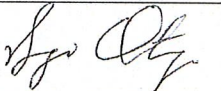
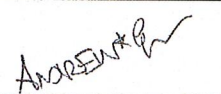
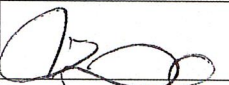
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/9/21	Sandra Tinglof				
7/9/21	RICHARD TEJERA				
7/9/21	Adrian Almaraz				
7/9/21	Andre Coleman				
7/10/21	STEVE ROMERO	S. ROMERO			

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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				

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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest ☒
7/10/21	Giovanna Contreras	<i>G. Contreras</i>			
7/15/21	Delores G. Martinez	<i>Delores Martinez</i>			
7/16/2021	Jesus Meza Jr.	<i>Jes. Jr.</i>			
7/16	Law DeMiss	<i>Law DeMiss</i>			
7/16	Felipe Larn	<i>FL</i>			

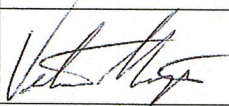
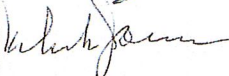
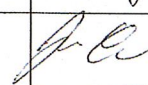
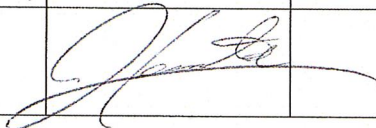
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07/17	Dennis Canseco				
07/18	Anakaren Rodriguez				
07/18	Joss Rodriguez				
07/18	Joel Garcia			100%	☒
07/18	Danny Longoria			100%	☒

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 ☒
7/19/21	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



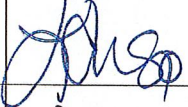
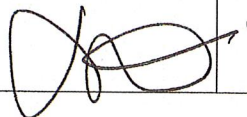
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest 
7/26/21	Daniel Alvarez			DS Page was here!	
7/26/21	Clay Criel				
7/27/21	Eliana Schuber				
7/27/21	Ivan Ornelas				
7/28	GARY COOK				

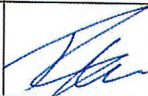
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest 
2/24	Carri & Spencer				
7/24	Rafael Alcaraz				
8/4	Laune Cisano				
8/5	Sierra DelaMora				
8/6	Jasmine Stoss				

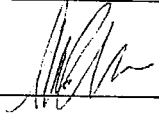
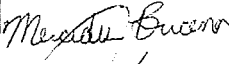
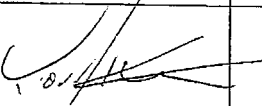
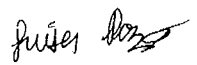
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
9/28/21	Raul Meza, M.D.		Ventura, CA 93001		
9/29/21	Anne Mikhailovskiy, MD		Ventura, CA 93004		
9/29/21	Preston Arnold MA		Camacho, CA 93010		

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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	GAMB STOP JOSE				
9/23	Daniel's Jewelers				

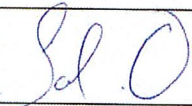
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
9-23	Areli Vallejo Sallys Beauty		N ROSE AVE	Send me a good job Application Please! ☺	
9/23	Angelica Mirel				
9-23	BIANCA MORALES				
9/23	CRYSTAL CORTES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

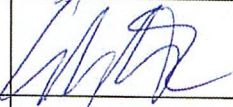
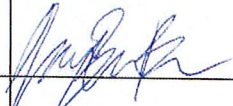
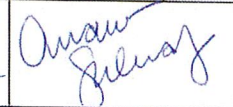
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
	Sal Orozco		Stay - - - - -	tree factory is the BEST!	
	Samuel Guillen			Quality product Quality service Quality people	
	Adrian Ayala President - mdnt.mdnights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

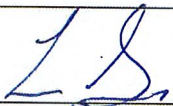
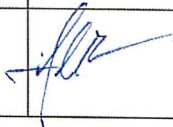
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
7/24/24	Victoria Yushenkoff		1111 1111 1111	Thorough, well thought out business plan. Good luck!!	Yes
7/24	Mike Mushkoviz		1111 1111 1111	MSP + Call Center contact	Y
	Jesus Bello w/ We Live By the Beach		1111 1111 1111	amazed how much you guys do for the community	Yes
7/24	Andrea Smith Quantified Bookkeeping Tax		1111 1111 1111		Y
7/24	Mike Willoughby Mikes Diesel Auto work		1111 1111 1111		Y
7/24	Andrew Salinas City of Port Hueneme		1111 1111 1111		

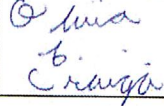
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
	Luis Gonzalez Joy Equipment			Great spot, Great People	y
	Valerie Brown			Amazing	y
	Eduardo Rodriguez			you guys are the best!	y
	Sam Castorina			great 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

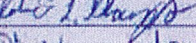
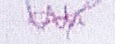
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Date	Print Name/ Company	Signature	Address/Email	Comment	Contact Employment Interest-over 21yrs
08/20	Alejandra Lopez		2320 North Rose Ave Oxnard, CA 93036		
8/20	Michael Inda		2320 North Rose Ave Oxnard, CA 93036		

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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]		[Redacted]
9/21/21	Sandy MUKULI		[Redacted]		[Redacted]
9/21/21	Veronica Marquez		[Redacted] MEX.		[Redacted]



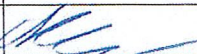
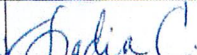
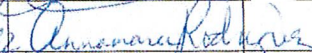
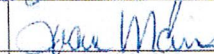
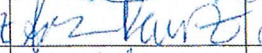
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Date	Printed Name	Signature	Address/Email	Comment	Contact Employment Interest
9/22/21	Robin Turner	R Turner	[Redacted]	(S)	
9/22/21	Edward M...	[Redacted]	[Redacted]		
9/22/21	Susan Baptiste	Susan Baptiste	[Redacted]		
9/22/21	Jose Arguilla	[Redacted]	[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 Baira	<i>Edmund Baira</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 G. Gomez	<i>Shirley G. 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>	...		



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

Seena M. Samimi
ssamimi@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

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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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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l.mcavoy@musickeeler.com (Rose TIC, LLC, 2330 N. Rose Avenue and Lot 4)
bevg@hvwonline.com (Rose TIC, LLC, 2330 N. Rose Avenue and Lot 4)

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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
- Steven Weiss: sweiss@naicapital.com
- Seth Weissman: SIW@jmbm.com

Representatives for FGH, LLC (2320 N. Rose Avenue)

- Vanessa Hernandez: vanessa.hernandez246@gmail.com
- 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.

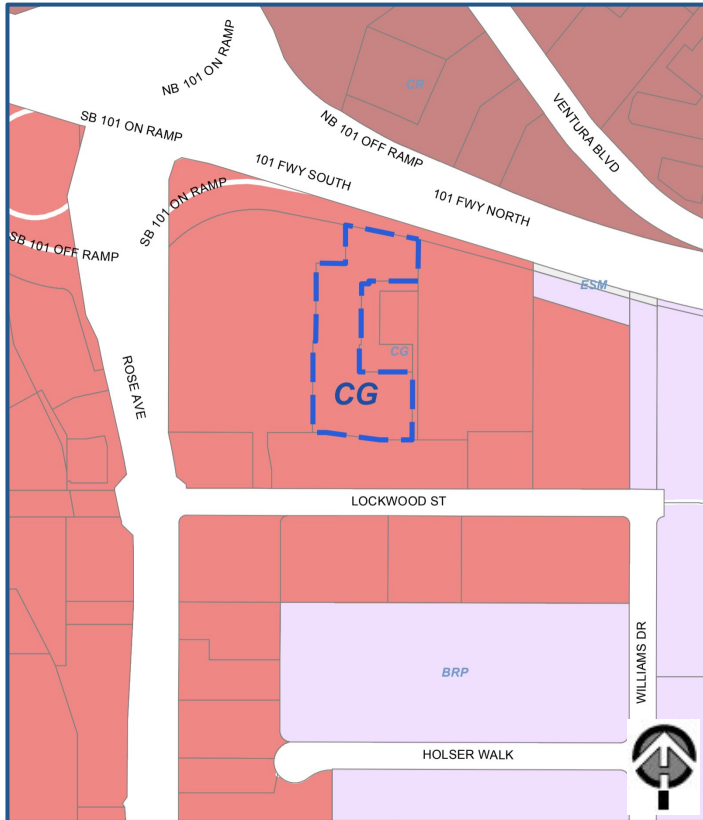
Project Location

Subject Site: 2320 North Rose Avenue



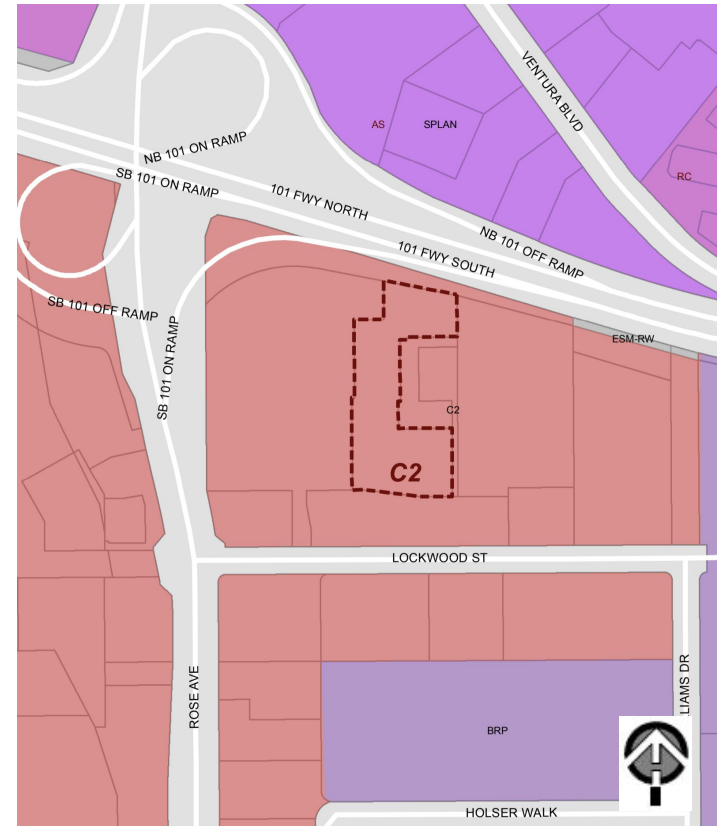
General Plan & Zoning Maps

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)).

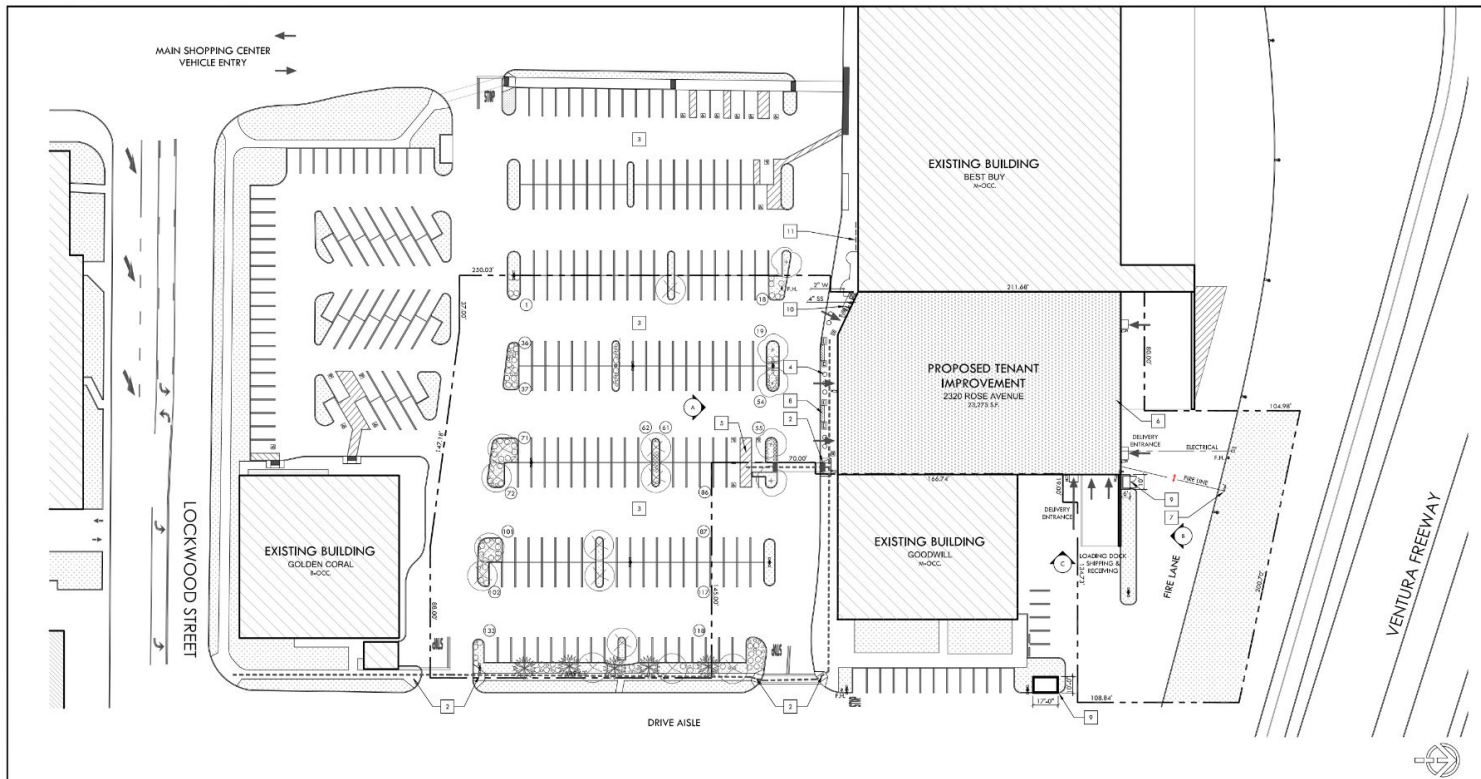
Background: Cannabis Regulations (cont.)

- 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



			PROJECT SUMMARY		PARKING ANALYSIS		KEYNOTES		SITE PLAN Scale: 1"=80'-0"	
									LEGEND	
			ASSESSED PARCEL NUMBER: 2250-273-015 PROJECT ADDRESS: 2120 N KOSE AVE, OMAHA, IA SITE AREA: 180,321.58 S.F. (3.41 AC) EXISTING SHEET STRUCTURE: 23,100 S.F.		SHOPPING AT THE KOSÉ & RICHIE PARKING RETAIL 1. RESTROOMS 29,216 S.F. / 225 364 RETAIL 2. HIGH RISE 23,375 S.F. / 250 94 RETAIL 3. GROCERIES 10,000 S.F. / 725 43 RETAIL 4. BAKERY 4,500 S.F. / 225 203 RETAIL 5. CHEF/POW 2,475 S.F. / 725 11 RETAIL 6. HOMEOWN 10,000 S.F. / 225 48		1 NOT USED 2 PROVIDE TRUNCATED CONES PER DETAILS 7.5A.1 & 1.1 3 EXISTING PARKING LOT TO REMAIN		INDICATES COMPANENT ACCESSIBLE PATH OF TRAVEL, CONFORMANCE W/ADA 2010 AM. WITHIN 10' OF ANY ADJUSTED CURB OR SIDE WALK. SLOPE IN DIRECTION OF TRAVEL AND 2' MAX. CROSS SLOPE. ENTRY / EXIT DOOR LOCATIONS PARKING SPACE WITHIN PROPERTY	
CONSTRUCTION TYPE: V - 8 (3-0) CHANGES PROPOSED CONSTRUCTION TYPE: YES (FULL SPANNER SYSTEM) RE SPANNER SYSTEM: YES (FULL SPANNER SYSTEM)			PARKING PROVIDED: 662 PARKING PROHIBITS: 603 STAMPAES CONTACT ACCESSIBILITY ACCESSIBLE: 15 TOTAL PROVIDED: 689		4 REINFORCED CONCRETE SHORT ROWLARS, 5" DIA, STANDARD WEIGHT REINFORCED #4BARS, ANCHOR W/ 3" DIA. SCHEDULE 40 STEEL PIPE, SET 2'-4" AND NEW CONCRETE FOOTING / 1" IS PROHIBITED. MOLES (IF MOLE) ANCHOR WITHIN 10' OF RETAIL 6/1.1.		5 EXISTING ACCESSIBLE PARKING SPOT TO REMAIN 6 EXISTING ELECTRICAL EQUIPMENT HOOD LOCATION 7 EXISTING FIRE DOCK WITH FRC LOCATION TO REMAIN 8 NEW PLANTER AREA AT FRONT ENTRY TO DIRECT PEDESTRIAN FLOW 9 EXISTING TRASH/INCUBATOR, A SOLID, WITH CONCRETE ROOF COVERING SHALL BE PROVIDED BY HOME DESI		TREE FACTORY RETAIL, CANNABIS STORE EXISTING LANDSCAPE AREAS TO REMAIN EXISTING LANDSCAPE AREA TO BE REPLACED WITH DROUGHT TOLERANT PLANTS AND NEW 2" DIAMETER TREES PER CONCEPT LANDSCAPE PLAN EXISTING FIRE HYDRANT EXISTING PARKING LOT SIGNING	
OCCUPANCY GROUP: M - RETAIL, STORE EXISTING ZONING: C2 PROPOSED USE: M - RETAIL, STORE EXISTING BUILDING HEIGHTS: 26' PROPOSED BUILDING HEIGHTS: 26' TOTAL OCCUPANCY: 37			REQUIRED BKE PARKING AT HIGH RETAIL SHOPPING CENTER WITH MORE THAN 50,000 SF GFA 1 SPACE PER 33 AUTO SPACES 15 REQUIRED AUTO SPACES / 22 = 4 BKE PARKING REQUIRED 12 PROVIDED		10 FURRI CHANGING STATION, A SHORT TRAIL WITH SOLID CHAIR 11 BKE PARKING, 8 SHORT TERM BKE PARKING LOCATIONS					

THIS INVOICE AND ITS PROVISIONS ARE HEREBY ASSUMED TO BE A PART OF THE CONTRACT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE ACQUISITION OF ALL NECESSARY PERMITS AND FOR THE OBTAINING OF ALL NECESSARY APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE OBTAINING OF ALL NECESSARY APPROVALS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.

Approval:	
DATE	SIGNED
PROJECT	PROPOSED
10/06/08	10/06/08

Revisions:		
REV NO.	DATE	REVISIONS
1		
2		
3		
4		
5		

www.CoastArch.com Tel 805.985.7654
Principal Partner : Mike Sanchez

REGISTERED ARCHITECT
STATE OF CALIFORNIA
No. 67392
Exp. 12/31/2013

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

FGH RESEARCH

SITE PLAN

A1

Sheet No:

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

Email Jeff@CoastalArch.com

Architect : Jeff Zook

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



MEMORANDUM

Agenda Item No.: F.3

Date: October 5, 2021

To: Planning Commission

From: Jose Coyotl, Associate Planner (805) 385-7863
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 1 – 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, 505 S. A Street Suite 200, Oxnard, CA 93030, on behalf of FGH Retail Services, LLC.

Subsequent to the release of the Staff Report, staff has received public correspondence regarding the subject project (attached).

Attachment

- A. Letter dated October 5, 2021, sent by Michael Chernis



CHERNIS LAW GROUP P.C.
2425 Olympic Blvd. Suite 4000-W
Santa Monica, CA 90404
Telephone: (310) 566-4388
Facsimile: (310) 382-2541

—
Email: michael@chernislaw.com

October 5, 2021

Honorable Chair and Member of the Planning Commission
City of Oxnard
214 S. "C" Street.
Oxnard, California 93030

cc: Planning@oxnard.org
Scott.kolwitz@oxnard.org
Jose.coyotl@oxnard.org
Kenneth.rozell@oxnard.org

RE: FGH Retail Services, LLC Commercial Cannabis
Business Retail Special Use Permit

Dear Honorable Members of the City of Oxnard Planning Commission:

I serve as legal counsel to FGH Retail Services, LLC ("FGH") and as a member of its Advisory Board. I have been an attorney for more than 25 years in both New York and California, and for the last decade my practice has focused on representing clients in the adult-use and medical cannabis industries. I have worked with FGH for the last two years in its effort to open a retail cannabis dispensary in Oxnard, and I proudly write in support of its application for a Commercial Cannabis Business Retail Special Use Permit ("SUP").

In connection with the October 7, 2021 hearing on FGH's application for a SUP, I write primarily to highlight a number of ways in which FGH's retail dispensary will benefit the Oxnard community and improve the safety, security, appearance and productivity of the shopping center in which it will operate. I also write to address the concerns lodged by some of FGH's neighboring property owners who seem opposed to retail cannabis in Oxnard.

Project Overview

FGH seeks a permit to operate a dispensary at 2320 N. Rose Avenue in Oxnard (hereinafter, "FGH Property"), which is part of a shopping plaza known as the Shopping at the Rose II (hereinafter the "Rose II Center"). The FGH Property consists of an existing 23,275 sf commercial building in the General Commercial (C-2) zone and the Rose II Center overall comprises a 17.38 acre site. There are no sensitive uses within ¼ mile of the FGH Property.



CHERNIS LAW GROUP

Oxnard Planning Commission
October 5, 2021
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FGH's location is ideal for a cannabis dispensary because of its proximity to existing commercial centers and major traffic thoroughfares like Highway 101 and N. Rose Avenue; this location sees 150,000 passing cars daily and there are 260,000 residents within a 5-mile radius. It has more than sufficient parking with 129 dedicated spaces.

Planning Staff has recommended approval of the SUP and concluded, in relevant part, that the "site will be secured at all times by the use of property security measures as reviewed by the Police Department."¹ Planning Staff has further advised that "[w]ith 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."²

FGH is both the dispensary operator and the owner of the FGH Property through an affiliated entity. FGH's management team is nearly-all born and raised in Oxnard, with most still residing and raising children there. Thus, FGH is incentivized to not only build its business and profit margin, but also to enhance the FGH Property and the surrounding neighborhood.

FGH's management team is deeply rooted in the Oxnard community. They are a group of highly accomplished and competent professionals from diverse backgrounds including Fortune 500 companies, government, finance and highly regulated multi-state businesses including cannabis. They have more than 25 years of experience owning and operating cannabis businesses including a retail dispensary in adjacent Port Hueneme. The team is led by CEO Vanessa Hernandez, CEO-Alex Soriano and COO-David Garcia, each of whom were born in Oxnard and still lives in Oxnard (except for Mr. Soriano who now lives in nearby Ventura). In fact, of the seven key members of the management team, all but one are current or former residents of Oxnard, and all are current residents of Ventura County.

FGH is truly a local endeavor. Apart from being 100% locally managed, FGH is majority-owned (58.5%) by City of Oxnard Residents. FGH is thus proud to be the first beneficiary of the City of Oxnard Local Equity Program.

Granting FGH a SUP to operate a cannabis dispensary will not only be a great accomplishment for its managers but will also reflect the values and commitment to diversity of Oxnard. FGH has an all-Hispanic management team, the majority of whom (Vanessa Hernandez, David Garcia, Alex Soriano, Maria Valdez and Ricardo Hernandez) had parents and/or grandparents who worked as migrant farm workers in Oxnard and often worked in the fields themselves alongside their parents. Thus, FGH represents "Oxnard Pride" and the successes of the Hispanic community in helping to build Oxnard, and thus FGH's success will also reflect the City's success in creating opportunities for its diverse community.

¹ Planning Commission Staff Report from Jose Coyotl, Associate Planner, Section 6.a.

² Planning Commission Staff Report from Jose Coyotl, Associate Planner, Section 6.d.



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FGH's management team is truly committed to their heritage and the Oxnard community which it has already demonstrated through significant volunteer and public service efforts, undertaken both before and after becoming part of FGH. Its Community Benefits plan is multi-faceted but includes donating 1% of its gross revenue (in addition to the 1% gross revenue donation required by the City) to various non-profit partners, which are causes committed to farmworkers, veterans, teens, and City beautification.

Rose II Center

The Rose II Center where the FGH Property is located was originally developed twenty-five years ago in 1996. In recent years it has become underoccupied and underutilized, and at times appears seemingly abandoned. The shopping center at one time consisted of several successful "big-box" retailers but that is no longer the case. For example, the FGH Property used to house **Office Max**, but since that store closed in 2019 it has been leased to a costume store which only uses part of the space. On one side of the FGH Property is a **Best Buy** (the only remaining retail store in the shopping center) and on the other side a **Goodwill** store. **Babies R Us** used to occupy a standalone building in the shopping center but it closed in 2018 and the space has been vacant ever since (apart from being used temporarily as a vaccine facility). The other parcels consist of a gas station/convenience store, a **Golden Corral** restaurant, and an undeveloped vacant lot. Thus, the Rose II Center does not currently have the prestige, appearance or customer traffic of its neighboring shopping centers.

As the larger retailers have vacated, the Rose II Center has become neglected and run down, and the absence of customers and adequate security has created a vacuum filled by vandals, homelessness and even criminals.



June 7, 2021



June 26, 2021



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Thus, in just the last two years there have been numerous incidents of vagrants starting fires and other nuisance activities at the Rose II Center. For example, in August 2019, while the FGH Property was still in escrow, all of the copper from its A/C units were stolen and many of the units were vandalized leading to a \$67,400 repair bill. And just a month later, in September 2019, someone set fire to an electrical closet behind the FGH Property which destroyed an electrical transformer that powered a number of the businesses and parking lot lights in the Rose II Center.



Damage from September 2019 fire

In February 2020, a homeless person living behind the store started a fire behind the FGH Property leading to \$5,000 in repairs.



And in November 2020, someone started a second fire behind the FGH Property.



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Many vagrants are able to access the Rose II Center from the area adjacent to Highway 101 through a hole cut in a border fence that remained unrepaired for months.



March 25, 2021

Unfortunately, the limited security presence provided by the Rose II Center has proven inadequate to prevent these fires and other nuisance activity. It has also proven inadequate to deter more serious crimes which have been on the rise at the shopping center. In the year ended August 31, 2021 alone, there have been numerous police reports and arrests for shoplifting, vehicle theft, possession of methamphetamine, and even drug overdoses in and around the



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neighboring businesses in the Rose II Center. On October 21, 2020, the Oxnard PD Drug Enforcement Unit arrested a man at the gas station located at the Rose II Center suspected of operating a large scale heroin distribution operation; he was reportedly arrested with enough heroin to cause 2,000 overdoses. <https://www.citizensjournal.us/oxnard-narcotics-sales-arrest-2/>

Apart from crime, the Rose II Center has also become garbage strewn and generally neglected.



June 26, 2021



September 21, 2021

FGH's presence at the Rose II Center will immediately increase the security presence, attract more customers and help the shopping center become more prestigious and vibrant. Rather than having a reputation of being garbage-strewn and dated, it will become enhanced by housing one of the largest and most beautiful and modern cannabis dispensaries in California. FGH plans an extensive renovation and upgrade of the FGH Property, both inside and out. The architectural plans and designs for the dispensary were prepared by Jeff Zook, an Oxnard-based architect who has won numerous prestigious awards and participates on the Oxnard Design Advisory Committee. The aesthetic is a contemporary design with an emphasis on natural and recycled materials. The interior will have a modern and large showroom, spacious waiting area and ample education center that will be made available to the community for certain events.



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The renovation includes all new interior walls, ceilings, doors, floor and wall finishes, new high-end restrooms, and complete lighting and mechanical systems.



The exterior façade will also be redesigned to match the aesthetic of the interior, including an art installation. The idea is to make this one of the biggest and most beautiful dispensaries and shopping experiences in California.



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FGH will also help boost business for its neighbors. Cannabis is the fastest growing industry in the United States. The impact from cannabis sales is expected to reach \$92 billion in 2021 – up more than 30% from 2020 – and upwards of \$160 billion by 2025.³ California is the biggest beneficiary of that growth trend given the size of its population and scope of its regulated cannabis sector, and Oxnard and FGH will account for a significant share of those cannabis sales. FGH through its relationship with the **Tree Factory** brand is expected to achieve its conservative sales goals of \$11 million in revenue and approximately \$800,000 in local taxes and charitable donations in Year 1, and \$16 million in revenue and \$1.1 million in local taxes and charitable donations by Year 3. FGH's target customer ranges from 21-75 years of age, with an average age of 37. This demographic will create ancillary foot traffic to the restaurant, **Best Buy** and gas station businesses. The uptick in business will likely also help the owners of the former **Babies R Us** space finally lease their space which has had no permanent tenant since 2018.

FGH will also bring much needed security to the Rose II Center. FGH has worked with the City of Oxnard to refine its security plan and ensure it meets with the approval of the Oxnard PD. FGH's security measures will be coordinated and overseen by Curtis Smith, a long time Ventura County resident, a retired Navy Seabee-Chief and a retired Oxnard Police Detective. Curt's assignments at Oxnard PD included Field Training Officer, Police Academy Instructor, Narcotics Detective and Homicide Detective. He also served as President of the Oxnard Peace Officers Association. Among other things, FGH's security measures will include multiple security guards, dozens of exterior and interior cameras, electronically-controlled points of entry, patrols in the parking lot to reduce nuisance activity and loitering, and enhanced exterior lighting. Oxnard PD will have 24-7 web access to FGH's security cameras.

In fact, FGH has already started working with the Oxnard PD to improve security and reduce nuisance activity at the Rose II Center. For example, on March 25, 2021, FGH's President Vanessa Hernandez met with Oxnard Police Officer Juanita Suarez to discuss ongoing loitering and vandalism issues and other ways of improving safety. Ms. Hernandez shared the Oxnard PD's recommendations with Stanley Rothbart (the property manager and gas station owner) on May 4, 2021, and together they developed the concept of a "Rose Improvement Day" to make small improvements at the shopping center. Thereafter, FGH coordinated a follow-up meeting with Oxnard Police Officer Suarez to discuss proposed ways of improving safety and security at the shopping center. As a result, FGH has already undertaken a number of minor improvements to improve safety and security, including 1) trimming trees and bushes to eradicate hiding spots for vagrants; 2) repairing the fence that separates the rear of the property from the 101 and which has become an access point for homeless and vagrants; and 3) picking up trash left behind by homeless and loiterers.

³ <https://mjbizdaily.com/marijuana-industry-expected-to-add-92-billion-to-us-economy-in-2021/>.



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July 11, 2021

Just these modest clean-up efforts by FGH in the last year and the frequent presence of its management team on the premises had led to a decrease in calls to the Oxnard PD relating to the Rose II Center. Once FGH commences its buildout and operations, its steady presence will further deter nuisance activity at the shopping center.

Opposition

Unfortunately, not all of FGH's neighbors at the Rose II Center appreciate the benefits FGH's project offers to the community and the shopping center; thus some (but not all) of its neighbors have registered opposition to FGH's application for an SUP. In letters written to the City on behalf of three neighboring property owners, Attorney Seena Samini claims that (1) FGH's proposed use would violate existing Easements with Covenants and Restrictions ("CC&Rs") which allegedly prohibit the operation of a cannabis business, and that (2) FGH misled the City of Oxnard during the application process by not divulging the fact that some of its neighbors were opposed to the project. In truth, FGH's neighbors seem to be fearful about possible nuisance issues historically connected to cannabis businesses generally.

In any case, Mr. Samini's assertions about the CC&Rs are inaccurate – and irrelevant. The City has made it clear on a number of occasions that a purported private dispute about the content of CC&R's is not a basis for denying a SUP. In fact, the Staff Report prepared in



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connection with FGH's SUP application concludes, "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."⁴ (Emphasis added). Section 5 of the Draft Standard Conditions of Approval For Land Use Permits for FGH, dated September 7, 2021, states that "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)." (Emphasis added). Thus, even if there were some prohibition in the CC&Rs against cannabis – which there is not – that would be irrelevant to the Planning Commission's determination.

Because Mr. Samimi recognizes that enforcement of the CC&R's is not within the purview of the Planning Commission, he states in his letter that its purpose is "not to ask the City to enforce the CC&Rs governing the Complex." Yet, Mr. Samimi suggests that the existence of the CC&R's is something to be considered by the Planning Commission under Oxnard City Code §16-531(A), on the ground that "such use will adversely affect or be materially detrimental to such adjacent uses..." This is really asking the Planning Commission to deny a SUP based on CC&Rs, which is precisely what the City has said repeatedly is not proper. Thus, it is respectfully submitted that there is no need for the Planning Commission to delve into the Rose II Center CC&Rs.

If Mr. Samini's clients truly believe that the FGH project would be detrimental to the Rose II Center and in contravention of the CC&Rs, they are free to file a formal dispute against FGH – which they have not yet done. FGH is confident that it will prevail should Mr. Samini's clients take that step. Contrary to his implication, there is nothing in the CC&Rs that prohibits a cannabis business that is licensed and approved by the City of Oxnard from operating in the Rose II Center. And there no statement in the CC&Rs to the effect that a business that is legal in California and in the City of Oxnard cannot operate because it is in violation of the federal Controlled Substances Act. The CC&Rs say no such thing. The language Mr. Samini relies upon was drafted twenty-five (25) years ago and did not anticipate a time when Oxnard, California, and indeed most of the United States would legalize medical and/or adult-use cannabis. It contains antiquated and, at best, vague language that generally instructs not to violate any law "of any governmental authority with jurisdiction over any portion of the Shopping Center." This language refers to land use and zoning law, which is the province of the City of Oxnard, and not the federal Controlled Substances Act.

The phrase "governmental authority with jurisdiction" used in the CC&Rs is a term of art routinely used as shorthand in development documents, ordinances and industry codes to refer to the governmental authority that sets standards for myriad building code issues, equivalent to the term "*authority having jurisdiction*" ("AHJ"). Because many of the local ordinances and regulations governing building and safety codes are based upon model codes, such as the

⁴ Planning Commission Staff Report from Jose Coyotl, Associate Planner, Section 8.



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National Electrical Code and National Fire Code, there is a benefit to using a single term to refer to the group of agencies and authorities involved in enforcing and approving the conduct related to a particular activity rather than seeking to list them all in the operative document. In Section 203.0 of the California Mechanical Code, for example, the term “Authority Having Jurisdiction” is defined as “[t]he organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, installations, or procedures.” Similarly, Cal. Code of Reg. Title 24, Part 3, Art. 100, defines “Authority Having Jurisdiction” as “[a]n organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.” Therefore, the AHJ language, and in particular the words “*governmental authority with jurisdiction over any portion of the Shopping Center*,” are “[t]echnical words [that] are to be interpreted as usually understood by persons in the profession or business to which they relate...” and not in the ordinary sense of what jurisdiction might mean. (Cal. Civ. Code § 1645.) Simply put, it does not have the meaning urged by Mr. Samini.

Similarly, the CC&Rs do not prohibit all “adult use” as has been suggested, but rather very specific ones that implicate sexual activities (i.e., adult bookstores, adult theaters, massage parlors, and acupuncture studios⁵). Thus, Mr. Samini’s claims about the CC&R’s may be disregarded, as they are not a basis for denial of FGH’s SUP application.

Likewise, his suggestion that FGH has somehow misled the City about his clients’ opposition to the FGH project is unfair and untrue. FGH never claimed during the licensing process, or during its February 18, 2021 interview with Staff, that it had the full support of its neighbors. To the contrary, FGH during the interview and application review process disclosed to the City that some of its neighbors were taking the position that FGH’s intended operation of a dispensary would violate the CC&Rs. I specifically discussed this matter with Kenneth Rozell, Chief Assistant City Attorney, who advised that the City does not get involved in disputes pertaining to CC&Rs and that they are not a basis for a denial of a permit. And during the interview with Staff on February 18, 2021, FGH disclosed that it was scheduled to meet the following week with neighboring property owners about their concerns. Thus, it is plainly wrong to suggest that FGH misled the City about the support of Mr. Samini’s clients.

And, in any case, as of the time FGH gave its February 18, 2021 presentation to the City, FGH was hopeful its neighbors would support the project and it was not clear each of Mr. Samini’s clients would stand in opposition. For example, beginning in Fall 2019 I first spoke with Mr. Rothbart (one of Mr. Samini’s clients and the Rose II Center property manager) about FGH’s plans for a dispensary and his concerns about how it might fit into the shopping center. Mr. Rothbart asked me to provide him with information on other dispensaries operating in comparative shopping centers in California, which I happily did on December 16, 2020 (See Exhibit A attached). I invited Mr. Rothbart to meet to discuss the data, but he never accepted my offer. On May 6, 2020, I again wrote to Mr. Rothbart inviting a dialogue about FGH’s plans.

⁵ Inclusion of this last type of business indicates the outdated mores in place at the time of drafting.



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We didn't hear anything further from Mr. Rothbart about the FGH project—let alone any opposition to FGH's plans for more than a year – until February 23, 2021 –when FGH and I gave a two-hour long Zoom presentation to all the neighboring property owners at the Rose II Center. This presentation was done at the request of the neighboring parcel owners to learn more about the project, and spearheaded by the owner of the property that leases to the **Best Buy** store (which has not opposed this project). In advance of the presentation, FGH and I prepared an extensive PowerPoint presentation that sought to address the list of questions presented to us in advance (attached as Exhibit B), most of which implicate nuisance concerns. During the presentation, we explained the scope of FGH's plans, introduced FGH's management, provided a number of renderings and project details, shared statistics to show the demographics of FGH's target customer and the lack of correlation between dispensaries and crime, and sought to calm concerns about perceived nuisances. We answered questions and offered to make ourselves available to answer any questions in the future.

Notably, this presentation to the neighboring owners was conducted after FGH submitted its retail application to the City of Oxnard during the renewed application process, and approximately one week after FGH had its February 18, 2021 interview with the City. We were optimistic at that time that the neighbors would appreciate the obvious benefits of FGH's dispensary. It was only months later that we learned Mr. Samimi had written to the City in formal opposition to our plans. Thus, it is disingenuous to paint FGH as having misled the City about Mr. Samimi's client's opposition when it was not apparent to us at the time FGH made its presentation to the City.

In fact, on March 12, 2021, a month after FGH gave its presentation to the City, I again wrote to Mr. Rothbart asking whether he would like to chat further about the FGH presentation and discuss any questions he had, and he had no response. It was not until June 4, 2021, long after FGH had received its conditional license from the City, that Mr. Rothbart told FGH he was in opposition to its dispensary plans. At that time, Mr. Rothbart expressed concerns about the “type of people” who would frequent the dispensary, and what part of Oxnard they were from.

FGH has done its level best to address any concerns lodged by its neighbors, and has engaged in an extensive effort to build community support for the project. Vanessa Hernandez has personally canvassed all of the businesses in the adjacent Rose I, Rose Crossing and Rose Ranch Shopping Centers multiple times leaving information about FGH including its contact information. Ms. Hernandez spoke or met with the majority of the owners or business managers about FGH's proposed dispensary and not a single person spoken with raised any objection or had any concerns; rather, they seemed excited about the new business opportunities. This is reflected, in part, by the petition submitted by FGH reflecting the support of 180 local businesses and community members. And on July 24, 2021, FGH hosted a “Meet & Greet” event for the community at large and the Oxnard PD to discuss improvements, security issues and employment opportunities. These are just examples of the efforts by Ms. Hernandez and other members of FGH to address concerns of its neighbors over the last two years.



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Conclusion

FGH understands the fears and nuisance concerns of Mr. Samini's clients – which are rather typical for businesses adjacent to cannabis dispensaries – but they are all quite speculative and we expect to prove them wrong. What they don't seem to appreciate yet is the tremendous value FGH will bring to the Rose II Center, by revitalizing the FGH Property and driving more consumer traffic to each of the surrounding businesses. The current state of the Rose II Center is sad – parts of it remain undeveloped (including Lot 4 owned by one of the opposing neighbors) or empty (Lot 3 which is the former **Babies R Us**). The only thriving business that remains is **Best Buy**, which does not oppose the FGH project. FGH's store will be one of the largest in the State, will draw hundreds of new customers daily, and promises to revitalize the Rose II Center.

The FGH Management team has roots in Oxnard and most still currently live there. As such, they are all invested in the community and its improvement, for themselves and their families, and have a long track record of community involvement and engagement; they are not the type of people who would allow a store and their investment to become a nuisance on their own community to make a buck.

Accordingly, I enthusiastically urge the Planning Commission to adopt the recommendation of Planning Staff to issue FGH its Special Use Permit.

Sincerely,

Michael Chernis, Esq.

EXHIBIT A

From: [Michael Chernis](#)
To: ["Stanley Rothbart"](#)
Bcc: [Michael Chernis](#)
Subject: RE: Rose Property 2
Date: Monday, December 16, 2019 4:16:00 PM
Attachments: [California Dispensaries shopping centers.pdf](#)
[Out of state Dispensaries shopping centers.pdf](#)

Hello Stanley – I hope you had a nice thanksgiving.

Sorry for the delay but the project was a little more cumbersome then expected, especially given the holidays. But we have compiled comp data that we believe answers you question, in that it shows dispensaries already co-exist in shopping centers similar to Rose II. We have included our findings on the attached documents. There is one which lists about 20 California dispensaries, as well as a list of 4 out-of-state dispensaries. Each of the out-of-state dispensaries we found appears to be in a shopping center on par if not exceeding the level of stores in Rose, with big national brand retailers and restaurants and other businesses. For the in-state list of 20, more than half of them also fit the same criteria; some of the ones we included we could not determine if the dispensary was technically on the same property as the shopping center but even in those cases the dispensary is co-existing immediately adjacent to big national retail brands and parking, and a few are smaller shopping plazas which include national brand retailers or restaurants, but not quite what I would call a shopping center.

I hope this satisfies you that Rose II would not be the first shopping center of its kind to have a dispensary. While we have not determined for each of these locations whether CCRs or ECRs exist, I think given the type of properties we are looking at it is safe to say most of them do.

Lastly, we believe there are other examples out there, especially in other states, of dispensaries in shopping centers, but which we have not yet identified. That is because I do not have access to this information from out of state and thus had to rely on examples provided to me by colleagues. And as for in-state, I got the universe of dispensaries from the State website of retailers already operating, but that does not include hundreds of dispensaries that are not yet operational but are in the planning or build-out stage, some of which may be in shopping centers. For example, Los Angeles is in the process of approving licenses for an additional 100 applicants, some of which are no-doubt located in shopping centers.

Please let me know when you would like to meet to discuss this further.

Thank you, Michael

From: Stanley Rothbart <stan@rothbartdev.com>
Sent: Wednesday, November 27, 2019 8:39 PM
To: Michael Chernis <michael@chernislaw.com>
Subject: Re: Rose Property 2

I would like to visit the centers in person (assuming that they are convenient) before we meet

Stanley Rothbart
Stan@rothbartdev.com

On Nov 27, 2019, at 6:17 PM, Michael Chernis <michael@chernislaw.com> wrote:

At the meeting was what I was thinking

From: Stanley Rothbart <stan@rothbartdev.com>
Sent: Wednesday, November 27, 2019 6:15 PM
To: Michael Chernis <michael@chernislaw.com>
Subject: Re: Rose Property 2

When will you get me the comp locations

Stanley Rothbart
Stan@rothbartdev.com

On Nov 27, 2019, at 4:06 PM, Michael Chernis
<michael@chernislaw.com> wrote:

Hi Stanley – I am following up on our call from last week and the dispensary issue. As you suggested we are putting together a list of comp situations with dispensaries to review with you and was wondering whether you might be available for a meeting towards the end of next week.

Have a nice thanksgiving.

Michael

Michael S. Chernis, Esq.
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Santa Monica, CA 90404

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Michael@chernislaw.com

www.chernislaw.com

<image001.jpg>

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EXHIBIT B

Questions for Rose Oxnard II Presentation – Feb. 23, 2021 at 1PM (PST)

Have you previously operated a cannabis operation?

If so,

- How many:
- Where:
- Dates of operations:
- Square footage operated:

What is the trade name of the business?

How will the interior of the space be used?

How much area would be allocated to the dispensary?

What would the balance of the building be used for? Any cultivation?

Are you proposing any changes to the common area?

Do you have any floor plans/design for the building?

What City permits are you required to obtain to operate?

What is the status of City Approval for Cannabis Licensing?

Why do you think you will get a license?

What are your proposed hours of operation?

What security measures are proposed for inside and outside the store? Such as Armed Guard, Controlled Access, Cash Controls, etc.

What demographic is the operator targeting? What's the price point of the merchandise being sold (low, medium, high relative to competitors)?

Are there other cannabis shops the principals own? Are there other large format cannabis stores in Southern CA market that would be good comparisons?

Does this use produce a smell of cannabis inside or outside the store? Would adjacent tenants be affected? If so, will an Air Filtration system be utilized?

Does this use lead to customers smoking or using cannabis in the parking lot or common areas?

Does this use increase the insurance costs of the other owners or the insurance on the common area? If so, would the cannabis operator be open to covering the increased costs?

Do you have any statistics on this use increasing crime in the surrounding area?

Does this use prevent other owners &/or occupants operating in the same center from receiving loans from lenders?

Any statistics on the demographics of the customers frequenting cannabis stores? Are they more/less likely to cross shop? Will this use benefit the other tenants in the shopping center?

MEMORANDUM

Agenda Item No.: F.3

Date: October 7, 2021

To: Planning Commission

From: Jose Coyotl, Associate Planner (805) 385-7863
Scott Kolwitz, Planning & Environmental Services Manager

Subject: Transmittal Memo No. 2 – 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, 505 S. A Street Suite 200, Oxnard, CA 93030, on behalf of FGH Retail Services, LLC.

Subsequent to the release of the Staff Report, staff has received public correspondence regarding the subject project (attached).

Attachments

- A. Email dated October 6, 2021, sent by Mike Barber
- B. Letter dated October 6, 2021 sent by Seena M. Samimi



Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] Item F3 please read into record

1 message

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

Thu, Oct 7, 2021 at 8:32 AM

To: Mike Barber <t2thebar@gmail.com>

Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>, "Rozell, Kenneth" <kenneth.rozell@oxnard.org>

Hi Mike,

Thank you for your email. We will forward your email to the Planning Commissioners as soon as possible.

Regards,

Dee Lai | Administrative Secretary III**Community Development Department**

214 S C Street | Oxnard, CA 93030

O: 805.385.7878

www.oxnard.org**We welcome you back to the Service Center!**

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

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

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

On Wed, Oct 6, 2021 at 8:39 PM Mike Barber <t2thebar@gmail.com> wrote:

To All Planning Commissioners,

I am in strong support of the Special Use Permit for FGH Retail Services, LLC. FGH has been a strong supporter of Santa to the Sea for the last few years in providing a large amount of toys for the residents of our neighborhood. They have also participated in the distribution of toys and assisting our community in other programs for our residents.

I believe that FGH will help improve the building site where proposed and will help improve the shopping center area and bring additional economic development to Oxnard.

Thank you for your consideration and I request that you approve the SUP.

Sincerely,

10/7/21, 9:54 AM

City of Oxnard Mail - Re: [Ask Planning Action] Item F3 please read into record

Mike Barber
Founder, Santa to the Sea

Seena M. Samimi
ssamimi@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
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October 6, 2021

VIA EMAIL ONLY

City of Oxnard Planning Commission
300 West Third Street
Oxnard, CA 93030
Planning@oxnard.org
Jose.Coyotl@oxnard.org

**Re: FGH LLC – PROPOSED LOCAL EQUITY CANNABIS FACILITY
APPLICANT FOR 2320 N. ROSE AVE., OXNARD, CA
Planning Commission Oct. 7, 2021 Hearing – Agenda Item #3**

Dear Honorable Planning Commissioners,

This letter of opposition 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 ("Project"), at 2320 N. Rose Avenue, Oxnard, CA (the "Property").

[CONTINUED ON NEXT PAGE]

I. EXECUTIVE SUMMARY

1. **The City is unable to make the findings required under Oxnard Zoning Code Section 16-531(A).** This provision requires that the Planning Commission 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." The adverse effects on adjacent uses include, but are not limited to (see Section III for additional details):
 - a. **Loss of Business/Tenants:** Due to proximity to an adult use, there are now restrictions on entire classes of tenants within the Complex (schools/childcare or family-oriented businesses). Also, the presence of the dispensary will also discourage certain types of patrons from shopping at the Complex.
 - b. **Financing:** Many financial institutions have advised that on projects that contain cannabis uses, they would refuse to lend or refinance if there is a tenant within the Complex that is a cannabis use.
 - c. **Crime/Loitering:** Due to the high volume of cash and high-priced products on site, the dispensary will increase crime risks. Also, loitering in front of surrounding businesses, and cannabis consumption in the parking lot will be disruptive.
 - d. **Insurance:** Insurers have indicated that there will be premium increases due to the risks associated with a neighboring cannabis use.
 - e. **Odors:** The notorious odors emanating from dispensaries will be disruptive to neighboring businesses.
2. **FGH's business can never open within the Complex anyway:** The CC&Rs expressly prohibit 1) adult uses and 2) federally illegal uses, such as a cannabis dispensary. Because the Neighboring Owners will sue to enforce the CC&Rs (which are clear on this point) the City will be wasting its time and resources, and will be depriving itself of the tax revenues from a more deserving (and properly located) cannabis business. (See Section IV.)
3. **FGH misrepresented facts in its presentation to the City:** FGH touts "neighborhood compatibility" as a key reason for why its application should be granted, and repeatedly implied that the Neighboring Owners would support the use. This is utterly false. FGH was put on notice of the Neighboring Owners' vehement opposition to the Project since at least April 2020, and made no mention of this fact to the City. (See Section V.)
4. **The Project is subject to CEQA:** The exemption claimed by the City is inapplicable, and even if it was applicable, exceptions apply, due to unusual circumstances. (See Section VI.)
5. **The Planning Commission Resolution is rife with errors that need correction:** Even if the Planning Commission decides to approve the Project (it should not), it cannot approve the Resolution that is before it without making several changes and clarifications, discussed in Section VII. For example, even though the Project is presented as a storefront retail operation only, the Conditions of Approval also purport to regulate delivery of cannabis to end-consumers, as well as cultivation.

II. BACKGROUND AND CORRECTION OF THE INCOMPLETE RECORD

The Neighboring Owners submitted a thorough letter to the City on June 15, 2021¹, addressing several crucial points that they wanted to ensure were brought to the attention of the Planning Commission. However, the letter's main point of contention – **that the City is unable to make the findings required under Oxnard Zoning Code Section 16-531(A)** – was entirely ignored by the staff report. The letter's purpose was twofold (as stated expressly therein): 1) provide the City with the relevant information needed 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" as required by Oxnard Zoning Code Section 16-531, and 2) to put the City on notice that even if it approves the Project, FGH will never be able to open, operate, or provide a tax benefit for the City, as the Neighboring Owners will act to enforce the CC&Rs, which expressly prohibit adult uses, including cannabis businesses.

The Neighboring Owners write now to again express their vehement opposition to the Project, and to bring to the Planning Commission's attention several major flaws with the proposed resolution. The Planning Commission should vote to deny the Project.

III. THE CITY CANNOT MAKE THE REQUIRED FINDINGS UNDER OXNARD ZONING CODE SECTION 16-531(A)

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.

...

¹ A portion of this letter (which was mischaracterized by the staff report) is attached as "Attachment K" to the staff report, but the accompanying exhibits to the letter were omitted. As such, for the sake of a complete record, attached hereto as **Exhibit A** is the complete version of the June 15, 2021 letter, including the omitted Exhibits 1-2 thereto (April 24, 2020 and May 27, 2020 letters sent from Neighboring Owners to FGH). Note that the CC&Rs are also attached as an internal exhibit to the April 24, 2020 letter.

Staff reports, and proposed resolutions for the Planning Commission's consideration, typically contain a list of required findings that are taken verbatim from the relevant municipal codes (in this case, Oxnard Zoning Code Section 16-531), and then explain how the Project satisfies, or fails to satisfy, each of the requirements. The staff report before the Planning Commission for the October 7, 2021 hearing (and the accompanying proposed Planning Commission Resolution) does no such thing.

Rather than listing the requirements from Oxnard Zoning Code Section 16-531, pages 3-5 of the proposed Planning Commission Resolution instead only paraphrases some of the requirements therein, and in so doing, misses some important mandatory requirements, such as those listed Oxnard Zoning Code Section 16-531(A).² As such, if the City were to approve the project based on the resolution currently before the Planning Commission, it would constitute an abuse of discretion under California Code of Civil Procedure Sections 1094.5(b)-(c): "Abuse of discretion is established if the respondent has not proceeded in the manner required by law, **the order or decision is not supported by the findings, or the findings are not supported by the evidence.**" (See also, *Topanga Association for a Scenic Community v. County of Los Angeles* (1974) 11 Cal.3d 506, 515 [an agency must set forth findings to "bridge the analytic gap between the raw evidence and the ultimate decision or order."].)

The Neighboring Owners want to again be very clear regarding the intent of this letter (and the June 15 letter). **The purpose is not to ask the City to enforce the CC&Rs governing the Complex.** The Neighboring Owners will do so themselves through litigation, if necessary. Rather, the Neighboring Owners **simply ask the City to do as Oxnard Zoning Code Section 16-531(A) requires:** consider the "nature, condition and development of adjacent uses, buildings and structures"³ and to reject the Project if it "will adversely affect or be materially detrimental to such adjacent uses, buildings or structures." Because the Project will have an adverse effect on the neighboring uses, the Planning Commission should reject the application, as it cannot make this required finding.

A. Adverse Impacts on Neighboring Uses

There are several adverse impacts on the adjacent uses that the Planning Commission should be aware of, as it determines whether it can make the required finding under Oxnard Zoning Code Section 16-531(A):

1. **Future Tenant Restrictions and Future Tenant Hesitancy:** Because cannabis sales are an adult use, and regulations prohibit certain sensitive uses near cannabis operations, the Neighboring Owners will be legally prevented from renting to certain types of businesses

² Surprisingly, the staff report makes no mention of Oxnard Zoning Code Section 16-531 (aside from attaching a portion of the letter submitted by Neighboring Owners to this effect).

³ This is the requirement of Oxnard Zoning Code Section 16-531(A) that the staff report fails to cite, and fails to address. That is because neither the staff report, nor the Planning Commission Resolution, take this requirement into consideration.

in the future, such as youth groups, schools, preschools, day-cares, and the like. Beyond the outright prohibition regarding certain classes of tenants, many family-oriented businesses (including themed restaurants, family restaurants, event spaces, etc.) also will refuse to sign a lease if there is a cannabis operation within the Complex. There are also non-family-oriented commercial businesses that will simply refuse to be located in a complex containing a cannabis dispensary.⁴ This means that the pool of potential tenants will be reduced, which in turn, means that vacancies will take longer to fill, which has a negative financial impact on the Neighboring Owners (as well as the City, due to decreased tax revenues).

2. **Financing:** Many financial institutions have advised that on projects that contain cannabis uses, they would refuse to lend or refinance if there is a tenant within the Complex that is a cannabis use. Due to federal illegality of cannabis, financial institutions tend to take a hard stance on cannabis uses (even when it is an adjacent use), and this issue could put Neighboring Owners in a precarious position when it comes to financing.
3. **Traffic:** FGH's operations are expected to bring a significant amount of vehicle traffic, foot-traffic and visitors to the business. The staff report is ambiguous regarding whether FGH's operation also includes delivery beyond storefront retail.⁵ To the extent that FGH operates a delivery business from the Property, that will greatly impact the atmosphere of the parking lot, converting it from a space for parking, to a hub for delivery vehicles. The impacts from such a major change would need to be analyzed and potentially mitigated.
4. **Crime:** Because cannabis remains federally illegal in most circumstances, most cannabis operators still deal heavily in cash. Some cannabis operators have established illegal workarounds⁶ to this typically cash-only business, only to be criminally prosecuted. The large amounts of cash, often kept in safes onsite, along with the extremely high-valued products, mean that cannabis operations such as that of FGH often have millions of dollars of combined cash and products on site. This leads to higher security threats, and a greater probability of crime and attempted theft. In addition, consumption of cannabis in public is still a crime in all of California, even in local jurisdictions where it has been legalized, including in Oxnard. (California Health and Safety Code Sections 11362.3-11362.4 .) The increased crime risks would also lead to higher security costs for the Neighboring Owners.
5. **Odors:** Cannabis dispensaries are notorious for emitting strong smells which the Neighboring Owners consider to be offensive and a nuisance. Conditions of approval relating to these smells do little to mitigate the impacts. To the extent that patrons of the

⁴ This is not mere conjecture. One of the Neighboring Owners was told by a large national retailer that it would not enter into negotiations for a lease if there was a possibility of a cannabis-related use being permitted within the Complex.

⁵ See full discussion in Section VII below. However, if delivery is included in the Project proposal, the Neighboring Owners hereby request a continuance of the hearing, so that facts can be gathered, and a proper response can be made as to the impacts that would have on the Complex.

⁶ https://www.americanbar.org/groups/business_law/publications/blt/2020/02/cannabis-banking/;
<https://arstechnica.com/tech-policy/2020/07/feds-indict-men-for-disguising-pot-payments-as-orders-for-dog-toys-and-soda/>

neighboring businesses are bothered by the smells, they will also avoid shopping in the Complex, and go elsewhere.

6. **Loitering:** Patrons who obtain the cannabis from FGH may loiter and consume 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.
7. **Insurance:** For many of the same reasons listed above (increased crime risk, loitering, odors, tenant restrictions, etc.), the Neighboring Owners will suffer from an increase in insurance premiums due to the neighboring cannabis use.
8. **Loss of Business:** Cannabis smells, loitering of FGH patrons, and the increased security risks (described above) are a material interference with neighboring businesses. In addition, a cannabis business would materially alter the prestige of the shopping center, and therefore, the neighboring businesses. It is possible, if not likely, that many families with younger children (and those who oppose cannabis for other reasons) would no longer want to take their business to the Complex once a cannabis dispensary opens therein.

The full extent of the negative impacts from FGH's operations cannot be known, but FGH was put on full notice of the concerns listed above, and despite multiple letters to FGH from counsel for several of the Neighboring Owners, FGH has not responded to these issues. Notably, the staff report also fails to address any of these issues, and despite having received the June 15 letter (with attachments) from this firm, does not even include any analysis or discussion regarding how or why these concerns have been mitigated or otherwise addressed.

In any event, based on the above adverse impacts to the Neighboring Owners, the Planning Commission cannot make the required findings under Oxnard Zoning Code Section 16-531(A), and must reject the application.

B. Direct Violation of the CC&R's Express Terms

In addition to the adverse impacts to the Neighboring Owners, the Planning Commission is also tasked with considering the "nature, condition, and development of adjacent uses, buildings and structures." In this particular case, the "nature, condition, and development of adjacent uses, buildings and structures" which the City **must consider** under Oxnard Zoning Code Section 16-531(A), are governed by a **written document**: the CC&Rs.⁷ The CC&Rs expressly prohibit the proposed cannabis use, as thoroughly analyzed in the letters to FGH from the Neighboring Owners (See Exhibit A, Exhibit 1 [April 24, 2020 letter]). 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.

⁷ The CC&R's formal name is the "Amendment and Restatement of Easements with Covenants and Restrictions Affecting Land", recorded on August 15, 1996. (See Exhibit A, internal Exhibit 1 [April 24, 2020 letter], Exhibit 1 thereto [CC&Rs].)

The City cannot make the required finding regarding adjacent uses 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. Here, the CC&Rs expressly prohibit the use that FGH is proposing. While the below list is not exhaustive, here is a representative list of prohibitions that FGH has utterly ignored:

1. **Prohibition on "adult uses" (Section 2.b):** 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.
2. **Prohibition on illegal uses (Section 2.b.iv):** 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.
3. **Prohibition on activities which interferes with the business of any other occupant (Section 2.b.iii):** The list of adverse impacts described in Section III.A above show that FGH's operation will interfere with the businesses of the Neighboring Owners.

Thus, beyond the actual adverse impacts listed in Section III.A above, the fact that FGH has decided to attempt to open a cannabis dispensary in a Complex where it is expressly prohibited is telling. The fact that FGH has refused to present any arguments as to how or why it complies with the CC&Rs also speaks volumes. This is not a company that has high regard for the rules or regulations of the Property it has purchased, even when put on notice of those requirements repeatedly. Why would FGH act any differently in connection with the City's rules or regulations? 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.

IV. APPROVAL OF THE APPLICATION WILL BE A WASTE OF THE CITY'S TIME AND RESOURCES

It is abundantly clear from the language of the CC&Rs that FGH's proposed cannabis dispensary use is prohibited, and the Neighboring Owners have already expressed their willingness and desire to enforce the terms of the CC&Rs. There is no doubt that the courts will act to enforce the CC&Rs, and that FGH will not be permitted to open the dispensary at the Property.

As such, the City will never see the tax revenues from this location even if the SUP application is approved. The available dispensary permit should be given to another deserving applicant, so that the City can see the tax revenues that would come from a properly situated cannabis dispensary.⁸

V. FGH MISREPRESENTED FACTS IN ITS PRESENTATION TO THE CITY

FGH's February 18, 2021 PowerPoint presentation to the City⁹ 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 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 A, 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.

It should be noted that the staff report also attaches a "petition" with purported signatures of approval of FGH's business. The Planning Commission should give zero weight to this petition. The staff report notes that "the City received a petition in support of the proposed Project." (Staff report p. 7.) However, the staff report does not say who provided that petition, or when, or how the petition was conducted. There is no declaration or affidavit from the person (or persons) who purportedly collected the signatures. There is no real evidence before the Planning Commission that these signatures are legitimate,¹⁰ and they should be disregarded entirely.

⁸ It should be noted that although FGH's representatives met with the Neighboring Owners regarding their operations in advance of the hearing, FGH's precondition to such a meeting was that there would be no discussion of the CC&Rs. In other words, FGH understands that its proposed use violates the CC&Rs, has no arguments to rebut this violation, and has stubbornly proceeded with its application despite this context.

⁹ Available at: https://www.oxnard.org/wp-content/uploads/2021/03/CCB-21-38-3.-FGH_Phase-3-Presentation_02.18.21_redacted.pdf

¹⁰ Without going into detail (because it is not particularly relevant for the purposes of this Planning Commission hearing), it is obvious that some of the signatures are fraudulent, as different names often appear with the same handwriting throughout the petition.

VI. THE PROJECT IS SUBJECT TO CEQA

The staff report and Planning Commission Resolution state that the Project is exempt from CEQA because it is an Existing Facility. To support this conclusion, the staff report goes on to state that 1) the Project request will not increase the square footage of the existing building and 2) no exceptions to the exemptions (Section 15300.2) apply to defeat the exemption. (Staff report p. 4.) Both of these contentions are wrong.

A. The Project Increases the Square Footage of the Building

Although the staff report claims that there will be no increase in square footage, that is false. FGH requested a permit "for a 23,000 square-foot cannabis retail facility." (Staff report p. 4.) Yet, the current application is a "request to permit the operation of a commercial cannabis retail facility within an existing 23,275 square-foot commercial suite." (Staff report p. 1.) Thus, there is an increase of 275 square feet. The staff report is internally contradictory on this issue, but there is evidence in the record that the applicant is requesting a square footage increase, and has even suggested a Community Development Director approval for such an increase. (Staff report p. 5.) As such, there is indeed an increase in square footage, and the existing facilities exemption cannot apply.

B. Several Unusual Circumstances Apply, Rendering the Categorical Exemption Inapplicable in Any Event

Categorical exemptions are narrowly construed (*Dehne v County of Santa Clara* (1981) 115 Cal.App.3d 827, 842) and the scope of the exemptions should not be unreasonably expanded (*Wildlife Alive v Chickering* (1976) 18 Cal.3d 190, 205; *McQueen v Board of Dirs.* (1988) 202 Cal.App.3d 1136.) Strict construction ensures that categorical exemptions are interpreted in a manner affording the greatest environmental protection within the reasonable scope of their language. (*Save Our Schools v Barstow Unified Sch. Dist. Bd. of Educ.* (2015) 240 Cal.App.4th 128, 140.) Furthermore, for all types of exemptions "a project is only exempt from CEQA 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." (*Dunn-Edwards Corp. v. Bay Area Air Quality Management Dist.* (1992) 9 Cal.App.4th 644, 656 [internal quotes and marks removed], disapproved on other grounds by *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559, 576, fn. 6.)

To establish unusual circumstances and defeat the use of a categorical exemption pursuant to CEQA Guidelines § 15300.2(c), a petitioner must establish that 1) unusual circumstances are present, and 2) there is a reasonable possibility of a significant environmental impact due to those circumstances. (*Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1109-1117.) Alternatively, a petitioner "may establish an unusual circumstance with evidence that the project will have a significant environmental effect." (*Id.* at p. 1105.) Here, there are several unusual circumstances at play, any of which render the categorical exemption inapplicable.

Unusually Large Size: First, the size of FGH's proposed operation is much, much, larger than your typical cannabis dispensary. The average dispensary consists of about 2,000 square feet or less.¹¹ FGH's cannabis dispensary is over ten times larger, and it is unknown to the Neighboring Owners (and even perhaps the City) what that additional space will be used for. To the extent that the additional space will be used for cultivation or manufacturing, that would not be permitted by FGH's license, and would be a violation of the law. Furthermore, cultivation activities bring additional burdens such as additional odors and noises, hazardous materials and runoffs, etc.

Crime/Loitering: The increased potential for crime and loitering is something that should be analyzed under CEQA.

Odor/Noise/Traffic: As discussed in Section III.A above, there are several collateral effects of a cannabis dispensary, such as odor, noise, and traffic, that should be analyzed under CEQA.

VII. THE RESOLUTION ITSELF IS FLAWED, AND CONTAINS MANY ERRORS THAT MUST BE CORRECTED

Assuming the Planning Commission approves the Project despite the myriad problems identified above (it should not), the Planning Commission cannot approve the Planning Commission Resolution that is before it without making several changes and clarifications:

1. **Community Relations Contact (Oxnard Zoning Code Section 11-489; Planning Commission Resolution p. 13, Condition of Approval Nos. 48-49):** Both the Oxnard Zoning Code Section 11-489 and the Conditions of Approval 48-49 require that FGH provide to the City, and to the businesses located within 600 feet of the business, the contact information of a "community relations officer." This has not been done, and there is no timeframe associated with this requirement. (Compare that to the other conditions of approval, such as #50, which have express timeframes).
 - a. **Impose timing requirement:** This requirement should be immediate, and definitely prior to any construction or tenant improvements taking place, as the contact information will be necessary to address any issues at all stages. Given FGH's track record of ignoring and misrepresenting concerns from its neighbors, this requirement is all the more important.
2. **General Plan Consistency (Staff Report Attachment G):** The chart states that "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." **Every single sentence in the above statement is categorically false. Each sentence will be taken in turn.**
 - a. *The Project proposes to locate within an established commercial shopping center which allows for retailing of cannabis products:* False. As noted above, the

¹¹ <https://mjbizdaily.com/landing-right-retail-location/>

commercial shopping center expressly prohibits adult uses such as cannabis dispensaries, so it is unknown how the staff report came to this conclusion. There is no citation provided for this claim. Section III.B above provides citations to the CC&Rs showing that the use is expressly prohibited.

- b. *The proposed site would operate with other businesses that engage in similar retail business practices therefore the Project would be compatible:* False. There are no other businesses in the Complex that engage in similar retail business practices, because adult uses are expressly prohibited. The staff report does not specifically mention any similar businesses either (it cannot, because they do not exist).
 - c. *Project was reviewed for neighborhood compatibility, architectural design compatibility, security, and overall community benefits:* This simply cannot be true. The staff report failed to attach the full set of letters that was provided to the City in advance of the hearing, and did no analysis regarding neighborhood compatibility, because all of the points above were raised with the City prior to the issuance of the staff report (see Exhibit A, June 15, 2020 letter, and attachments), and not a single one of the points raised herein was analyzed or discussed – the most important of which, being the required finding regarding neighborhood compatibility. (Oxnard Zoning Code Section 16-531(A).)
3. **Cultivation Exception Should be Stricken (Planning Commission Resolution p. 19, Condition of Approval No. 85; Planning Commission Resolution p. 24, Condition of Approval No. 121):** There is no cultivation allowed on site. All cultivation exceptions should be stricken.
 - a. Condition of Approval nos. 85 and 121 read: "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."
 - b. FGH does not have the authority to cultivate cannabis on the premises. The exception for cultivation should be stricken entirely. Condition of Approval nos. 85 and 121 should read as follows: "~~Except for live growing plants which are being cultivated at a cultivation facility, a~~ 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."
4. **Loitering Prohibition Within 50 Feet Must be Expanded to Cover the Entire Complex (Planning Commission Resolution p. 22, Condition of Approval Nos. 102-103; Planning Commission Resolution p. 26, Condition of Approval No. 131):** The current conditions of approval only prohibit loitering within 50 feet of the business. That does not cover nearly enough space. The neighboring businesses cannot have FGH's patrons

loitering in front of their businesses, or in the parking lot of the Complex, as long as they are over 50 feet away from FGH's Property.¹²

- a. This can be accomplished either by ensuring that the radius covers the entire Complex, or expressly stating that loitering is prohibited in the entire Complex, including the parking lot, and other neighboring businesses.
5. **Cannabis Deliveries Should be Prohibited (Planning Commission Resolution p. 30, Condition of Approval No. 150):** Condition of Approval no. 150 presumes that cannabis deliveries will take place, using the FGH storefront dispensary as their home base. This appears to be a mistake, and it should be stricken. Aside from appearing in this condition of approval, nothing about delivery is mentioned in the staff report, or in the FGH PowerPoint presentation, or elsewhere in the Planning Commission Resolution. If delivery is being contemplated, the public, and the Neighboring Owners, have not gotten any facts about it, and have not had an opportunity to hear the facts and respond accordingly. There has been no public notice of a delivery operation – only storefront retail.
- a. Either this Condition of Approval should be stricken entirely, and replaced with an outright prohibition on delivery, or the hearing should be postponed, and the delivery should be addressed in the staff report, so that the Neighboring Owners and the public can respond accordingly.

VIII. REQUEST TO SPEAK AT OCTOBER 7, 2021 HEARING

Counsel and its clients have been unable to successfully sign up online to be a speaker at the October 7, 2021 public hearing. As such, please confirm that the following speakers (all of whom are Neighboring Owners or their representatives) will be given an opportunity to be heard at the Planning Commission hearing: Seena Max Samimi, Stan Rothbart, Laura McAvoy, Steven Weiss.

¹² Condition of Approval no. 56 (p. 14) also prohibits consumption of cannabis on the premises by any employee or patron. That prohibition should also extend to the entire Complex.

IX. CONCLUSION

Based on the foregoing, the Planning Commission should reject the application and vote to deny the Project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Seena M. Samimi', with a stylized, cursive script.

SEENA M. SAMIMI for
Jeffer Mangels Butler & Mitchell LLP

CC:

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EXHIBIT A

- June 15, 2021 Letter to City
 - Ex. 1: April 24, 2020 Letter to FGH
 - Ex. 1: CC&Rs
 - Ex. 2: May 27, 2020 Letter to FGH

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June 15, 2021

VIA EMAIL ONLY

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**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

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 the 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,

A handwritten signature in black ink, consisting of a stylized 'S' followed by a horizontal line and a small dot.

SEENA M. SAMIMI for
Jeffer Mangels Butler & Mitchell LLP

CC:

cannabisinfo@oxnard.org (City of Oxnard)

Jose.Coyotl@oxnard.org (City of Oxnard)

city.attorney@oxnard.org (City of Oxnard)

mariav@damanagementgroup.com (FGH, 2320 N. Rose Avenue)

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stan@rothbartdev.com (Rose II LLC, 2200 N. Rose Avenue and 1901 Lockwood St.)

rastegarsean@gmail.com (Oxnard Place, LLC, 2340 N. Rose Avenue)

sweiss@naicapital.com (Oxnard Place, LLC, 2340 N. Rose Avenue)

l.mcavoy@musickpeeler.com (Rose TIC, LLC, 2330 N. Rose Avenue and Lot 4)

bevg@hvwonline.com (Rose TIC, LLC, 2330 N. Rose Avenue and Lot 4)

EXHIBIT 1

Seena M. Samimi
ssamimi@jmbm.com

1900 Avenue of the Stars, 7th Floor
Los Angeles, California 90067-4308
(310) 203-8080 (310) 203-0567 Fax
www.jmbm.com

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
- Steven Weiss: sweiss@naicapital.com
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Representatives for FGH, LLC (2320 N. Rose Avenue)

- Vanessa Hernandez: vanessa.hernandez246@gmail.com
- 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

EXHIBIT 1

CONTINENTAL LAWYERS TITLE CO. 81

**RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO:**

**ROTHBART COMPANY
2450 Broadway, Suite 550
Santa Monica, California 90404**

Attention: Stanley G. Rothbart

96-111789

**Recorded
Official Records
County of
Ventura
Richard D. Dean
Recorder**

8:00am 15-Aug-96

**Rec Fee 148.00
A.R. 148.00**

CONT CC 48

4952560 / C 10584

**AMENDMENT AND RESTATEMENT OF EASEMENTS WITH COVENANTS AND
RESTRICTIONS AFFECTING LAND ("RESTATED E.C.R.")**

This AGREEMENT ("Restated E.C.R.") is made as of the ____ day of ____, 1996, among ALAN F. HORN and CYNTHIA HARRELL-HORN, husband and wife as community property ("Lot 1 Owner"), BEST BUY CO., INC., a Minnesota Corporation, ("Best Buy"), and TIMOTHY S. McGRATH, as Successor Trustee of the Survivors Trust created under the John Francis McGrath and Elizabeth E. Trust dated October 29, 1982, as to an individual 23.8% interest, MARIAN E. GRAHAM, as Trustee of the Marian E. Graham Trust dated September 8, 1982, as to an undivided 23.8% interest, SEAN H. McGRATH, as Trustee of the Marital Trust created under the Frank and Lee McGrath Trust u/t/i August 27, 1982, as to an undivided 23.8% interest, CHRIS J. COOLURIS, as Trustee of the Ann Cooluris and Helen Mary Cooluris Trust dated March 12, 1982, as to an undivided 23.8% interest, and JURGEN GRANCKOW, as Successor Co-Trustee and TIMOTHY S. McGRATH, as Co-Trustee of the M.L. Trust of the Helen McGrath Trust dated December 6, 1973, as to an undivided 4.8% interest, all as tenants in common (collectively, the "Developer").

WITNESSETH:

WHEREAS, Lot 1 Owner is the Owner (as defined in Paragraph 16 hereof) of Lot 1 as shown on the site plan (the "Site Plan") attached hereto as Exhibit A and described in Exhibit B and

incorporated herein by this reference and Best Buy is the "Prime Lessee" (as defined in Paragraph 31 hereof) of Lot 1; and

WHEREAS, Developer is the Owner of Lots 2 and 3 and Lots 4, 5, and 6 (Lots 4, 5, and 6 are herein collectively referred to as the "Outparcels" and individually an "Outparcel") shown on the Site Plan attached hereto as Exhibit A and described in Exhibit B; and

WHEREAS, Lot 1 Owner, Best Buy and Developer desire that Lots 1, 2, and 3, and the "Outparcel(s)" be developed in conjunction with each other pursuant to a general plan of improvement to form a commercial Shopping Center (sometimes hereinafter referred to as the "Shopping Center", including any Expanded Areas pursuant to Paragraph 11 hereof), and further desire that Lots 1, 2, and 3 and the Outparcel(s) be subject to the easements and the covenants, conditions and restrictions hereinafter set forth.

WHEREAS, Best Buy (as the then Owner of Lot 1) and Developer, heretofore executed that certain Easements with Covenants and Restrictions Affecting Land ("E.C.R.") dated July 11, 1995, recorded July 24, 1995, as Document No. 95-085875, in Official Records, County of Ventura, California ("Original E.C.R."), and

WHEREAS, Lot 1 Owner and Developer are the Owners of all of the Lots described in the Original E.C.R. and all of the Lots described in this Restated E.C.R., and

WHEREAS, Lot 1 Owner and Developer as such Owners, and Best Buy, desire to amend and restate the Original E.C.R. in its entirety by replacing same with this Restated E.C.R.,

NOW, THEREFORE, for and in consideration of the premises, easements, covenants, conditions, restrictions, encumbrances contained herein, the sufficiency of which are hereby acknowledged, Lot 1 Owner, Best Buy and Developer do hereby amend and restate the

Original E.C.R. in its entirety as follows:

1. Building/Common Areas.

a. "Building Areas" as used herein shall mean that portion of Lot 1 and those portions of Lots 2 through 6 shown on Exhibit A as "Building Area" or "Expansion Area." Canopies may encroach from the Building Areas and normal foundations and doors for ingress and egress may project from Building Areas, provided such canopies, doors and foundations do not materially interfere with the use of Common Areas.

b. "Common Area" shall be all of Lots 1 through 6 except those portions used for buildings on the Lots or for drive through areas, landscaping, walkways, exclusive loading areas, and patio areas immediately adjacent to an Outparcel building; provided that any portion of a Lot which is not a Building Area is not a Common Area until improved, provided, further, that so long as Lot 6 is developed and used primarily as a motor vehicle service station there shall be no Common Area thereon.

c. Conversion to Common Areas: Those portions of the Building Areas on each developed Lot which are not from time to time used or cannot, under the terms of this Agreement including Paragraph 5.a(iii), be used for buildings, excluding appurtenances servicing such buildings located within the Building Areas such as exclusive loading docks and related areas, shall become part of the Common Area for the uses permitted hereunder and shall be improved, kept and maintained as provided herein.

d. A Lot or lot shall mean a lot or parcel as defined in the California Subdivision Map Act and shall include any such Lot or lot in any "Expanded Area" as defined in Paragraph 11 hereof.

2. Use.

a. Restriction: No portion of the Shopping Center, other than Lot 1, may be used or occupied for use as:

i) an appliance store (the primary purpose of which is the retail sale of appliances such as refrigerators, washers, dryers, etc.)

ii) a computer store (the primary purpose of which is the retail sale of computer hardware or computer software of peripherals or any combination thereof, including but not limited to, any business whose primary purposes is the sale of brand name computers and accessors such as IBM, Compaq, Apple, NEC Toshiba and Hewlett Packard;

iii) an electronic store (the primary purpose of which is the retail sale of consumer electronics such as but not limited to, stereos, televisions, VCRs, etc.); or

iv) any combination of the uses described in (i), (ii), or (iii) above, (any use or uses listed in (i), (ii), (iii) or (iv) above are herein referred to as the "Exclusive Business"),

from and after the Effective Date (as defined in Paragraph 15 of this Restated E.C.R.) so long as the Owner or occupant of Lot 1 continues to operate the Exclusive Business in not less than twenty thousand (20,000) square feet of the rentable floor area of the building on Lot 1. In the event after the Owner or occupant of Lot 1 commences to operate the Exclusive Business, such Owner or occupant ceases to operate any portion of the Exclusive Business for a continuous period of twelve (12) months or more (provided, however, such 12-month period shall be extended by the period of any and each occurrence of any strikes, labor, difficulties,

governmental restrictions upon building activity, or delays caused by or resulting from fire, casualty, war, acts of God or any other event of force majeure, such restriction as to any portion of the Exclusive Business which the Owner or occupant of Lot 1 has ceased to operate for such period shall terminate, provided such portion of the restriction so terminated shall be reinstated in the event the Owner or occupant of Lot 1 again commences operation for such purposes, (effective as of such commencement of operation), but such reinstated restriction shall not be effective as to any use in the Shopping Center then being conducted which would otherwise be in violation of such reinstated restriction. Such 12-month period shall not apply during any period in which a building or buildings for the permitted Exclusive Business is being built, rebuilt, repaired or remodeled upon Lot 1 or some part thereof. Notwithstanding the foregoing, up to five thousand (5,000) square feet of floor area (in the aggregate as to any building on a Lot) on any of Lots 2, 3, 4, 5, and 6 inclusive in the Shopping Center may be used for the sale and display of products and supplies sold by the occupant of Lot 1 provided such sales are incidental to the primary or principal business conducted on such Lots, and further provided that such primary or principal business is not the Exclusive Business. Additionally, not more than 9,500 square feet (including adjacent aisle space) of the interior of any building on a Lot within the Shopping Center, other than Lot 1, may be used or occupied for the use for the retail sale and/or display for sale of compact discs, records and prerecorded tapes. Notwithstanding the foregoing restrictions, an office supply store such as Office Depot, OfficeMax and/or Staples shall be a permitted use and not prohibited by the foregoing restriction.

b. Shopping Center Restrictions: 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, (iii) any activities which materially interferes with the business of any

other occupant or tenant, or (iv) any violation of any law, ordinance, rule or regulation of any governmental authority with jurisdiction over any portion of the Shopping Center. 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. Real estate offices, dental offices and accounting offices shall not occupy, in the aggregate, more than ten percent (10%) of the permitted Building Area of the Shopping Center determined on a first open for business basis. Incidental office uses (which are incidental to and a part of a retail use) in the Shopping Center shall be limited to no more than ten percent (10%) of the permitted Building Area of each Lot in the Shopping Center. 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 (other than a play area which is incidental to another permitted use), 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), training or educational uses (i.e. beauty schools, reading rooms, churches provided, however, that this prohibition shall not be applicable to on-site employee training or customer training by an owner or tenant incidental to the conduct of its business in the Shopping Center), laundromat or laundry, the sale, rental or storage of automobiles, recreational vehicles or boats, or flea markets, 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 business, except that alcoholic beverages may be sold for off premises consumption in connection with retail motor vehicle service stations on Lots 4 and 6 so long as such service station is the primary or principal use, and as to Lot 1 and Lot 2,

no portion thereof shall be used as a grocery store. "Grocery store" means a store, the primary purpose of which is the sale of groceries. As used herein, the term "groceries" includes, without limitation, meats, meat products, fish, poultry, fruits, vegetables, and delicatessen products (including pizza), whether any such items are canned, fresh, frozen or smoked, foodstuffs, bakery products (including ice cream). Notwithstanding the foregoing, a store which sells groceries as an incidental part of its business shall be permitted, however in no event shall the area of display for such incidental grocery sales exceed 500 square feet. A "grocery store" shall not include restaurants or other establishments which sell prepared foods to be eaten on or off of the premises or drug stores such as Payless or Walgreens. No portion of Lots 1 or 2 shall be used or operated as a restaurant of any type, provided, however, a food service operation such as a coffee or snack bar operated only as part of and incidental to a use permitted hereunder shall not constitute a violation of this restaurant use restriction. None of the foregoing shall prohibit Best Buy from operating a typical "Best Buy" facility on Lot 1, or the operation of a typical "Office Max" facility on Lot 2.

3. Buildings.

a. Design and Construction. All buildings within the Building Areas shall be designed so that the exterior elevation of each shall be architecturally and aesthetically compatible and so that building wall footings shall not encroach from one Lot onto another Lot except as provided for in subsection 3d below. The design and construction shall be of high quality. No building shall exceed thirty-five feet (35') in height above finished grade. No buildings shall have a metal exterior. The exterior of all buildings shall be maintained in good condition and repair and in a neat and clean condition at all times. The size of buildings shall be measured from the exterior surface of exterior walls.

b. Location. No building shall be constructed on Lots 1, 2, and 3 (as either immediate development or future expansion) except within the Building Area and no improvements or alterations which substantially vary from those shown on Exhibit A may be made without the prior written consent of the Owners of Lots 1, 2, and 3 and Developer, such consent not to be unreasonably withheld. The front wall(s) of the building(s) on Lots 1, 2, and 3 shall be constructed no closer to Lockwood than as indicated by the Building Areas depicted on Exhibit A.

c. Fire Protection. Any building constructed in the Shopping Center shall be constructed and operated in such a manner which will preserve the sprinkler rating on the other buildings in the Shopping Center.

d. Easements. If due to surveying errors, building wall footings encroach from one lot onto another, despite efforts to avoid that occurrence, the Owner onto whose lot the footings encroach shall reasonably cooperate in granting an encroachment permit or easement to the party whose building wall foots encroach.

e. Outparcel(s) development. The Outparcel(s), when and if developed, shall be developed only under the following guidelines;

i) Buildings constructed on the Outparcel(s) shall not exceed (a) twenty-two (22) feet in height on Lot 6, and (b) twenty-five (25) feet on Lot 4 or Lot 5. The height of any building on an Outparcel shall be measured perpendicular from the finished floor of the building to the top of the roof structure, including any screenings, parapet, penthouse, mechanical and communications equipment or similar appurtenance located on the roof of such building but excluding architectural treatments.

ii) Any buildings to be constructed on the Outparcel(s) shall not exceed the following

Outparcel(s)

Lot 4 6000 square feet of floor area

Lot 5 10,600 square feet of floor area

Lot 6 6,500 square feet of floor area

iii) Any rooftop equipment shall be screened to reduce visibility thereof by consumers;

iv) No rooftop sign shall be erected on any building in the Shopping Center;

v) No freestanding identification sign may be erected on Outparcel(s) that is not consistent with the master sign program approved by the City of Oxnard, California (the "City"), without approval of the Owner of Lot 1 and the Developer, such approval not to be unreasonably withheld, and in no event shall such freestanding identification sign exceed the height of any of the shopping center pylon signs or block the visibility of the buildings on Lots 1, 2, and 3. There may be erected entrance-exit signs to facilitate the free flow of traffic, which entrance-exit signs shall be of a type and at locations reasonably approved by Developer.

vi) No improvements shall be constructed, erected, expanded or altered on the Outparcel(s) until the scaled exterior elevations ("Elevations") for same (including site layout, exterior building materials and colors and parking) have been approved by the Owners of Lots 1, 2, and 3 and the Developer, such approval not to be unreasonably withheld, provided, however, that such approval shall not be required as long as such Elevations conform to the height, no metal exterior, location and fire protection requirements of

Paragraphs 3a through c above, and a copy of such Elevations have been submitted to the Owners of Lots 1, 2, and 3 and Developer by or on behalf of the person proposing to construct same and none of them have given notice of objection thereto to such person within twenty (20) days of receipt of such Elevations, and without material modification, are thereafter approved by the City and such improvements are consistent with the architectural theme established generally for the Shopping Center and the site plan portion thereof is in accordance with Exhibit A attached. No building or structure of any kind or nature shall be erected on the Outparcel(s) except upon that area designated as Building Area on the Site Plan, provided: there may be constructed and maintained a canopy or canopies projecting from said Building Area; normal foundations and doors for ingress and egress may project from such Building Area; and signs may be erected upon said canopy or canopies, so long as said signs do not obstruct the signs of any other Owner or tenant of the Shopping Center;

vii) In developing and using the Outparcel(s), the Owner(s) of the Outparcel(s) shall continuously provide and maintain parking ratios as follows:

Sit Down Restaurant or Entertainment Use:

Lots 4 and 5: Ten (10) spaces for every one thousand (1,000) square feet of floor area. No "sit down," "smorgasbord" type restaurant or restaurant that serves alcoholic beverages is permitted on Lot 6.

Non Sit-Down Restaurant (Sale of food intended for consumption off-premises such as a fast food restaurant)

Lots 4, 5 and 6: Eight (8) spaces for every one thousand (1,000) square feet of floor area.

Non-Restaurant:

Lots 4, 5 and 6: Five (5.0) spaces for every one

thousand (1,000) square feet of floor area. The sale of food from a convenience store operated in connection with a retail motor vehicle service station on a Lot, which motor vehicle service station is the primary or principal use, is a non-restaurant use.

viii) No motor vehicle service station shall be located on Lot 5.

ix) A convenience store selling food products may be located on Lots 4 and 6 only as part of and in connection with the operation of a retail motor vehicle service station located on the same Lot, which retail motor vehicle service station shall be the principal or primary use of such Lot. In no event shall such convenience store be the primary or principal use of such Lot.

x) The Outparcel(s) shall be kept neat, orderly, seeded with grass (but not irrigation) and trimmed until improved and constructed.

xi) Owner(s) of the Outparcels shall cause landscaping areas to be maintained in conjunction with any building or other improvement constructed on the Outparcel(s).

4. Common Area.

a. Grant of Easement.

i) Owner(s) of each Lot, as Grantor(s), hereby grant to each of the other Owners of Lots as Grantee(s), and to the agents, customers, invitees, licensees, tenants, occupants and employees of each Grantee, a nonexclusive easement over, through and around their respective Lots for roadways, walkways, ingress and egress, loading and unloading of commercial and other vehicles, and the use of facilities

installed for the comfort and convenience of customers, invitees, licensees, tenants and employees of all businesses and occupants of the buildings constructed on the Building Areas defined above.

ii) The Owner(s) of Lots 1, 2, 3, 4, 5, and 6 as Grantor do each hereby grant to one another as Grantee, and the agents, customers, invitees, licensees, tenants and employees of each Grantee, a non-exclusive easement to use the Common Area on each of their respective Lots designated and improved for parking for the purpose of parking motor vehicles.

iii) Permanent Service Drives. The Owner(s) of Lots 1, 2, 3, 4, 5 and 6 as Grantor do each hereby grant to one another as Grantee, and the agents, customers, invitees, licensees, tenants and employees of each Grantee, a non-exclusive easement to use the designated "Permanent Service Drives" delineated on Exhibit A by double crosshatching and Drive Aisles, shown by single crosshatching on Exhibit A, all of which shall be access easements for the benefit of all Lots adjoining the Permanent Service Drive and Drive Aisle, and shall burden those Lots that contain and are adjoining the Permanent Service Drive and Drive Aisles.

b. Limitation on Use.

i) Customers. Each Lot Owner shall use reasonable efforts to ensure that customers and invitees shall not be permitted to park on Common Areas except while shopping or transacting business on Lot(s) 1 through 6.

ii) Employees. Each Lot Owner shall use reasonable efforts to ensure that employees shall not park on the Common Areas, except in those areas designated on Exhibit A as

"employee parking areas," if any, except employees of a Lot may park on the Common Area of the Lot on which the business of which they are an employee is located. The Owners hereto may from time to time mutually designate and approve "employee parking areas" not shown on Exhibit A.

iii) General. Any activity within the Common Areas other than the primary purpose of the Common Areas, which is to provide for access and parking for the occupants, tenants, customers, invitees and employees of those businesses conducted within the Building Areas and for the servicing and supplying of such businesses, shall be permitted so long as such activity shall not unreasonably interfere with such primary purpose. Persons using Common Areas in accordance with this Restated E.C.R. shall not be charged any fee for such use.

c. Utility and Service Easements. The Lot Owners shall cooperate and shall grant appropriate and proper easements for the installation, repair and replacement of storm drains, sewers, utilities and other proper services necessary for the orderly development and operation of the Shopping Center. The Lot Owners shall use their best efforts to cause the installation of such utility and service lines prior to paving of the Common Areas. No such lines, sewers, utilities or services of one Ownershall be installed within the Building Area of any other Owner(s) Lot.

d. Water Flow. Any alteration in the natural water flow which may occur as a natural consequence of normal construction activities and the existence of an Owner(s) improvements substantially as shown on Exhibit A (including without limitation building and building expansion, curbs, drives and paving) shall be permitted. There are hereby reserved to the Owners of Lots 1, 2, and 3 and Developer, easements in, over, under, across and through the Common Area and Outparcels to grade,

establish and maintain drainage patterns and facilities for the benefit of the Shopping Center as a whole and for Lots 1, 2, and 3, the Outparcels and the Common Areas. Upon establishment and completion of such drainage patterns and facilities, all of Lots 1, 2, and 3, the Outparcels and the Common Areas shall be and remain subject to such drainage patterns, facilities and easements.

e. No Fences or Barriers. Except as specifically set forth in Exhibit A, no fence, division, rail or obstruction of any type or kind shall ever be placed, kept, permitted or maintained on the Common Area of any Lot, or between any subsequent division thereof, or any expansion of the Shopping Center, or upon or along any of the common property lines or any portion thereof.

5. Development, Maintenance, and Taxes.

a. Development.

i) Arrangement. The arrangement of the Common Areas shall not be changed in a manner inconsistent with the provisions of this Restated E.C.R..

ii) "Parking Area" Ratio. Each Owner(s) of a Lot (except for an Outparcel which shall be controlled by Paragraph 3e(vii) hereof) shall at all times maintain on its respective Lot a parking ratio sufficient to accommodate the following number of car spaces for each one thousand (1,000) square feet of buildings on the Building Area(s) on such Lot:

Lots 1 and 2: Four and five-tenths (4.5), subject to the following provision: Lots 2 and 3 (in the aggregate): Four and one-tenth (4.1), provided, however, in the event of a restaurant operation (including fast food, smorgasbord, sit down or other) on Lot 3 the parking ratio for such

restaurant operation shall be not less than six (6) car spaces for each one thousand (1,000) square feet of restaurant operation on Lot 3.

iii) Development Timing. Concurrent with any building being constructed within the Building Areas of any Lot by the Owner or lessee of such Lot (the "Developing Party"), the Common Areas of that Lot shall be developed in accordance with Exhibit A at the expense of such Developing Party. If such construction by the Developing Party occurs prior to the development of any other Lot, the Developing Party shall have the right to grade, pave and use any portion of the Common Areas of other Owners' ("Non-Developing Parties") Lots for access and for construction of drainage structures and utility lines which are necessary to provide essential services to the Developing Party's Lot.

b. Maintenance of Common Areas.

i) Standards. Following completion of the improvements on the Common Areas, each Owner shall maintain or caused to be maintained the Common Areas on its respective Lot in good condition and repair. The maintenance is to include, without limitation, the following:

(A) Maintaining the surfaces in a level, smooth and evenly-covered condition with the type of surfacing material originally installed or such substitute as shall in all respects be equal in quality, use, and durability;

(B) Removing all papers, ice and snow, mud and sand, debris, filth and refuse and thoroughly sweeping the area to the extent reasonably necessary to keep the area in a clean and orderly condition.

(C) Placing, keeping in repair and replacing any necessary appropriate directional signs, markers and liens;

(D) Operating, keeping in repair and replacing, where necessary, such artificial lighting facilities as shall be reasonably required;

(E) Maintaining all perimeter and exterior building walls including but not limited to all retaining walls in a good condition and state of repair; and

(F) Maintaining, mowing, weeding, trimming and watering all landscaped areas and making such replacements of shrubs and other landscaping as is necessary.

ii) Expenses. The Owner(s) of each Lot or at the election of such Owner the tenants or occupants of such Owner's Lot, shall pay all costs and expenses for the maintenance, repair and replacement of Common Area improvements of its Lot, except as otherwise expressly set forth herein.

iii) By Agent. Any of the Owners, as to the respective Common Areas located on the Lots owned by such Owners, may appoint, by agreement amongst themselves, a third party as the agent of such Owners to maintain the Common Areas of the Lots of such Owners or any portions of such Common Areas, in the manner required under the terms of this Restated E.C.R.. Such third party may receive for such services a fee that is mutually acceptable to all such Owners appointing such agent to cover supervision, management, accounting and similar fees, which sums are to be included in a general maintenance expense paid by such respective Owners. Any such agreement

shall be effective only as to the Owners executing same and shall only affect Common Areas located on the Lots of the Owners executing such agreement.

iv) Maintenance of Service Drives and Driving Aisles. Each of the Owners of Lots 1, 2 and 3 and Developer shall have the non-exclusive right without limitation (except as expressly set forth herein) to maintain or repair any portion of the Permanent Service Drives and Drive Aisles located on a Lot in the event the Owner of a Lot on which such portion of the Permanent Service Drives and Drive Aisles is located does not maintain or repair, in the reasonable judgment of any Owner of Lot 1, 2, 3 and/or Developer, that portion of the Permanent Service Drives and Drive Aisles located on such Lot to the standards set forth herein, provided, however, that any such Owner or Developer, prior to exercising any such right, shall give written notice to the Owner of the Lot on which that portion of the Permanent Service Drives or Drive Aisles requiring maintenance or repair is located that the same is not being maintained or repaired as required hereunder and the specific maintenance or repairs required, and the Owner receiving such notice does not commence to perform such maintenance or repairs within ten (10) days of receipt of notice and diligently prosecute same to completion, except in the case of the necessity of emergency repairs to prevent damage or injury to persons or property, only such notice as is appropriate under the circumstances need be given, which notice may be less than the ten (10) days notice otherwise specified herein. The cost and expense for such maintenance or repairs shall be reimbursed by the Owner of the Lot that required same to the party performing such maintenance or repair within 30 days after written request.

c. Taxes. Each Owner agrees to pay or cause to be

paid, prior to delinquency, directly to the appropriate taxing authorities all real property taxes and assessments which are levied against the Lot and all improvements and personal property owned by such Owner on such Lot.

d. Each Owner shall, at its sole cost and expense, repair and maintain the utility lines of any type underlying such Owner's Lot(s) whether serving such Owner's Lot or any other Lot, provided, however if any such repair is required due to the negligence or willful misconduct of another Owner ("Other Owner"), or any tenant of such Other Owner, then the Other Owner shall reimburse the repairing Owner for all reasonable repair costs incurred within thirty (30) days after submission of a detailed billing therefore, but such repair and maintenance shall be performed only after ten (10) days notice to the Owners of Lots 1, 2, 3 and Developer, except in the case of an emergency, in which case a repair may be commenced immediately. Each Owner shall, at its cost and expense, promptly repair or replace any damage to any portion of the Shopping Center, or any improvements thereon, caused by or resulting from such repair and maintenance activities.

e. In performing any installation, maintenance, repair, relocation or removal of any utility lines after the Shopping Center, or any portion thereof, has been opened for business to the general public, each Owner shall use reasonable efforts to minimize interference with the operation of the Shopping Center and the business of other Owners and/or tenants or occupants therein.

6. Signs.

a. The Outparcel(s) shall be permitted ground identification sign(s) for the benefit of each Outparcel, which signs shall be located as shown on Exhibit A, and shall be consistent with the master sign program for the Shopping Center approved by the City, provided no sign on the Outparcel(s) shall exceed the height of the free standing Shopping Center identification sign. To the extent any Outparcel permitted ground identification sign as

shown on Exhibit A is not located on the Outparcel which it benefits, the Owner of such benefitted Outparcel is hereby granted an easement to construct, install, maintain and repair such permitted ground identification sign on that portion of the Shopping Center property shown on Exhibit A on which such sign is to be located and the non-exclusive right to enter upon such portion of the Shopping Center property to construct, install, maintain and repair such sign.

b. Free standing Shopping Center identification signs shall be located as shown on Exhibit A, only for the benefit of the businesses conducted or to be conducted on Lots 1, 2 and 3, and the Owners of such Lots are hereby each granted an easement to construct and maintain the identification signs on that portion of the Shopping Center property on which such signs are to be located as shown on Exhibit A, and the non-exclusive easement to enter upon such portion of the Shopping Center to construct, install, maintain and repair such identification signs. The Owner of Lot 1, or its tenant, shall occupy 1/3 of the area on each such free standing sign and shall utilize the top portion of such sign. The Owner(s) of Lots 2 and 3, or their respective tenants, shall be permitted to utilize each free standing identification sign, each as to 1/3 of the area of such sign. The Owner of Lot 2 shall utilize the signage panel below that of the Owner or tenant of Lot 1. The Owner of Lot 1 and Developer shall determine at the time of installation which of them shall be responsible for the physical installation and maintenance of the Shopping Center sign. Each Owner having the right to have sign panels located on said signs shall be responsible for thirty-three and one third percent (33-1/3%) of the cost of installation, construction and maintenance and cost of electricity relating to such sign.

7. Damage and Destruction. If any of the buildings or Common Area improvements within the Shopping Center are damaged or destroyed by fire or any other casualty, the Owner of any such

building or buildings or Common Area improvements shall promptly within one hundred and eighty (180) days of the occurrence of the casualty (subject to delays resulting from causes beyond the reasonable control of such Owner), cause the repair, restoration, or rebuilding of the building and improvements so damaged or destroyed, or, as to the buildings only, if the Owner of such buildings does not intend to restore same within such one hundred eighty (180) day period, then such Owner of such building(s), shall promptly cause the razing of any damaged building(s), the filling of any excavations, paving for parking to the same extent as existed prior to the casualty, and performance of any other work necessary to put such portion of the Shopping Center in a clean, sightly, and safe condition. The Owner of each building shall be responsible for such repair, restoration or razing, notwithstanding use of such building by any other person or entity.

8. Indemnification/Insurance. From and after the "Effective Date" (as defined in Paragraph 15) of this Restated E.C.R. :

a. Indemnification. Each Owner of a Lot ("Indemnifying Owner") hereby indemnifies and saves each other Owner of a Lot ("Indemnified Owner") harmless from any and all liability, damage, expense, loss, causes of action, suits, claims, or judgments arising from bodily injury, personal injury, death, or property damage occurring on or from its Lot, or arising out of the use, maintenance, repair or replacement of any building or Common Area on its Lot, except if caused by the act or negligence of the Indemnified Owner, or its agents, representatives, occupants or tenants. Notwithstanding the foregoing, each Indemnifying Owner shall indemnify, defend, protect and hold harmless the other Owners, their occupants, tenants, and their officers, directors, shareholders, employees, contractors and agents from and against all claims, liabilities, suits, actions, demands, costs, damages, losses of any kind, including but not limited to investigation, litigation, and remedial response costs, arising out of any

Hazardous Materials first used or permitted to be used after the Effective Date of this Agreement in or on any portion of the Shopping Center by such Indemnifying Owner, or any of their agents, representatives, contractors, occupants or tenants, whether or not used in the ordinary course of business. For purposes of this Section, the term (i) "Hazardous Materials" shall mean: petroleum products, asbestos, polychlorinated biphenyls, radioactive materials and all other dangerous, toxic or hazardous pollutants, contaminants, chemicals, materials or substances listed or identified in, or regulated by, any Environmental Law; and (ii) "Environmental Laws" shall mean: all federal, state, county, municipal, local and other statutes, laws, ordinances, regulations which relate to or deal with human health or the environment, all as may be amended from time to time.

b. Insurance.

1) Each Owner of Lots 1 through 6 for their respective Lots shall procure and maintain or cause to be procured and maintained in full force and effect throughout the term of this Restated E.C.R., comprehensive general public liability insurance and property damage insurance against claims for bodily injury, personal injury, death or property damage occurring upon, in or about its Lot, with such insurance to afford protection to the limit of not less than \$5,000,000.00 (including excess or umbrella-type coverage) for injury or death of a single person, and to the limit of not less than \$5,000,000.00 for any occurrence, and the limit of not less than \$2,000,000.00 for the property damage, with each Owner other than the insured Owner named as an additional insured thereunder. Each Owner shall provide all other Owners with Certificates of such insurance from time to time upon written request to evidence that such insurance is in force. Such insurance may be written by additional premises endorsement on any master policy of insurance carried by the

applicable Owner covering other property in addition to the Lots covered by this Restated E.C.R.. Such insurance shall provide that the same may not be canceled without thirty (30) days prior written notice to each additional insured named therein. Notwithstanding anything to the contrary contained in this Paragraph 8(b), so long as a Lot Owner, or the tenant of such Lot, has a net worth in excess of One Hundred Million Dollars (\$100,000,000.00), as shown by then current financial statements, audited by such Owner's or tenant's independent certified accounting firm, the Owner of such Lot shall have the right to self-insure as to such Lot, or cause the tenant of such Lot to self-insure, in whole or in part, for any and all risks for which the Owner is otherwise required to carry insurance under the provisions of this Paragraph 8(b) as to such Lot. The Owner shall, directly, or by and through the tenant's providing such self-insurance, give notice of self-insurance in accordance with the notice provisions of Paragraph 22 hereof to each other Owner. In the event of self-insurance, the Owner, or the tenant if the tenant is providing the self-insurance, shall provide all funds and take any and all action necessary to defend, protect, indemnify and hold the other Owners and other tenants of the Shopping Center and their respective customers, employees and invitees, harmless from any and all claims, damages and losses that would have been covered by the insurance required to be maintained under the provisions of this Paragraph 8(b) but for such self-insurance.

ii) At all times during the term of this Agreement, each Owner shall keep all improvements on its Lot insured against loss or damage by fire and other perils and events as may be insured against under the broad form Uniform Extended Coverage Clause in effect from time to time in the state in which the Lots are located, with such insurance to be for 90% or a co-insurance basis of the full replacement value of the

insured improvements; provided, no Lot Owner shall be required to maintain earthquake coverage, and further so long as a Lot Owner, or the tenant of such Lot, has a net worth in excess of One Hundred Million Dollars (\$100,000,000.00) as set forth in Paragraph 8b(i) above, the Owner of such Lot shall have the right to self-insure as to such Lot or cause the tenant of such Lot to self-insure, in whole or in part, for any and all risks which the Owner is otherwise required to carry insurance under this provision.

iii) Policies of comprehensive general public liability insurance provided for in this Paragraph 8 shall name the Owner of Lots 1, 2, 3, 4, 5 and 6 as additional insureds and each of them shall provide to other certificates evidencing the fact that such insurance has been obtained.

iv) Each Owner for itself and its property insurer hereby releases each other Owner from and against any and all claims, demands, liabilities or obligations whatsoever for damage to each other's property or loss of rents or profits of any other Owner resulting from or in any way connected with any fire or other casualty whether or not such fire or other casualty shall have been caused by the negligence or the contributory negligence of the party being released or by any agent, associate or employee of the party being released or by an agent, associate or employee of any party being released, this release being to the extent that such damage or loss is covered by the insurance which the releasing party is obligated hereunder to carry, or, if the releasing party is not carrying that insurance, then to the extent such damage or loss would be covered if the releasing party were carrying that insurance.

9. Eminent Domain.

a. Owner's Right to Award. Nothing herein shall be construed to give any Owner any interest in any award or payment made to any other Owner in connection with any exercise of eminent domain or transfer in lieu thereof affecting such other Owner's Lot or giving the public or any government any rights in said Lot. In the event of any exercise of eminent domain or transfer in lieu thereof of any part of Common Areas located on Lots 1 through 6, and the award attributable to the land and improvements of such portion of the Common Areas shall be payable only to the Owner thereof, and no claim thereon shall be made by the Owners of any other portion of the Common Areas.

b. Collateral Claims. All other Owners of the Common Areas may file collateral claims with the condemning authority for their losses which are separate and apart from the value of the land area and improvements taken from another Owner.

c. Tenant's Claim. Nothing in this Paragraph 9 shall prevent a tenant from making a claim against an Owner pursuant to the provisions of any lease between such tenant and Owner for all or a portion of any such award or payment.

d. Restoration of Common Areas. The Owner of any portion of the Common Areas so condemned shall promptly repair and restore the remaining portion of the Common Areas within its respective lot as nearly as practicable to the condition of the same immediately prior to such condemnation or transfer, to the extent that the proceeds of such award are sufficient to pay the cost of such restoration and repair, without contribution from any other Owner.

10. Rights and Obligations of Lenders. Any holder of a lien on any of Lots 1 through 6, and any assignee or successor in interest of such lienholder shall be subject to the terms and conditions of this Restated E.C.R.; provided however any lienholder

which acquires title through foreclosure (or deed in lieu) shall have no obligation to pay any sums due under this Agreement arising prior to the date such lienholder acquires title.

11. Expansion of Shopping Center. The Owners agree that in the event Developer, so long as it is an Owner of a Lot, or an "Expanded Area" as defined below, desires to expand the Shopping Center, then upon written notice from Developer to all other Lot Owners for annexation of such Expanded Area, all of the provisions of this Agreement shall apply to the Expanded Area designated by Developer in such notice and the parking to the building ratio in the Expanded Area shall not be less than five (5) car spaces for each one thousand (1,000) square feet of Building Areas on such Expanded Area (all expanded areas are collectively referred to herein as "Expanded Areas" or "Expanded Area", provided, however, such Expanded Areas or Expanded Area must adjoin and abut a portion of the Shopping Center as then existing), and shall constitute part of the Shopping Center. The right to expand the Shopping Center and apply the provisions of this Restated E.C.R. to such Expanded Areas, as set forth in this Paragraph 11, is exclusive to the Developer and may be exercised only by Developer so long as it is a Lot Owner, or owns the Expanded Area and may not be exercised by any other Lot Owner including any successor in interest to any Lot owned by Developer at any time, unless Developer assigns its expansion rights hereunder in a recorded instrument to its successor concurrently with the conveyance of a Lot or any interest in a Lot. Annexation of an Expanded Area to the Shopping Center shall be effective upon the recordation by Developer (or its successor pursuant to recorded assignment as set forth above) of a Declaration of Annexation identifying the Expanded Area. Whenever reference is made in this Restated E.C.R. to Lots 1 thru 6 or the Shopping Center or the Owners of any of the Lots hereto, the same shall be deemed to apply to the Expanded Area and the Owners thereof after annexation as aforesaid.

12. Release of Liability. Anyone acquiring fee or leasehold title to Lots 1 through 6, or any fee or leasehold title to any Expanded Areas pursuant to Paragraph 11, shall be bound by this Restated E.C.R. only during the period such person is the fee or leasehold owner of such lot or portion of the Lot or Expanded Area, except as to obligations, liabilities, or responsibilities that accrue during such period or ownership. Although persons may be released under this paragraph, the easements, covenants and restrictions in this Agreement shall continue to be benefits to and servitudes upon said Lots and Expanded Areas running with the land.

13. Breach. In the event of a breach or threatened breach of this Restated E.C.R., the Owners of Lots 1 through 6, and any Expanded Areas covered hereby, shall be entitled to institute proceedings at law or in equity, for full and adequate relief from the consequences of said breach or threatened breach. In the event that suit is brought for the enforcement of this Restated E.C.R., or as a result of any alleged breach hereof, the successful litigant or litigants in such suit, including any Lot Owner, shall be entitled to be paid reasonable attorneys' fees and reasonable out-of-pocket litigation expenses by the losing litigant or litigant, and any judgment or decree rendered shall include an award thereof.

14. Rights or Successors. The easements, restrictions, benefits and obligations hereunder shall create mutual benefits and servitudes running with the land. This Restated E.C.R. shall bind and inure to the benefit of all of the Owners of Lots, their respective heirs, representatives, lessees, successors and assigns. The singular number includes the plural and the masculine gender includes the feminine and neuter.

15. Document Execution, Modification and Cancellation. It is understood and agreed that until this Restated E.C.R. is fully executed by Developer, Lot 1 Owner, and Best Buy (the "Effective Date") there is not and shall not be an agreement of any kind between the parties hereto upon which any commitment, undertaking

or obligation can be founded. This Restated E.C.R. (including exhibits) may be modified or canceled only by the mutual written and recorded agreement of the Owners of all of the Lots (including those Owners that have designated a "Prime Lessee" as defined and set forth in Paragraph 31 hereof). An Owner of a Lot, as to such Owner's Lot only, shall have the right by separate agreement to grant an exclusive use to another Owner's Lot which exclusive use shall affect and be valid only as to the Lots of the Owners entering into such separate agreement and shall not have any affect on any other Owner's Lot.

16. Definition of Owner.

a. The term Owner(s) as used herein means any person or entity who from time to time holds fee title to a Lot located within the Shopping Center, including any Expanded Area, provided, however, in the case of a ground lease of a Lot, the Lot Owner may assign to such ground lessee/tenant all the rights and obligations of the Owner of such Lot as to such Lot only.

b. The approval rights granted herein as to the Owners of Lots 1, 2 and 3 may not be cast in a fractional basis. Where there is more than one record Owner of a Lot, only one of such co-Owners shall be entitled to exercise the voting, approval, or disapproval rights to which an Owner of the Lot is entitled hereunder. Such co-Owners shall from time to time designate to all other Lot Owners in writing one of their number who is authorized to act on behalf of all other co-Owners in exercising any voting approval or disapproval of rights hereunder. Where no voting co-Owner is designated, or if such designation has been revoked by any other co-Owner, any requirement of approval or disapproval hereunder shall not be required and any approval or disapproval of any action may be taken or given by the other Lot Owners acting alone. If any Owner exercises the rights to vote or approve or disapprove any action hereunder as to a particular Lot, it will

thereafter be conclusively presumed for all purposes that such Owner was acting with the authority and consent of all other co-Owners of the same Lot. In the event of the subdivision of Lots 1 or 2 or 3 as now existing, the approval rights granted herein to the Owner of such subdivided Lot shall be vested in and exercised only by the Owner of the largest square footage portion of the subdivided Lot.

17. Consent Required by Developer. If pursuant to the terms of this Restated E.C.R., the consent of the Developer or notice to Developer is required and in the event the Developer is no longer an Owner of a Lot, the consent of and notice to the Owners of Lots 1, 2, and 3 and if any such lot is subdivided, the Owner of any such resubdivided portion of such Lots having an area of greater than five (5) acres must be given and/or obtained, which consent shall not be unreasonably withheld or delayed.

18. Non-Merger. This Agreement shall not be subject to the doctrine of merger.

19. Duration. Unless otherwise canceled or terminated, all of the easements granted in this Agreement shall continue in perpetuity and all other rights and obligations hereof shall automatically terminated and be of no further force and effect after ninety-nine (99) years from the date hereof.

20. Headings. The headings herein are inserted only as a matter of convenience and for reference and in no way define, limit or describe the scope or intent of this document nor in any way affect the terms and provisions hereof.

21. Entire Agreement. This Restated E.C.R. constitutes the entire agreement between the Owners with respect to the subject matter hereof. The Owners do not rely upon any statement, promise or representation not herein expressed, and this Restated E.C.R.

once executed and delivered shall not be modified or altered in any respect by a writing executed and delivered in the same manner as required by this Restated E.C.R.

22. Notice. Any notice, request, demand, instruction or other communication (collectively, "Notices") required by this Restated E.C.R. to be given to any Owner or third party, including, but not limited to, a notice of assessment, shall be in writing and shall be either (a) personally delivered to each Owner, or the party otherwise entitled hereto, by a commercial messenger service regularly retaining receipts for such delivery, (b) sent by registered mail, return receipt requested, or (c) delivered by the courier services known as Federal Express, Express Mail, Airborne, and Emery Air, or equivalent courier service, and such notice shall be effective upon delivery thereof to the Owner or third party being given notice. Any such Notices, shall be addressed to the Owners as listed below, until such time as each ceases to be an Owner:

Developer: c/o Rothbart Development Corporation
2450 Broadway, Suite 550
Santa Monica, California 90404

With copies to: Laura K. McAvoy, Esq.
Nordman, Cormany, Hair & Compton
1000 Town Center Drive
Sixth Floor
Oxnard, California 93031-9100

Richard Hambelton, Esq.
Hoffman, Vance & Worthington
1000 South Seaward Avenue
Ventura, California 93001

To Best Buy: Best Buy Co., Inc.
7075 Flying Cloud Drive
Eden Prairie, Minnesota 55344
Attention: Legal Department - Real Estate

With copy to: Robins, Kaplan, Miller & Ceresi
2800 LaSalle Plaza
800 LaSalle Avenue South

Minneapolis, Minnesota 55402-2015
Attention: Steven A. Schumeister, Esq.

To Lot 1 Owner: Alan F. Horn and Cynthia Harrell-Horn
c/o American Capital Management Corporation
115 South La Cumbre, Suite 302
Santa Barbara, California 93105

With copy to: Hugh M. Boss, Esq.
Kindel & Anderson, LLP
5959 Topanga Canyon Boulevard
Suite 244
Woodland Hills, California 91367

Any Owner of a Lot may designate its address for service of Notices, as aforesaid, or may designate a change of address, by Notice to all Owners in the manner specified herein. The successors and assigns of Owners shall be substituted for prior Owners upon notice as provided above. However, unless and until such written notice is actually received, the last address and addressee as stated by written notice, or provided for herein if no written notice of change has been received, shall be deemed to continue in effect for all purposes hereunder. This notice provision shall be inapplicable to any judicial or nonjudicial proceeding where California law governs the manner and timing of notice, commencing and prosecuting an action, commencing and prosecuting a foreclosure, or seeking the appointment of a receiver.

23. Election of Remedies. In addition to the rights, powers and remedies given in this Restated E.C.R. to the Lot Owners, 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. The failure to exercise any right or remedy shall not be deemed a waiver of that right or remedy unless the Owner entitled to that right or remedy has so agreed, expressly and in writing,

and the failure to so exercise any right or remedy shall not preclude such Owner entitled thereto from later exercising any such right or remedy. The written waiver of any default hereunder given by a Lot Owner shall not be binding upon any other Lot Owner that does not consent in writing to such waiver. Any written waiver of default shall not constitute a continuing waiver or waiver of any other same, similar or different events of defaults on any future occasion, unless such a waiver of such future defaults is expressed, in writing, with precision. No courses of dealing between any Owner, or any tenant, occupant, lessee, or user of any of the Lots, or any encumbrancer thereof, in exercising any rights under this Restated E.C.R. shall operate as a waiver of such rights, nor shall any such delay, unless agreed to in writing by the Owner entitled to enforce this Restated E.C.R., constitute a waiver of any obligation or default. No waiver or default shall extend to or impair any other obligation not expressly waived, nor impair any right otherwise consequent on such covenant, provision or obligation. Any waiver may be given subject to satisfaction of condition stated therein. No power or remedy herein conferred is exclusive of or shall prejudice any other power or remedy given by law or by the terms of this Restated E.C.R., nor shall any Owner hereto be forced to make any election of remedies.

24. Waiver of Setoff/Counterclaim. Each Owner hereto, for its own benefit and for the benefit of all of its successors and assigns, including but not limited to all Owners with interests in the Shopping Center or any lot or building which forms a portion therefor, hereby waive any and all rights of setoff, recoupment, and counterclaim with respect to assessments and obligations due under the terms of this Restated E.C.R., including rights of setoff, recoupment, and counterclaim with respect to the Shopping Center which may arise from claims, transaction or occurrences heretofore or in the future unknown to the claimant.

25. Time of Essence. Time is of the essence with regard to

performance under the terms and provisions of this Restated E.C.R., and any amendment, modification or revisions thereof, with respect to the actions and obligations of each person bound by the terms hereof. No extension of time for payment of any sum due hereunder shall operate or release, discharge, modify, change or affect the original liability as established hereunder, either in whole or in part. In accepting an interest in any Lot in the Shopping Center, each Owner, tenant, occupant, lessee, user, mortgagee, and trust deed beneficiary shall be deemed to take its interest knowingly and willingly subject to this time of the essence clause.

26. Severability. Invalidation of any of the provisions contained in this Restated E.C.R., or the application thereof to any person by judgment or court order shall in no way affect any of the other provisions hereof or the application thereof to any other person and the same shall remain in full force and effect.

27. Negation of Partnership. None of the terms or provisions of this Restated E.C.R. shall be deemed to create a partnership between or among the Owners or any of their tenants or occupants, in their respective businesses or otherwise, nor shall it cause them to be considered joint ventures or members of any joint enterprise. Each Owner shall be considered a separate Owner and no Owner shall have the right to act as an agent for another Owner, unless expressly authorized to so herein by a separate written instrument signed by the Owner to be charged.

28. Not a Public Dedication. Nothing herein contained shall be deemed to be a gift or dedication of any portion of the Shopping Center or of any Lot or portion thereof to the general public, or for any public use or purpose whatsoever. Except herein specifically provided, no right, privileges or immunities of any Owner shall inure to the benefit of any third-party person, nor shall any third-party person be deemed to be a beneficiary of any of the provisions contained herein except as otherwise expressly

set forth in this Restated E.C.R..

29. Estoppel Certificates. Any Owner shall, from time to time upon not less than thirty (30) days notice from any other party, execute and deliver to the Owner requesting same, a certificate in recordable form stating that this Restated E.C.R. is unmodified and in full force and effect or, if modified, that this Restated E.C.R. is in full force and effect, as modified, and stating the modification and stating whether or not, to the best of its knowledge, any Owner is in default in any respect under this Restated E.C.R., and if in default, specifying the nature of such default.

30. Developer Rights. All rights of Developer shall cease when Developer is no longer the Owner or "Prime Lessee" (as defined in Paragraph 31) of any Lot, at which time all approval rights reserved to Developer hereunder shall inure to and may be exercised only by the Owners of Lot 1, 2, and 3 with each such Lot Owner having one vote.

31. Prime Lessee Constituting "Owner":

a. Notwithstanding anything to the contrary contained in this Restated E.C.R., it is expressly agreed that if an Owner sells, transfers or conveys its Lot to an unaffiliated third party and thereafter enters into a lease or sublease for all of such Lot such transferring Owner shall become a "Prime Lessee" as defined below, and such third party purchaser shall be a "Prime Lessor" (as defined below). So long as such transferring Owner remains as a Prime Lessee, it shall have all of the rights and obligations of the Owner of such Lot as to such Lot only, and the other Owners shall look solely to such Prime Lessee for the performance of any obligations by the Owner of the Lot so leased (as to such Lot only), and the Prime Lessor (the then Owner of such Lot) shall be relieved of any obligation for the performance of or liability for

the covenants, obligations and restrictions set forth herein relating to either such Owner (as to such leased Lot only) or the Lot leased by the Prime Lessee. The creation of the status of Prime Lessee shall be effective only on and after the transferring Owner records an instrument designating itself as a Prime Lessee and designating the name and address of the Prime Lessor with the Ventura County Recorder and gives notice thereof to all other Owners, except that the parties hereby acknowledge that the Lot 1 Owner has designated Best Buy as the Prime Lessee of Lot 1 pursuant to this Paragraph 31a, and that Best Buy hereby accepts such designation, and no further notice is required as to such designation.

b. Further, any Owner of a Lot, as to such Owner's Lot, may designate an unaffiliated third party tenant of all, or a portion, of such Lot as a Prime Lessee as to such leased Lot, in which event, by written instrument executed by such Owner and such tenant and recorded in Official Records of Ventura County Recorder, such tenant shall agree to have and perform all rights and obligations of the Owner as to such Lot, provided, however, the Owner of such Lot shall remain primarily liable for the obligations of the Owner as to such Lot in the event the Prime Lessee thereof fails to perform such obligations in accordance with the terms hereof.

c. For purposes of this Restated E.C.R., "Prime Lessee" means (1) an Owner of a Lot who sells, transfers or conveys, its Lot to any unaffiliated third party and thereafter enters into a lease for all of said Lot with such third party or its lessee or sublessee, or (2) any unaffiliated third party tenant of a Lot designated by the Owner of such Lot as a Prime Lessee. Prime Lessee includes the successors and assigns of a Prime Lessee but does not include the sub-lessee, licensees or concessionaires of a Prime Lessee.

IN WITNESS WHEREOF, the parties have executed this Agreement
the day and year first above written.

BEST BUY CO., INC.

By: [Signature]
Its: Alan F. Horn

[Signature]
Alan F. Horn

[Signature]
Cynthia Harrell-Horn

Developer

TIMOTHY S. McGRATH, as Successor
Trustee of the Survivors Trust
created under the John Francis
McGrath and Elizabeth E. McGrath
Trust dated October 29, 1982, as to
an undivided 23.8% interest

MARIAN E. GRAHAM, as Trustee of the
Marian E. Graham Trust dated
September 8, 1982, as to an
undivided 23.8% interest

SEAN H. McGRATH, as Trustee of the
Marital Trust created under the
Frank and Lee McGrath Trust u/t/i
August 27, 1982, as to an undivided
23.8% interest

CHRIS J. COOLURIS, as Trustee of the
Ann Cooluris and Helen Mary Cooluris
Trust dated March 12, 1982, as to an
undivided 23.8% interest

JURGEN GRAMCKOW, as Successor Co-Trustee of the M.L. Trust of the Helen M. McGrath Trust dated December 6, 1973, as to undivided 4.8% interest

TIMOTHY S. McGRATH, as Co-Trustee of the M.L. Trust of the Helen M. McGrath Trust dated December 6, 1973, as to an undivided 4.8% interest


~~JURGEN GRAMCKOW~~, as Successor Co-
Trustee of the M.L. Trust of the
Helen M. McGrath Trust dated
December 6, 1973, as to undivided
4.8% interest


~~FINOTH S. MCGRATH~~, as Co-Trustee of
the M.L. Trust of the Helen M.
McGrath Trust dated December 6,
1973, as to an undivided 4.8%
interest

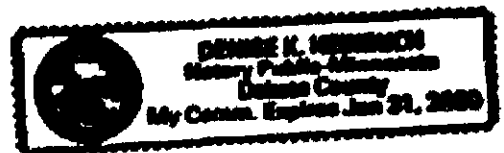
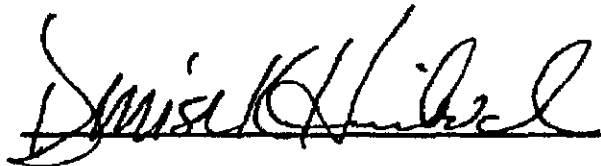
BEST BUY CO., INC.

State of Minnesota)
County of Hennepin)

On July 31, 1996, before me, Denise Heinbuch,
(Insert name of notary)
notary public in and for said State, personally appeared
Robert S. Fox, personally known to me ~~(or~~
~~proved to me on the basis of satisfactory evidence)~~ to be the
person(s) whose name(s) is/are subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon
behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature



(Seal)

CAPACITY CLAIMED BY SIGNER:

☐ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☐ Trustee(s)	☐ Guardian/Conservator
☒ Corporate	☐ Other: _____
Officer(s) <u>Senior V.P. Finance</u>	
Title(s) _____	

SIGNER IS REPRESENTING:

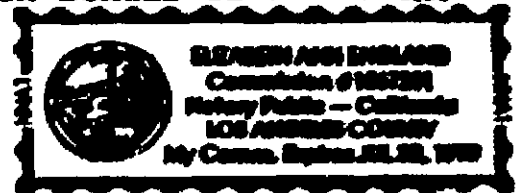
Name of Person(s) or Entity(ies): Best Buy Co., Inc., a Minnesota Corporation

State of California)
County of Los Angeles)

On August 12, 1996, before me, Elizabeth Ann Fryland)
(Insert name of notary)

notary public in and for said State, personally appeared ALAN F. NORM, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Elizabeth Ann Fryland

(Seal)

CAPACITY CLAIMED BY SIGNER:

☒ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☐ Trustee(s)	☐ Guardian/Conservator
☐ Corporate Officer(s) _____	☐ Other: _____
<u>Title(s)</u>	_____

SIGNER IS REPRESENTING:

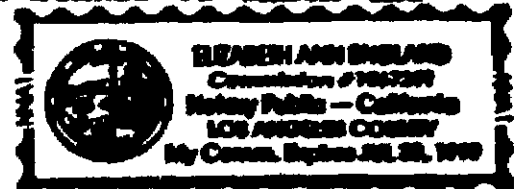
Name of Person(s) or Entity(ies): _____

State of California)
County of Los Angeles)

On August 12, 1996, before me, Elizabeth Ann England,
(Insert name of notary)

notary public in and for said State, personally appeared CYNTHIA MARRELL-MORN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Elizabeth Ann England

(Seal)

CAPACITY CLAIMED BY SIGNER:

☒ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☐ Trustee(s)	☐ Guardian/Conservator
☐ Corporate _____	☐ Other: _____
Officer(s) _____	
Title(s) _____	

SIGNER IS REPRESENTING:

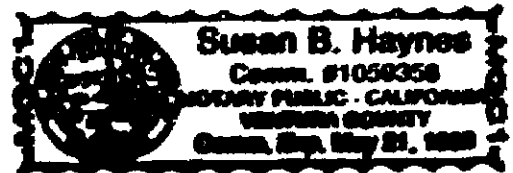
Name of Person(s) or Entity(ies): _____

State of California)
County of Ventura)

On August 1, 1996, before me, Susan B Haynes,
(Insert name of notary)

notary public in and for said State, personally appeared **TIMOTHY S. McGRATH**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature

[Handwritten Signature]

(Seal)

CAPACITY CLAIMED BY SIGNER:

☐ Individual(s)
☐ Partner(s)
☒ Trustee(s)
☐ Corporate _____
Officer(s) _____
 Title(s)

☐ Attorney-In-Fact
☐ Subscribing Witness
☐ Guardian/Conservator
☐ Other: _____

SIGNER IS REPRESENTING:

Name of Person(s) or Entity(ies): **TIMOTHY S. McGRATH**, as Successor Trustee of the Survivors Trust created under the John Francis McGrath and Elizabeth E. McGrath Trust dated October 29, 1982, as to an undivided 23.8% interest and as Co-Trustee of the M.L. Trust of the Helen M. McGrath Trust dated December 6, 1973, as to an undivided 4.8% interest.

State of California)
County of Ventura)

On August 2, 1996, before me, Sandra R. Kurtz,
(Insert name of notary)

notary public in and for said State, personally appeared **MARIAN E. GRAHAM**, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Sandra R. Kurtz

(Seal)

CAPACITY CLAIMED BY SIGNER:

☐ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☒ Trustee(s)	☐ Guardian/Conservator
☐ Corporate _____	☐ Other: _____
Officer(s) _____	
<u>Title(s)</u>	

SIGNER IS REPRESENTING:

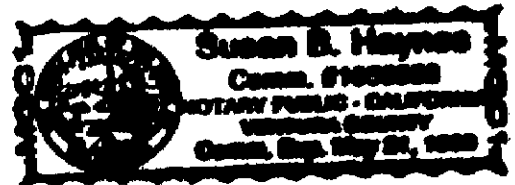
Name of Person(s) or Entity(ies): **MARIAN E. GRAHAM, as Trustee of the Marian E. Graham Trust dated September 8, 1982, as to an undivided 23.8% interest.**

State of California)
County of Ventura)

On August 2, 1996, before me, Susan B. Haynes,
(Insert name of notary)

notary public in and for said State, personally appeared SEAN H. McGRATH, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature

Sean McGrath

(Seal)

CAPACITY CLAIMED BY SIGNER:

☐ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☒ Trustee(s)	☐ Guardian/Conservator
☐ Corporate Officer(s) _____	☐ Other: _____
<u>Title(s)</u>	_____

SIGNER IS REPRESENTING:

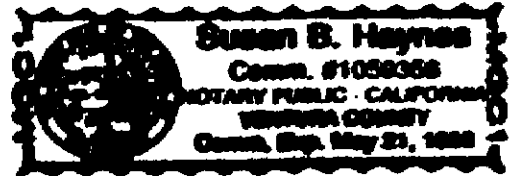
Name of Person(s) or Entity(ies): SEAN H. McGRATH, as Trustee of the Marital Trust created under the Frank and Lee McGrath Trust u/t/i August 27, 1982, as to an undivided 23.8% interest.

State of California)
County of Ventura)

On August 2, 1996, before me, Susan B. Haynes,
(Insert name of notary)

notary public in and for said State, personally appeared CHRIS J. COOLURIS, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.



Signature Susan B. Haynes

(Seal)

CAPACITY CLAIMED BY SIGNER:

☐ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☒ Trustee(s)	☐ Guardian/Conservator
☐ Corporate Officer(s) _____	☐ Other: _____
<u>Title(s)</u>	_____

SIGNER IS REPRESENTING:

Name of Person(s) or Entity(ies): CHRIS J. COOLURIS, as Trustee of the Ann Cooluris and Helen Mary Cooluris Trust dated March 12, 1982, as to an undivided 23.8% interest.

IN WITNESS WHEREOF, the parties have executed this Agreement
the day and year first above written.

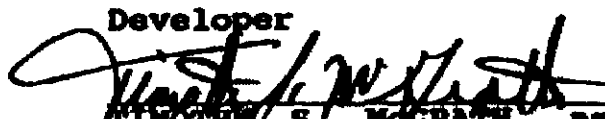
BEST BUY CO., INC.

By: _____
Its: _____

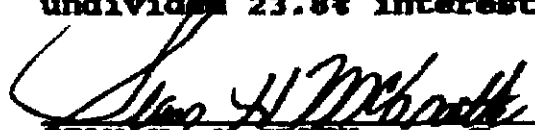
Alan F. Horn

Cynthia Harrell-Horn

Developer


TIMOTHY S. MCGRATH, as Successor
Trustee of the Survivors Trust
created under the John Francis
McGrath and Elizabeth E. McGrath
Trust dated October 29, 1982, as to
an undivided 23.8% interest


MARIAN E. GRAHAM, as Trustee of the
Marian E. Graham Trust dated
September 8, 1982, as to an
undivided 23.8% interest


SEAN H. MCGRATH, as Trustee of the
Marital Trust created under the
Frank and Lee McGrath Trust u/t/i
August 27, 1982, as to an undivided
23.8% interest


CHRIS J. COOLURIS, as Trustee of the
Ann Cooluris and Helen Mary Cooluris
Trust dated March 12, 1982, as to an
undivided 23.8% interest

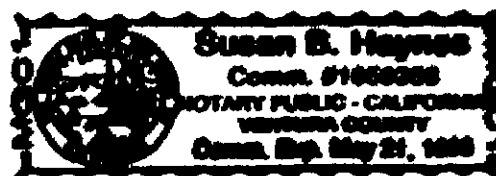
State of California)
County of Ventura)

On August 1, 1996, before me, Susan B. Haynes,
(insert name of notary)

notary public in and for said State, personally appeared JURGEN GRAMCKOW, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Susan B. Haynes



(Seal)

CAPACITY CLAIMED BY SIGNER:

☐ Individual(s)	☐ Attorney-In-Fact
☐ Partner(s)	☐ Subscribing Witness
☒ Trustee(s)	☐ Guardian/Conservator
☐ Corporate Officer(s) _____	☐ Other: _____
Title(s) _____	_____

SIGNER IS REPRESENTING:

Name of Person(s) or Entity(ies): JURGEN GRAMCKOW, as Successor Co-Trustee of the M.L. Trust of the Helen M. McGrath Trust dated December 6, 1973, as to an undivided 4.8% interest.

PHASE II SITE PLAN

LEGEND

- OF** **REDACTED EMPLOYEE NAMES** **REDACTED SAIT PARKER.**

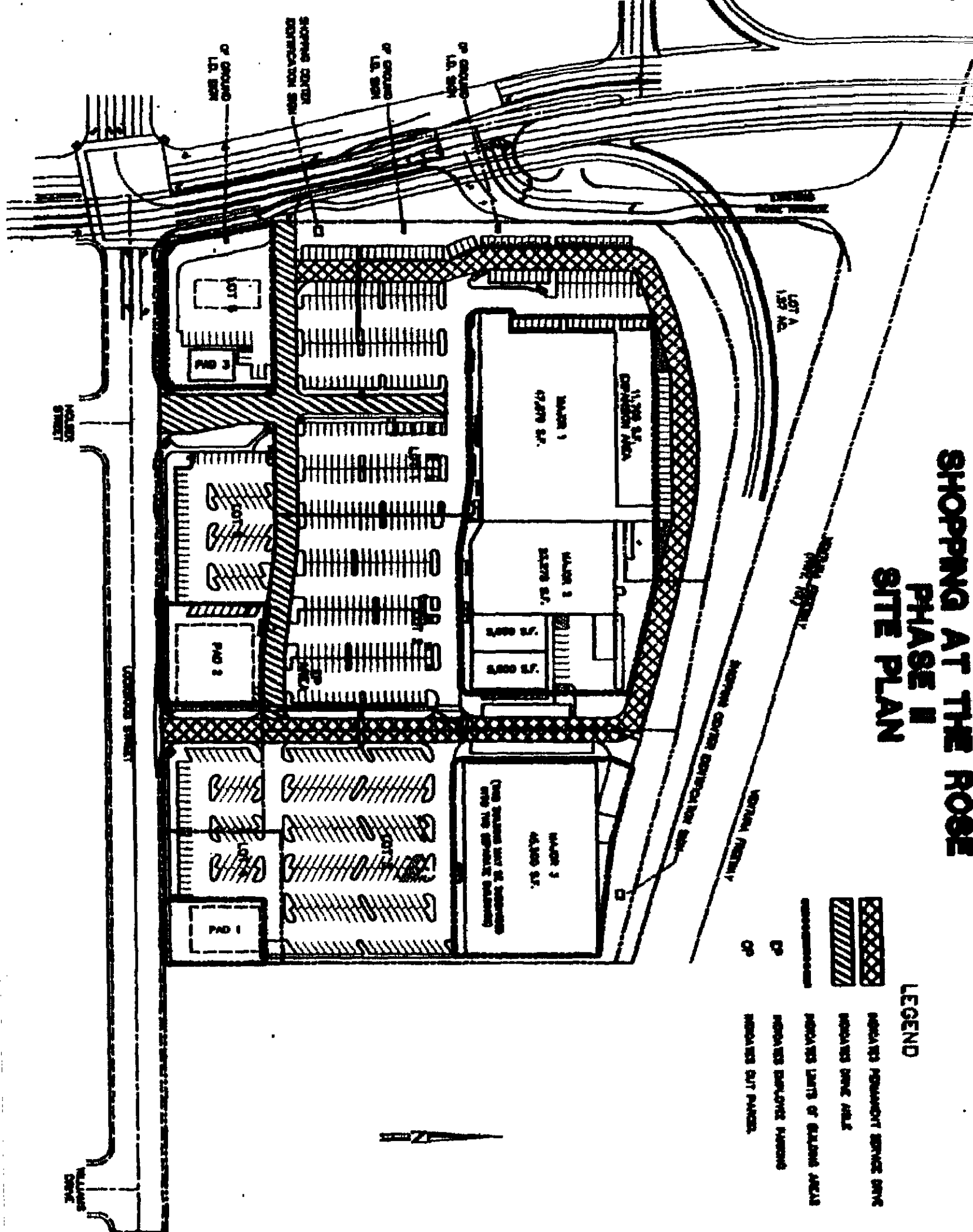


EXHIBIT A

EXHIBIT B

Lots 1, 2, 3, 4, 5 and 6 of Tract 4983, in the City of Oxnard, County of Ventura, State of California, as per map thereof recorded in Book 127, Page 75, of Miscellaneous Records in the Office of the County Recorder of the County of Ventura, State of California.

EXHIBIT B

EXHIBIT B

EXHIBIT 2

MusickPeeler

ATTORNEYS AT LAW

LAURA K. MCAVOY
l.mcavoy@musickpeeler.com
(805) 418-3115

2801 TOWNSGATE ROAD, SUITE 200
WESTLAKE VILLAGE, CALIFORNIA 91361

TELEPHONE: (805) 418-3100
FACSIMILE: (805) 418-3101
WWW.MUSICKPEELER.COM

LOS ANGELES
ORANGE COUNTY
SAN DIEGO
SAN FRANCISCO
SANTA BARBARA COUNTY
VENTURA COUNTY

May 27, 2020

Via Email and U.S. Mail: mariav@damanagementgroup.com

FGH, LLC
Attn: Ms. Maria Valdez
1650 E. Gonzales Road, #296
Oxnard, CA 93036

Re: Potential Cannabis Use at 2320 N. Rose Avenue, Oxnard

Dear Ms. Valdez:

The undersigned acts as general counsel to a number of members of the McGrath family who are the owners of the property located at 2330 N. Rose Avenue, Oxnard, California, and also that certain parcel known as Lot 4, a vacant parcel located directly east of the parcel occupied by Golden Corral on Lockwood Avenue. These two parcels are collectively referred to as the "Neighboring Property."

By letter dated April 24, 2020, you were notified by Seena M. Samimi of the law firm of the Jeffer Mangels Butler & Mitchell of the opposition of their client, Oxnard Place, LLC, which owns the property located at 2340 N. Rose Avenue, Oxnard, California, to any proposed cannabis business located at 2320 N. Rose Avenue (the "Cannabis Property").

On behalf of my clients, we also express strong concurrence with the position taken by the owners of 2340 N. Rose Avenue and my clients likewise inform you that we believe that any proposed cannabis business would be in violation of the Restated E.C.R. as defined and as detailed in the referenced April 24, 2020 letter.

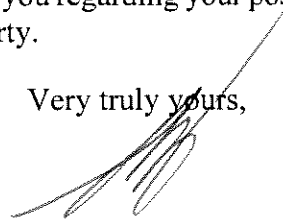
Likewise, we urge that you also conclude that the Cannabis Property cannot and may not be used for any proposed cannabis business.

MusickPeeler

FGH, LLC
May 27, 2020
Page 2

We look forward to hearing from you regarding your position relating to the Restated E.C.R. and your plans as to the Cannabis Property.

Very truly yours,



Laura K. McAvoy
for MUSICK, PEELER & GARRETT LLP

LKM:srk

cc: Seena M. Samimi, Esq. (sxs@jmbm.com)
Ms. Vanessa Hernandez (vanessa.hernandez246@gmail.com)
Mr. Keith Fuller (keithfuller@yahoo.com)
Mr. Stan Rothbart (stan@rothbartdev.com)
Mr. Mark Perlmutter mark@dmpproperties.com
Mr. Brian Martini brian@dmpproperties.com
Ms. Shawna Pierno shawna@dmpproperties.com
Ms. Beverly Gutierrez (bevg@hvwnonline.com)

1217900.1

MEMO



DATE: October 13, 2021

TO: Planning Commission

FROM: Jose Coyotl, Associate Planner

SUBJECT: **Project Name: 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, 501 West Channel Islands Boulevard Unit 304, Port Hueneme, CA 93041, on behalf of HPC of Oxnard, LLC.

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.

Background:

On October, 7, 2021, the Planning Commission continued the HPC of Oxnard, LLC. - Commercial Cannabis Business Retail SUP project to a Special Meeting to be held on a date certain of October 13, 2021, starting at 6:30 PM.

The public hearing documents that were prepared for the Planning Commission's public hearing on October 7, 2021, have not changed for the Special Meeting on October 13, 2021. For the convenience of the Planning Commission and interested parties, attached to this memo are the following documents originally prepared for the Planning Commission's public hearing on October 7, 2021:

1. Staff Report and associated attachments.

Additionally, the required Measure M pre-recorded presentation video has not been changed, and it can be viewed online at this address: https://youtu.be/NUnbC3J_WWY

**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:

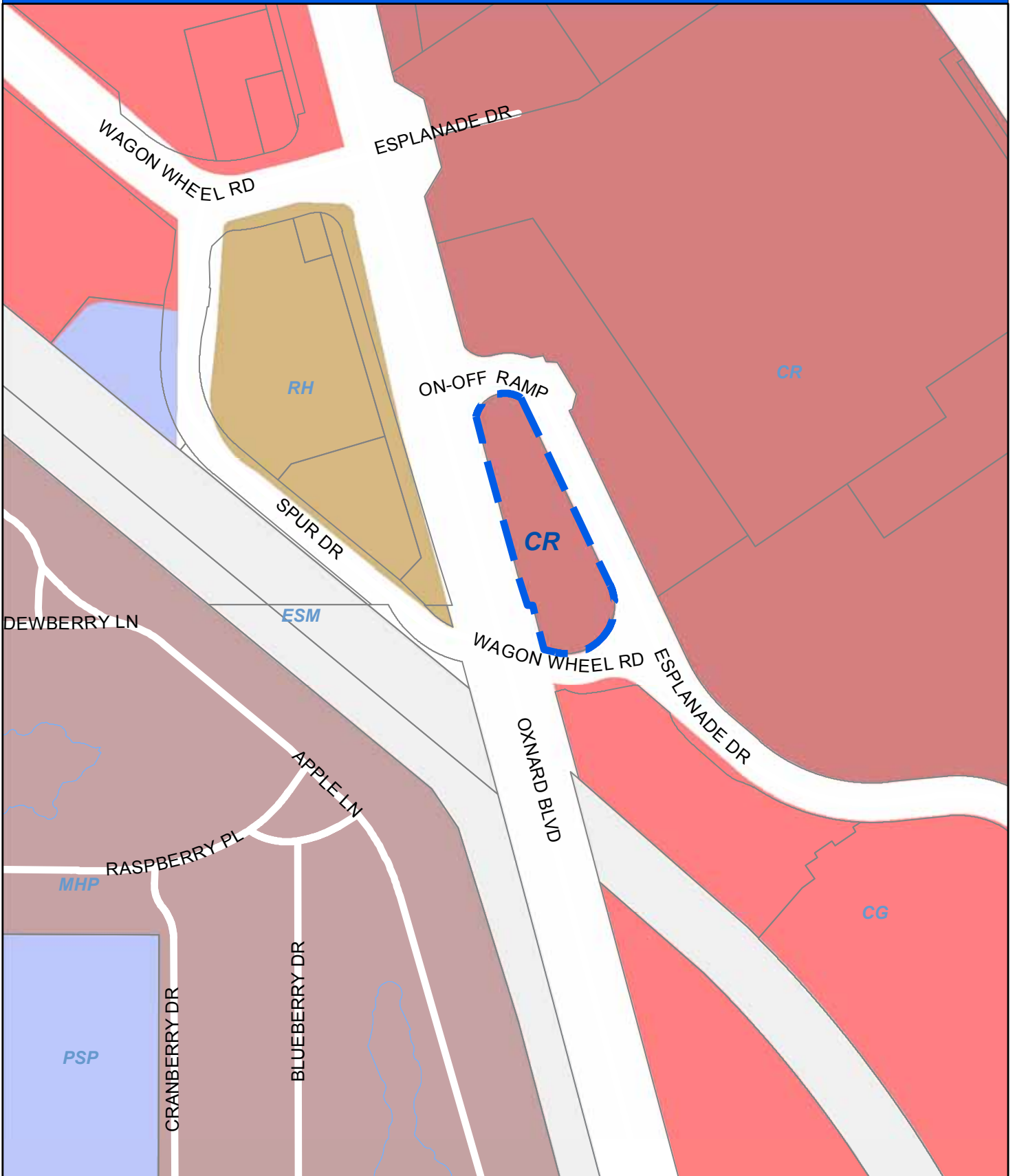
- A. Maps (Vicinity, General Plan, Zoning, Aerial)
- B. Reduced Project Plans
- C. Cannabis Ordinance No. 2994
- D. HPC of Oxnard, LLC. Conditional Commercial Cannabis Business Permit
- E. Notice of Exemption
- F. Planning Division Policies & Procedures Item 2.7 - Minor Modifications
- G. 2030 General 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

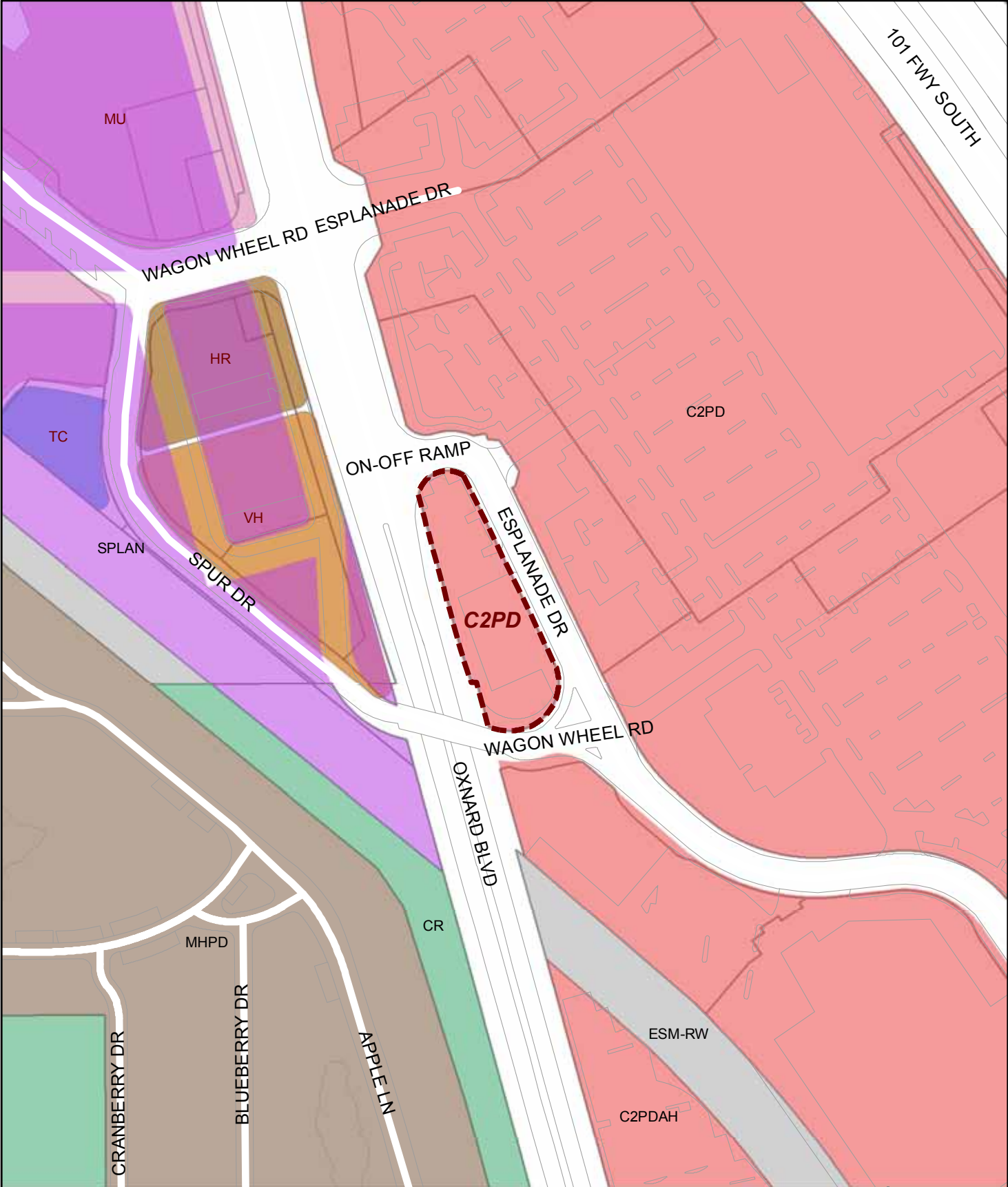
0 62.5 125 250 Feet

2030 General Plan Land Use Map



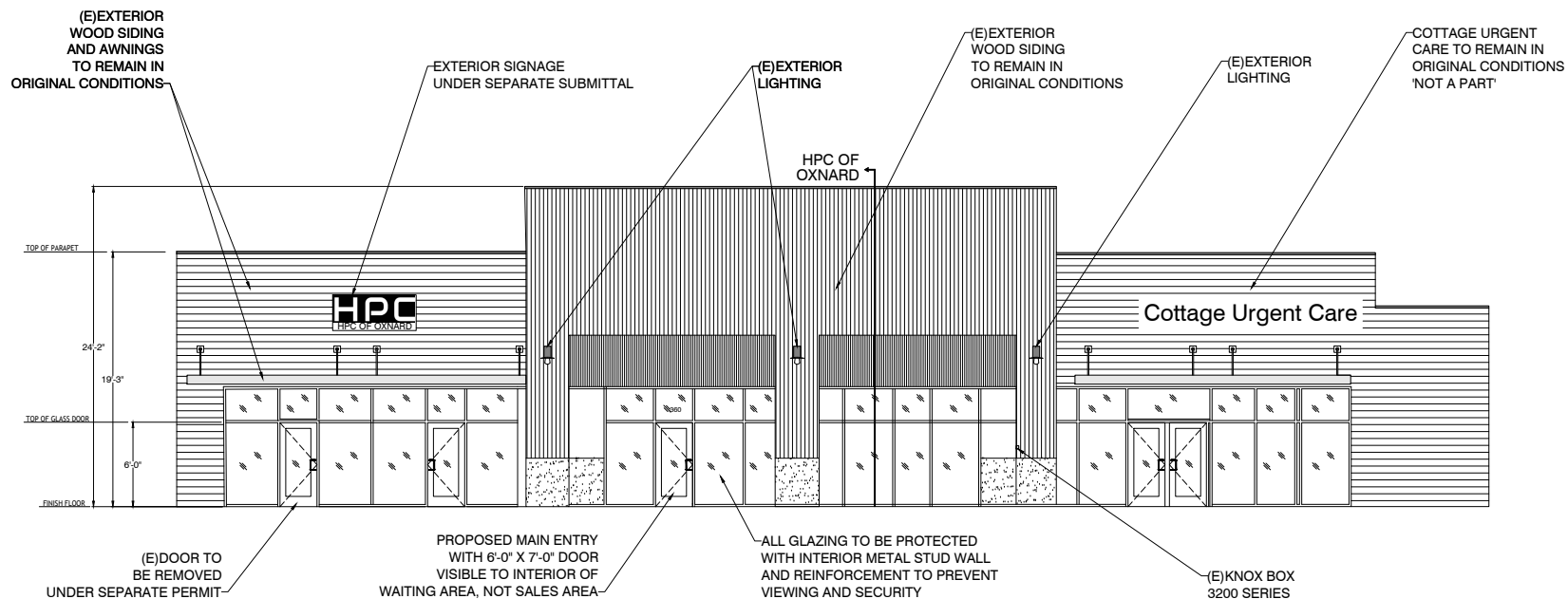
1:2,500

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
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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
CHECKED: JT	APPROVED: JT
DATE: 2020-10-20	SCALE: 1/4" = 1'-0"

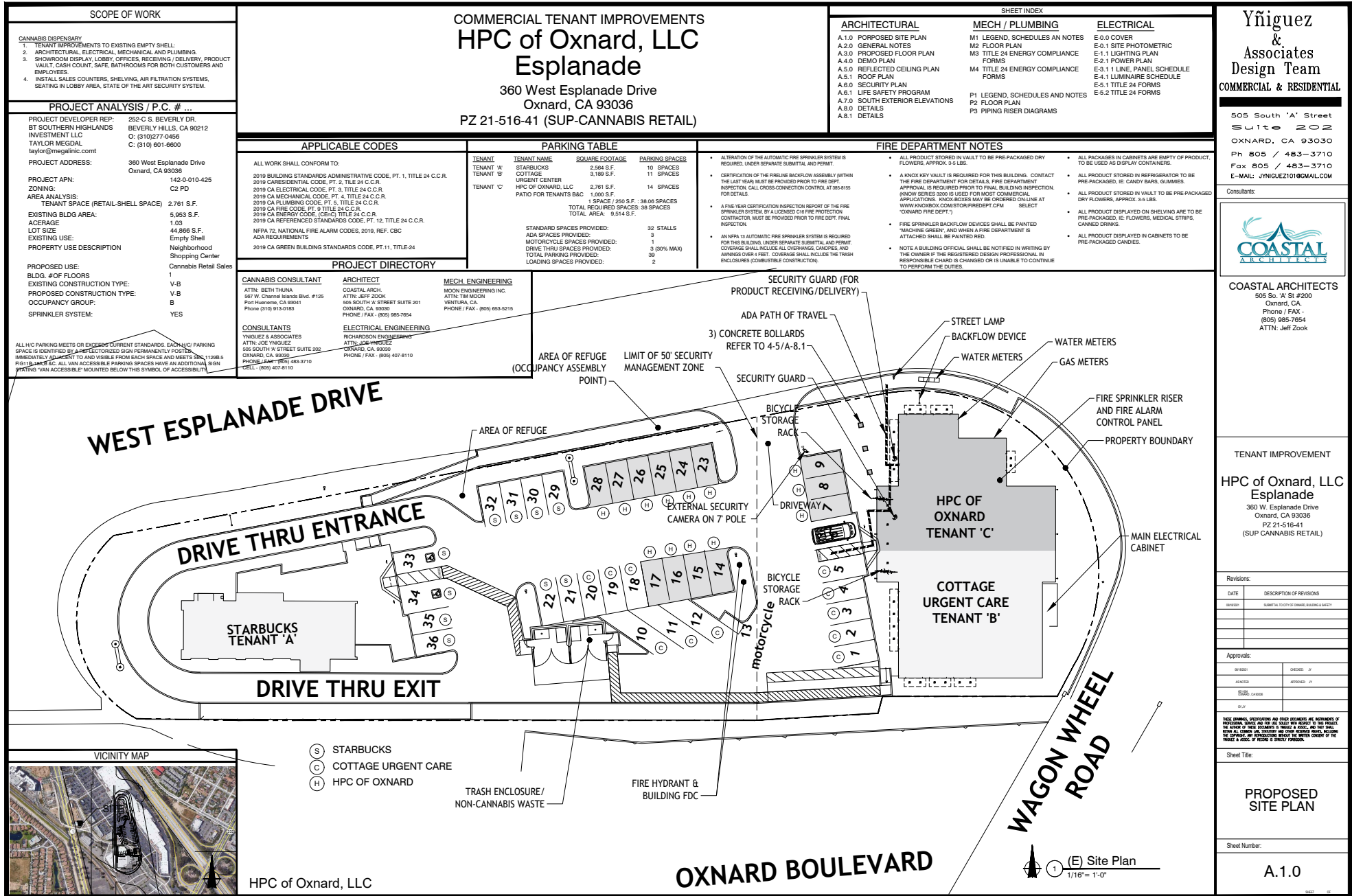
THESE DRAWINGS, SPECIFICATIONS AND OTHER DOCUMENTS ARE HEREBY GIVEN UPON THE UNDERSTANDING THAT THEY ARE TO BE USED ONLY FOR THE PROJECT AND SITE SHOWN HEREON. ANY REVISIONS OR CHANGES TO THESE DRAWINGS SHALL BE MADE BY THE ARCHITECT AND NO OTHER PERSON SHALL BE RESPONSIBLE FOR ANY SUCH CHANGES. THE ARCHITECT'S OFFICE SHALL BE RESPONSIBLE FOR THE PROJECT'S RECORD SET AND SHALL BE RESPONSIBLE FOR THE PROJECT'S RECORD SET.

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.

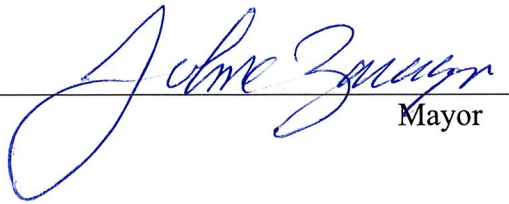
The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

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.

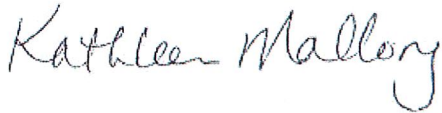
The City will be issuing thirteen (13) retail cannabis permits once the process outlined below is completed. Based upon the approved rankings, the top retail applicants are:

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 dark ink, reading "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

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	Haven #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

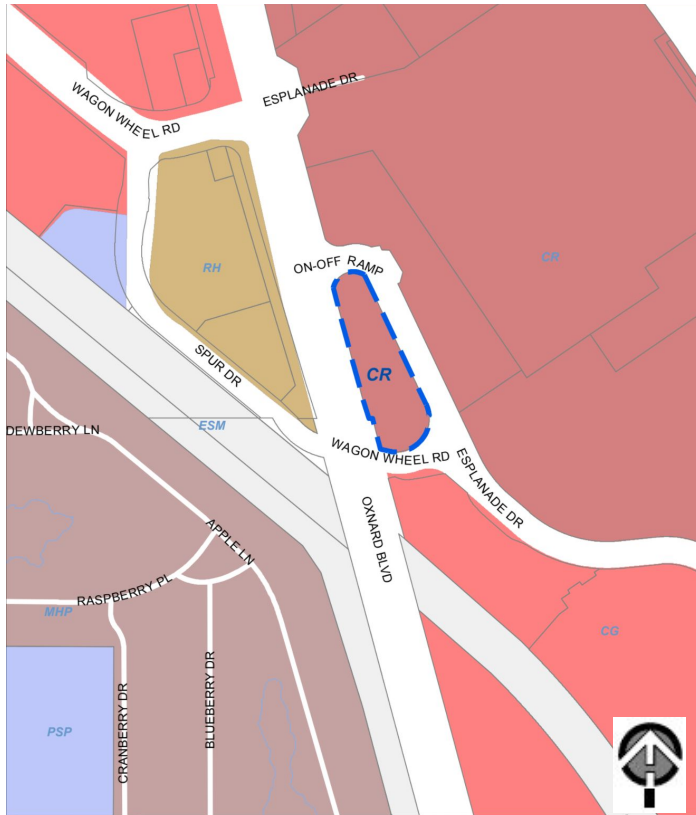
Project Location

Subject Site: 360 West Esplanade Drive



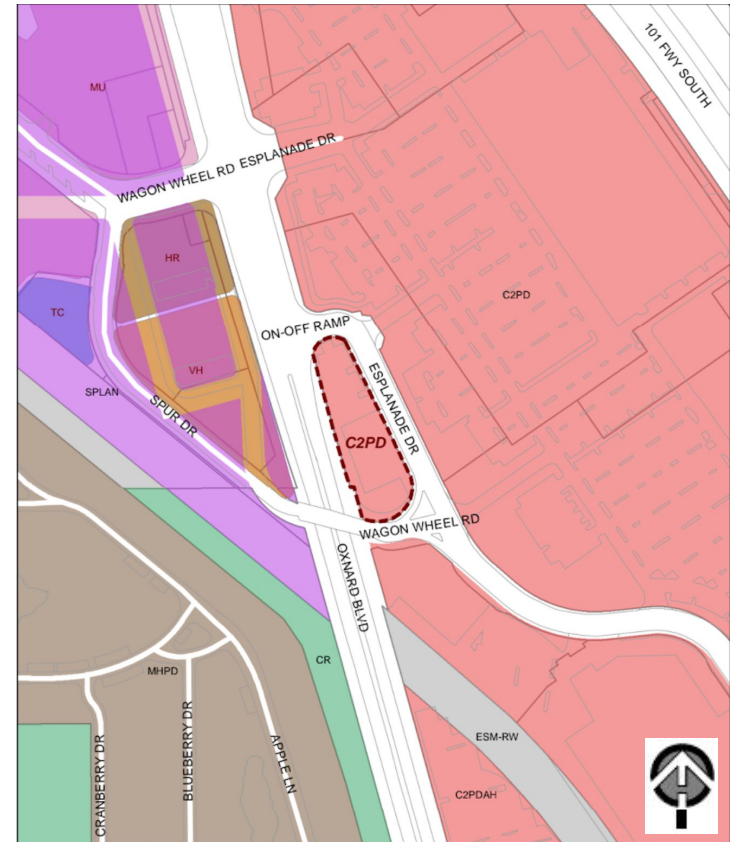
General Plan & Zoning Maps

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)).

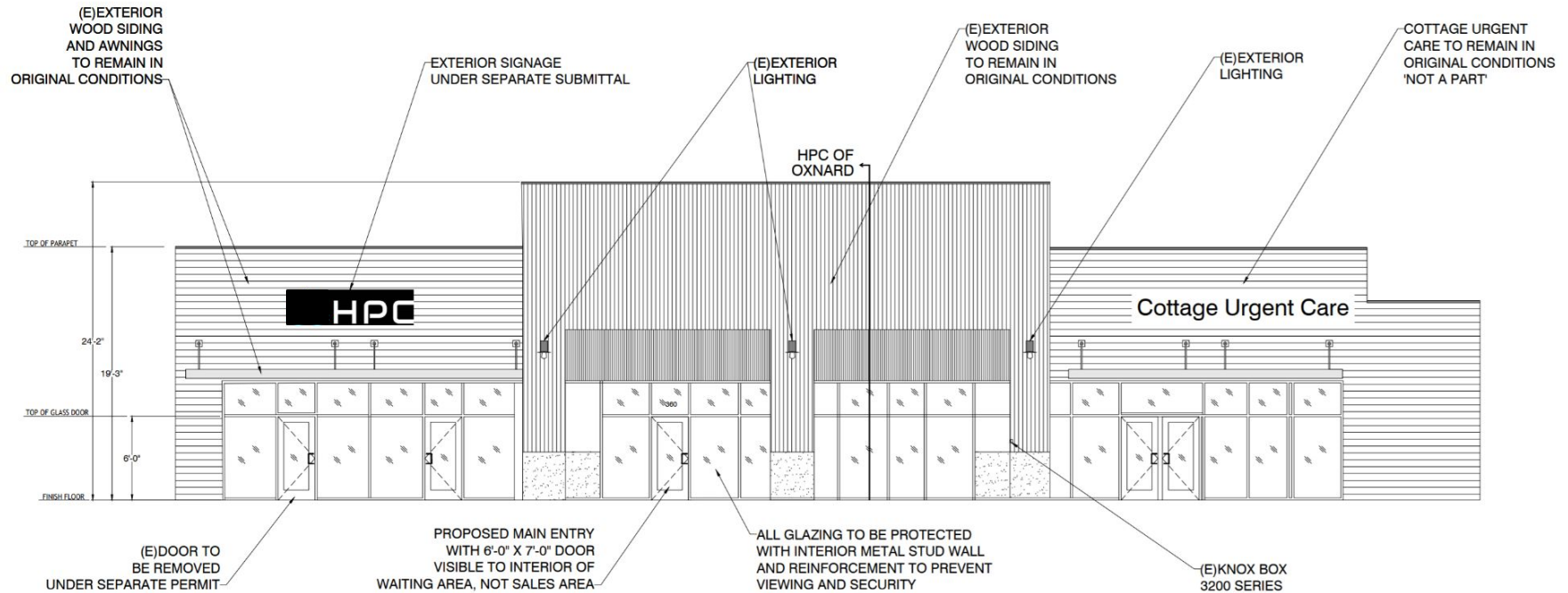
Background: Cannabis Regulations (cont.)

- 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.

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

