

CITY OF OXNARD

PLANNING COMMISSION

AGENDA

REGULAR MEETING
Council Chambers, 305 West Third Street
Thursday, November 4, 2021, 6:00 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/eqfiCSPWmu7nDmUz5>, 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: 865 3040 0359
 3. Enter the meeting passcode: 922369
 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..
- 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

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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. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

1. **Subject:** Adoption of a Resolution reauthorizing remote teleconference meetings of the Planning Commission of the City of Oxnard.

Recommendation: That the Planning Commission adopt Resolution 2021-XX reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

2. APPROVAL OF MINUTES - October 7, 2021
3. APPROVAL OF MINUTES - October 13, 2021
4. APPROVAL OF MINUTES - October 21, 2021

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. PUBLIC HEARING

1. **Project Name: Vista Real Charter High School - PLANNING AND ZONING PERMIT** No. 21-520-01 (Special Use Permit). A request to allow the expansion of an existing 5,270 square-foot charter high school (Vista Real Public Charter School) to expand into an

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adjacent 3,563 square-foot tenant space for a combined total of 8,833 square feet. The charter school will consolidate two tenant spaces of an existing 12,000 square-foot multi-tenant commercial building located at 5000 & 5008 South C Street (APN: 205-0-141-325) within the Pleasant Valley Shopping Center which is located on a 7.93 acre site that is zoned General Commercial-All Affordable Housing Opportunity Program (C-2-AH). No exterior changes are proposed and only minor interior tenant improvements are anticipated to accommodate the expansion of the charter school. Filed by Tracy Woods with Learn 4 Life, on behalf of Pleasant Valley Plaza Ltd, property owner, 404 Estero Avenue, Morro Bay, California 93442.

City Staff: Juan Martinez, 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), pursuant to Section 15301 (Existing Facilities), and
- b) Approve Resolution 2021-XX approving Planning and Zoning Permit No. 21-520-01 (Special Use Permit), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/ZqbmN4DMpQQ>

2. **Project Name: Vineyard Starbucks Site Renovations - PLANNING AND ZONING PERMIT No. 21-550-01** (Major Modification to U-916 (Special Use Permit). The project includes modifications to an existing 2,450 square-foot drive through fast food restaurant building and to allow for a Starbucks coffee shop on a 0.66 acre site. The proposed improvements will consist of a series of site changes to convert the existing Wendy's restaurant drive-through restaurant into a Starbucks drive-through coffee shop. The changes include a small 50 square-foot addition to allow for the relocation of the drive-through pick-up window. The resulting building will be 2,500 square feet. The exterior of the building will be renovated with new colors and materials which will consist of tan stucco and a bronze metal roof, with a weathered copper siding.

The site layout will be reconfigured to allow for a larger vehicle queue. The revised drive-through lane will increase the queuing capacity from 5 vehicles to 16 vehicles. The project includes a Transportation Demand Management Plan.

Other changes include revised signage, upgraded landscaping, and new parking lot striping.

A request for an administrative parking relief is also be requested to allow for two modifications: 1) Allow for a decrease in the number required parking spaces from 50

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parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-through queue, and 2) allow for 11 of the required parking spaces to be compact parking spaces. The Project site is located at 2551 North Vineyard Avenue (APN: 132-0-043-215) within the General Commercial Planned Development (C-2-PD) zone district and within the Commercial General land use designation (Attachment A). Filed by Beverly Metz, of Starbucks, 555 Anton Boulevard, Costa Mesa, CA 92626.

City Staff: Joe Pearson, Senior Planner

Recommendation: That the Planning Commission

- a) Finds the Project to be Categorical 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. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/GuM_jawL1e8

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Thursday, November 18, 2021, 6:00 p.m., Council Chambers

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PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Kenneth Rozell, Chief Assistant City Attorney

DATE: November 4, 2021

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

RECOMMENDATION

That the Planning Commission adopt Resolution 2021-XX reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

BACKGROUND

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

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

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

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

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

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

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

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

On October 7, 2021, the Planning Commission adopt Resolution 2021-36 authorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

The proposed resolution:

- o Reauthorizes staff and the Planning Commission to conduct open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

- o Provides that, in the event of a disruption in the meeting broadcast or which prevents public comment, the Planning Commission shall not take further action on agenda items until the disruption is resolved, provided that, for a broadcast disruption, action may continue to be taken if the meeting is still being broadcast over any of the media options specified in the posted agenda for the meeting.

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

ATTACHMENTS

1. AB 361 RESOLUTION

PLANNING COMMISSION OF THE CITY OF OXNARD
RESOLUTION NO. 2021-XX

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, AB 361 allows legislative bodies to continue to meet via teleconference when a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

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

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

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

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

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

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

WHEREAS, on October 7, 2021, the Planning Commission adopted Resolution 2021-36 authorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

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

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

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

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

SECTION 4. In the event of a disruption which prevents the Planning Commission from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the Planning Commission shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the Broadcast Options are disrupted, but any of the other Broadcast Options is still available to the public, the Planning Commission may take further action on items appearing on a meeting agenda without waiting for the disrupted Broadcast Option(s) to be restored.

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

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

PASSED AND ADOPTED THIS 4th day of November 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Daniel Chavez Jr., Chair

Scott Kolwitz, Secretary

APPROVED AS TO FORM:

Kenneth Rozell, Chief Assistant City Attorney