

MINUTES
OXNARD PLANNING COMMISSION
REGULAR MEETING
September 16, 2021 Minutes

A. ROLL CALL

1. At 6:01 p.m., the regular meeting of the Oxnard Planning Commission convened in the Human Resources Activity Room, 300 West Third 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), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present. Commissioner Lopez was absent.
3. Staff members present were: Vyto Adomaitis, Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Kathleen Mallory, Planning & Sustainability Manager; Jose Coyotl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Emilio Ramirez, Housing Director; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; Heather Davis, Rincon Consultant; Amy Sinsheimer, Placeworks Consultant; and Dee Lai, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.

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

1. Scott Kolwitz, Planning & Environmental Services Manager, led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF REGULAR MINUTES - August 26, 2021

MOTION: Commissioner Meyer moved and Commissioner Nash seconded a motion to approve the Minutes of August 26, 2021 as submitted.

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

¹ In Favor: Against: Absent: Abstain: Recused

2. APPROVAL OF REGULAR MINUTES - September 2, 2021

MOTION: Commissioner Meyer moved and Commissioner Nash seconded a motion to approve the Minutes of September 2, 2021 as submitted.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Meyer, Nash, and Sanchez voted in favor. Commissioner Lopez was absent. The motion carried 6:0:1:0:0².

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. Commissioner Connelly stated that she knows a member of the applicant team for Item F-1, Christy Turner. She 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 Items F-1, or F-2.

F. PUBLIC HEARING

1. **Project Name: TAT OXN, LLC. dba The Artist Tree - Commercial Cannabis Business Retail Special Use Permit (SUP) - PLANNING AND ZONING PERMIT No. 21-516-26 (Retail).** A request to permit the operation of a commercial cannabis retail facility within an existing 2,546 square-foot commercial building on a 0.24-acre site located at 600 North A Street (APN: 200-0-252-140) within the General Commercial (C-2) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, repainting the building, and relocation of a loading service doors. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Lauren Fontein, 11330 Ventura Boulevard, Studio City, CA 91604, on behalf of TAT OXN, LLC, dba The Artist Tree.
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 2021-28 approving Planning and Zoning Permit No. 21-516-26 (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/gZzxUKOxXOw>

² In Favor: Against: Absent: Abstain: Recused

City staff, including: Jose Coyotl, Associate Planner; Scott Swenson, Safer Neighborhood and Alcohol Compliance Specialist; Scott Kolwitz, Planning & Environmental Services Manager; and Ken Rozell, Chief Assistant City Attorney were available for questions.

The applicant, Lauren Fontein (The Artist Tree, Chief Compliance Officer), provided a presentation and was available for questions.

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

No 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: if there are public restrooms in the facility; long term plans of the company; are minors allowed in the building; business operations, especially as it pertains to customers inspecting and handling products and utilizing local services like banking and vendors; the process to locate the retail site; bike racks being provided on site; whether the project has a labor agreement; community outreach with residents and businesses; security philosophy; difference between this store and stores from other locations; will facility have art shows, and can they be after hours; handling of cannabis products during the art shows; crime level at this neighborhood; this business being an incubator that draws business to the area and assists with the revitalization of Downtown..

MOTION: Commissioner Nash moved and Chair Chavez seconded a motion to approve the TAT OXN, LLC. dba The Artist Tree - Commercial Cannabis Business Retail Special Use Permit (SUP) 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), and); and Adopt Resolution 2021-28 approving Planning and Zoning Permit No. 21-516-01 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE: Chair Chavez and Commissioners Connelly, Meyer, Nash, and Sanchez voted in favor. Vice Chair Arruejo was recused. Commissioner Lopez was absent. The motion carried 5:0:1:0:1³

2. **Project Name: City of Oxnard 2021-2029 Final Housing Element - PLANNING AND ZONING PERMIT No. 20-620-03, General Plan Amendment replacing in its entirety the current Chapter 8 (2013-2021 Housing Element) with the 2021-2029 Housing Element; 2.) PZ No. 21-620-02, update General Plan Land Use Element (Chapter 3) text by amending the General Commercial and Business Research Park land use descriptions to allow up to 30 dwelling units with 20% lower income units per acre when identified by a zoning suffix of “-AHP” (Affordable Housing Permitted) or “-AHD” (Affordable Housing Discretionary); 3.) PZ No. 21-620-03, amending the**

³ In Favor: Against: Absent: Abstain: Recused

2030 General Plan Land Use map to re-designate 13 parcels from Limited Manufacturing or Public/Semi Public to Business Research Park or General Commercial; 4.) PZ No. 21-580-03, amending Chapter 16 of the Oxnard City Code (OCC) to repeal the All-Affordable Housing Opportunity Program (AAHOP) and replace these regulations with newly created Affordable Housing, Permitted (-AHP) and Affordable Housing, Discretionary (-AHD) additive zone definitions, designations and regulations; amending the text in the Business and Research Park (BRP) and General Commercial (C-2) zones to allow up to 30 dwelling units per acre with 20% lower income units on parcels with the “-AHP” or “-AHD” additive zone suffix; amending the Density Bonus ordinance approval authority; and creating a ministerial Site Plan Review process; and 5.) PZ No. 21-580-04, making Zoning Map Amendments to change zoning designations on approximately 106 parcels consistent with Supplement 1 of the Final Housing Element.

City Staff: Kathleen Mallory, Planning and Sustainability Manager

Recommendation: That the Planning Commission

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

Kathleen Mallory, Planning and Sustainability Manager, and consultant team, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/gZzxUKOxXOw>

City staff, including: Vyto Adomaitis, Community Development Director; Kathleen Mallory, Planning & Sustainability Manager; Scott Kolwitz, Planning & Environmental Services Manager; Heather Davis, Rincon Consultant; Amy Sinsheimer, Placeworks Consultant, Emilio Ramirez, Housing Director; and Ken Rozell, Chief Assistant City Attorney 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-2:

1. Mark Pettit (Lauterbach & Associates, Architect) provided support but provided critical comments about select portions of the proposed Ordinance Amendments: 16-420 G(E) change from 10% to 25%; 16-420 (H)(A)(1)

parking locations limitations may be challenging; 16-420 (H)(A)(8) 75-foot distance might be challenging; 16-420 (D)(6) bedroom windows should be allowed; 16-420 (E)(6)(e) refuse enclosure locations should change from 150 feet to 200 feet.

2. Paul Sheehan (Dyer Sheehan, Architect) provided support and commented about the transparent process.
3. Nathaniel Levy, supported the Housing Element.
4. Barbara Macri-Ortiz provided support to the Housing element but provided critical comments as included in the letter she submitted to the Planning Commission.
5. Jackson Piper (Yes In My Backyard), supported the Housing Element.
6. Tom Cohen (Tom Cohen Land Use Law, Attorney) wanted clarification of the AHP and AHD affordable units income category distribution. Is the 20% to be distributed like the current Inclusionary Ordinance?
7. Sukhi Sandhu requested changing the zoning to allow 30 units per acre at 1227-1239 South C Street.

Public written comments were received from:

1. Transmittal Memo No. 1, dated September 16, 2021, which contained two public written comments.
 - a. Ranjodh Singh submitted an email requesting a zone change to allow 30 units per acre at 4574 Saviers Road.
 - b. Kristi Turner submitted an email requesting a zone change to allow 30 units per acre at 1227-1239 South C Street.
 - c. Ranjodh Sukhi Sandhu submitted an email requesting a zone change to allow 30 units per acre at 1227-1239 South C Street.
2. Barbara Macri-Ortiz submitted a letter to the Planning Commission concerning the proposed Ordinance Amendment AHP and AHD additive zone's permit authority and consistency with the Housing Accountability Act.

No other verbal or written comments were received for Item F-2.

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

Discussion ensued among the Commissioners and staff about several topics, including: the reason for extending site plan review expiration period from 24 to 36 months; how will Fish and Wildlife Mitigation Measures be applied to individual projects; Design Standard Amendment would be more appropriate with continued dialog with staff; Ordinance Amendments compliance with the Housing Accountability Act; consequences if the Planning Commission does not take action recommending certification of the Housing Element; and how often is the City allowed to modify the General Plan.

MOTION: Commissioner Nash moved and Vice Chair Arruejo seconded a motion to:

- 1) Adopt Resolution 2021-25 recommending City Council adopt the 2021-2029 Final Housing Element ("Housing Element") update to replace in its entirety the current 2013-2021 Housing Element as

Chapter 8 within the 2030 General Plan, and text and map changes to the General Plan Land Use Element,

- 2) Adopt Resolution 2021-26 recommending City Council approval of text amendments to Chapter 16 of the Oxnard City Code to facilitate construction of housing units as stipulated in the City's Final Housing Element with the inclusion of the following edits in Modification Memo No. 1:

a) SEC. 16-420F. ASSISTANCE FOR AFFORDABLE PROJECTS.

- i) (A) Housing developments that comply with this Division and contain multiple parcels with at least one parcel less than 0.5 acres which will be merged to facilitate affordable housing may request that lot merger fees be waived. Unless the lot merger involves unique situations that involve an agency or easement party other than the city or a utility company, the city shall grant the lot merger fee waiver request.

- ii) The Sections that followed this new section will be renumbered accordingly.

b) SEC. 16-420C. PERMITTED USES.

- i) (A) Multifamily - Multifamily residential uses are allowed in -AHP and -AHD zones, subject to compliance with all applicable requirements of this Division 7C. ~~Multi-family residential uses may include space for commercial or office uses that do not exceed 15 percent of the total floor area of the development project, where commercial or office uses are allowed in the underlying zoning designation. Approval of a Special Use Permit for the commercial or office use shall still be required for related uses in accordance with the underlying zoning designation.~~ (B) ~~Mixed use permissible - Multifamily residential uses which contain commercial or office space of greater than 15 percent of the total floor area of the development are also permissible if they are constructed in addition to other permitted or conditional uses that are permitted in accordance with the underlying zoning designation.~~

- ii) (B) Mixed use permissible - Mixed use multifamily residential uses are allowed in -AHP and AHD zones, subject to compliance with all applicable requirements of this Division 7C, as follows:

1. Mixed use multifamily residential uses within the -AHP or -AHD additive zone may include space for commercial or office uses that do not exceed 15 percent of the total floor area of the development, where commercial or office uses are allowed as a permitted use in the underlying zoning designation, as part of the -AHP or -AHD associated permit. Commercial or office uses, which require a Special Use Permit in accordance

with the underlying zoning designation, shall require approval of a Special Use Permit, in both the -AHP or -AHD additive zone.

2. Mixed use multifamily residential uses within the -AHP additive zone which contain commercial or office space of greater than 15 percent of the total floor area of the development may request that the mixed use multifamily residential use application be removed from the by-right Site Plan Review permit process and submit an application for a Development Design Review planning permit pursuant to section 16-525 under which the mixed use multifamily residential use application is not considered ministerial. The commercial or office space of greater than 15 percent of the total floor area of the development are also permissible, if they are constructed in addition to other permitted or related uses that are permitted in accordance with the underlying zoning designation. The commercial or office space shall still require Development Design Review Permit or Special Use Permit in accordance with the underlying zoning designation in the -AHP additive zone.
3. Mixed use multifamily residential uses within the -AHD additive zone which contain commercial or office space of greater than 15 percent of the total floor area of the development are also permissible, if they are constructed in addition to other permitted or related uses that are permitted in accordance with the underlying zoning designation. The commercial or office space shall still require Development Design Review Permit or Special Use Permit in accordance with the underlying zoning designation in the -AHD additive zone, and

c. SEC. 16-420D. PLAN REVIEW AND PROCESSING.

- i) (A) Application - ~~Housing~~ Residential or mixed use developments proposed on -AHP or -AHD Additive Zone sites and permitted under this Division shall be identified by the applicant at the time of permit application. The permit application fee and applicable supplemental development and environmental analysis and impact fees are required.

1. Residential or mixed use development applications are to identify that the development will provide a minimum of 20% of all units as affordable to extremely-low income, very-low income, or low income households and comply with this entire Division.

2. The Planned Development designation on a site is only applicable to non-residential development or development that does not fall under the -AHP or -AHD additive zone provisions.
 3. An application cannot utilize both the Planned Development Additive Zone provisions found in Chapter 16, Division 17 and the -AHP or -AHD Additive Zone provisions found in Section 16-420H(E).
- 3) Adopt Resolution 2021-27 recommending City Council approval of zoning map amendments to facilitate construction of housing units as stipulated in the Final Housing Element, subject to certain findings and conditions.

VOTE: Chair Chavez, Vice Chair Arruejo and Commissioners Connelly, Meyer, Nash, and Sanchez voted in favor. Commissioner Lopez was absent. The motion carried 6:0:1:0:0⁴

G. STUDY SESSION/REPORTS

1. None

H. PLANNING COMMISSION BUSINESS

1. Commissioner Connelly commented that she appreciates having the hardcopy version of the Planning Commission agenda and packets; however, she recommended that the presentations be printed as 6 slides per page double-sided to save paper. She asked if there is a location in the City where the agendas and packets can be recycled.
2. Commissioner Nash thanked Kathleen Mallory and City staff for their work on the Housing Element and bringing it to the Planning Commission and the Community.
3. Chair Chavez requested to receive the digital version, not the hardcopy, of the Planning Commission packets to save paper. He asked if there is another platform online to view the packets such as using a flip page format vs the pdf format. He thanked City staff for their work on the Housing Element. He announced that Mexican Independence Day is September 16, 2021.
4. Vice Chair Arruejo asked if the City will resume in-person meetings soon.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

1. Planning Commission packets can be distributed as electronic only packets. Planning Commissioners were requested to email their preference to Dee Lai, Recording Secretary.
2. On September 7, the City Council took the first of two actions on the Peninsula Road Street Vacation project to vacate the right-of-way and put in an easement. The second action is scheduled for October 5, 2021.

⁴ In Favor: Against: Absent: Abstain: Recused

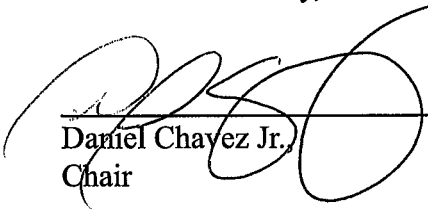
3. The Firearms Ordinance Amendment project is scheduled for the City Council meeting on September 21, 2021.
4. The next Regular Planning Commission meeting is scheduled for October 7, 2021 at 6:00 p.m. Meetings will continue to be virtual meetings until, at least, the Council Chamber's construction project is completed.

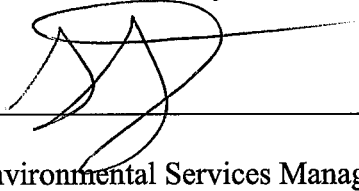
J. ADJOURNMENT

1. At 8:26 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, October 7, 2021, 6:00 p.m, Human Resources Activity Center



Daniel Chavez Jr.,
Chair

ATTEST
Scott Kolwitz,
Planning & Environmental Services Manager