

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
August 5, 2021 Minutes

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Service Center West Conference Room, 214 South C Street. Chair Chavez announced pursuant to Governor Newsom's Executive Order N-29-20, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Chavez (via videoconference), Vice Chair Arruejo (via videoconference), Commissioners Connelly (via videoconference), Lopez (via videoconference), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Kathleen Mallory, Planning & Sustainability Manager; Jose Cotoyl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Eric S. Sonstegard, Assistant Police Chief; Jessica Monterroso, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.
5. Scott Kolwitz, Planning & Environmental Services Manager, announced that the City Council Chambers are being remodeled, so the Council Chambers are not available for meetings. While this construction project is happening: 1) City staff have relocated the Planning Commission meetings to Service Center West Conference Room, 214 South C Street, 2) the Planning Commission and the public will continue to join virtually, and 3) live broadcasts of the Planning Commission meetings will be limited to the YouTube platform.

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

1. Commissioner Nash led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - July 15, 2021

MOTION: Commissioner Nash moved and Vice Chair Arruejo seconded a motion to approve the minutes of July 15, 2021, with an edit to the Amendment to the Main Motion Vote on page 5 to read as follows:

~~Vice Chair Arruejo and Commissioners Meyer and Sanchez~~ voted in favor. Chair Chavez, Vice Chair Arruejo and Commissioners Connelly, and Nash ~~and Sanchez~~ voted against. Commissioner Lopez was absent. The motion failed 2:4:1:0:0

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

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Vice Chair Arruejo commented that he will recuse himself from participating in Item F-1 due to 18 U.S. Code § 203 and 18 U.S. Code § 205.
2. Chair Chavez commented that he had an ex parte communication for item F-1. Chair Chavez hosts a podcast which has included members from the Cannabis Industry. He can hear and consider the request in a fair, objective and unbiased manner.
3. None of the remaining Planning Commissioners had any ex parte communications to report for Item F-1.

F. PUBLIC HEARING

1. **Project Name: Harbor Management Group, LLC. - Commercial Cannabis Business Retail SUP - PLANNING AND ZONING PERMIT No. 21-516-22** (Special Use Permit – Cannabis: Retail). A request to permit the operation of a commercial cannabis retail facility within a proposed 4,131 square-foot commercial retail suite of an 18,296 square-foot industrial building on a 2.79-acre site located at 2150 Trabajo Drive within the Business Research Park (BRP) 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. In accordance with Section 16-651 of the Oxnard City Code (OCC) the applicant is seeking Administrative Parking Relief to reallocate parking based on new exclusive uses and hours of operation between the two buildings within the industrial property. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by John A. Muller on behalf of Harbor Management Group, LLC.

City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

- a) Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act; and
- b) Adopt Resolution 2021-16 approving Planning and Zoning Permit No. 21-516-22 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/KAiZrGpwInI>

¹ In Favor: Against: Absent: Abstain: Recused

City staff, including Jose Coyotl, Associate Planner; Kathleen Mallory, Planning & Sustainability Manager; and Eric S. Sonstegard, Assistant Police Chief, were available for questions.

The applicant team, consisting of Lonnie and Nancy Jarvis (Safeport, Owners) and John A. Muller (Muller Worthy Architects, Architect), provided a presentation and were available for questions.

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

Public verbal comments were received in support of Item F-1.

1. Steve Kinney (Economic Development Consultant) gave positive comments regarding his interaction with Safeport's first operation established in Port Hueneme.
2. Andrew Salinas, Chief of Police from City of Port Hueneme, gave positive comments regarding his interaction with Safeport. He described Safeport as a responsible cannabis business, great donors and contributors to the City of Port Hueneme.

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

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

Discussion ensued among the Commissioners and staff about several topics, including: the City's comprehensive cannabis regulations; interaction between the cannabis businesses being operated by Safeport onsite (manufacturing, distribution, and retail); outreach and positive feedback between the applicant and other adjacent business and the church; limitations on the number of customers in the facility at one time; shared parking agreement operations; onsite and offsite loitering; Police Department's satisfaction with the security plan; lighting improvements; assurance that cannabis will not be consumed onsite; regulations for onsite business identification signage; potential need for onsite or offsite traffic and parking related signage; one-year permit renewal and or revocation procedures; Community Benefit Agreement and procedure to use funds collected; an appreciation of the applicant's presentation and detailed responses to questions as well as staff's thorough staff materials and robust conditions to protect the industry, City, residents and visitors; and acknowledgement that the applicant is known as a good operator and corporate citizen in Port Hueneme with an expectation that they will be the same in Oxnard.

MOTION: Commissioner Nash moved and Commissioner Lopez seconded a motion to approve the Harbor Management Group, LLC. - Commercial Cannabis Business Retail Special Use Permit as submitted, finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) of the CEQA; and Adopt Resolution 2021-16 approving Planning and Zoning Permit No. 21-516-22 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE: Chair Chavez, and Commissioners Connelly, Lopez Meyer, Nash, and Sanchez voted in favor. Vice Chair Arruejo was recused. The motion carried 6:0:0:0:1²

G. STUDY SESSION/REPORTS

1. Project Name: Rules and Procedures (Bylaws) Discussion

City Staff: Scott Kolwitz, Planning and Environmental Services Manager
Ken Rozell, Chief Assistant City Attorney

Recommendation: That the Planning Commission Rules and Procedures (Bylaws) Subcommittee present their findings and recommended revisions to the Rules and Procedures to the Planning Commission and seek adoption of the final Bylaws by August 19, 2021.

Vice Chair Arruejo provided a statement that the final review of the Planning Commission Rules and Procedure (Bylaws) have been submitted to the Planning Commission in writing and only a few minor adjustments will be made for the next meeting to present a final version.

Discussion ensued among the Commissioners and staff about several topics, including: an appreciation of the Rules and Procedures (Bylaws) Subcommittee's work effort; formatting; potential language regarding disruptive public speakers.

MOTION: Commissioner Nash moved and Vice Chair Arruejo seconded a motion to add language to Rule 6 Conduct of Public Hearing of the Planning Commission Rules and Procedures (Bylaws) as follows:

"Any person making a verbal or written threat of violence against any commissioner, staff or audience member shall be referred to the Oxnard Police Department for investigation or making terrorist threats and possible enforcement of a Gun Violence Restraining Order, GVRO."

VOTE: Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly, Lopez Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0:0³

Vice Chair Arruejo presented a Motion for the final formatting of the Bylaws.

MOTION: Vice Chair Arruejo moved and Commissioner Lopez seconded a motion to follow Bylaws Sectioning formatting Option 1 (Numbers & Letters) for the structure of the Planning Commission Rules and Procedures (Bylaws), as presented in the Bylaws Sectioning Memo dated August 5, 2021.

VOTE: Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly, Lopez Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0:0⁴

² In Favor: Against: Absent: Abstain: Recused

³ In Favor: Against: Absent: Abstain: Recused

⁴ In Favor: Against: Absent: Abstain: Recused

H. PLANNING COMMISSION BUSINESS

1. Commissioner Nash thanked staff for assisting in the disruptive public speakers language and for sending Agenda Packets.
2. Commissioner Lopez
 - i. Announced the Notice of Intent to Adopt a Mitigated Negative Declaration for the 2021-2029 Housing Element has been posted (<https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HE-NOI-Final.pdf>). The City would be hosting a virtual meeting August 18th from 3:30 p.m to 5:00 p.m. to review changes of the Housing Element since the release of the Draft Housing Element. Commissioner Lopez encouraged the Commissioners and the general public to participate in the open public comment period beginning August 5 through September 3, 2021 (comments are due by 5:00 p.m. on September 3).
 - ii. Thanked members of the Bylaw Subcommittee for their time and service.
3. Chair Chavez
 - i. Congratulated Mayor Pro Tem MacDonald on his marriage 36 year wedding anniversary and Councilmember Teran for his 15 year wedding anniversary.
 - ii. Announced that he was elected as Vice Chair of the Ventura County Climate Emergency Council.
 - iii. Shared that Metrolink will open their new extended services as of Saturday August 14, and more information can be found on the website at www.metrolinktrains.com.
 - iv. Commented that he was proud of the Commission and its member's respect for everyone.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

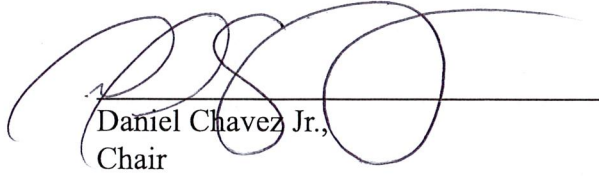
1. The Housing Element document will be presented in the Planning Commission meetings during their September 2nd and 16th meetings. On September 2, 2021, the focus will be on the policy changes, and on September 16, 2021, the focus will be on the environmental review. Staff recommends that Planning Commissioners start to review the Housing Element's Mitigated Negative Declaration now. For more information, can be found at the following link: <https://www.oxnard.org/housing-element-update/>
 - i. The current version of the Draft Housing Element is posted on the City's website:
https://www.oxnard.org/wp-content/uploads/2021/08/Adoption-Final_8-13-21_clean.pdf
 - ii. The Draft Housing Element Mitigated Negative Declaration is posted on the City's website:
<https://www.oxnard.org/wp-content/uploads/2021/08/Oxnard-HEU-IS-MND-Public-Review-Draft.pdf>
 - iii. The next planning Commission meeting is scheduled for August 19, 2021 at 6:00 p.m.

J. ADJOURNMENT

1. At 8:06 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, August 19, 2021, 6:00 p.m., 214 S. C Street



Daniel Chavez Jr.,
Chair


ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager