

MINUTES
OXNARD PLANNING COMMISSION SPECIAL MEETING
October 13, 2021

A. ROLL CALL

1. At 6:31 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Chavez announced pursuant to Assembly Bill 361, 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; Jose Coyotl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; 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. Chair Chavez led the pledge of allegiance.

C. CONSENT AGENDA

1. None

D. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Vice Chair Arruejo commented that he will recuse himself from participating in Item E-1 and E-2 due to 18 U.S. Code § 203 and 18 U.S. Code § 205.
2. Commissioner Connelly stated that she had a conversation with a security consultant on behalf of FGH. She can hear and consider the request in a fair, objective and unbiased manner.
3. Chair Chavez stated that he has a Facebook friend with a member of the FGH team. He can hear and consider the request in a fair, objective and unbiased manner.
4. Commissioner Meyer stated that he drove through the shopping center at 2320 North Rose Avenue for Item E-1. He can hear and consider the request in a fair, objective and unbiased manner.
5. Commissioner Sanchez stated that he drove through the shopping center at 2320 North Rose Avenue for Item E-1. He can hear and consider the request in a fair, objective and unbiased manner.

6. None of the remaining Planning Commissioners had any ex parte communications to report for Items E-1, and E-2.

E. 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 Categorical Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b) Adopt Resolution 2021-31 approving Planning and Zoning Permit No. 21-516-36 (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/KOmMz1-D_60

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 team, including: Michael Chernis (Chernis Law Group, Counsel and FGH Advisory Board); David Garcia (FGH, Chief Operating Officer); Vanessa Hernandez (FGH, Chief Executive Officer); Curtis Smith (FGH, Security Advisor); Alex Soriano (FGH, Chief Financial Officer); Maria Valdez (FGH, Chief Compliance Officer); and Jeff Zook (Coastal Architects, President) provided a presentation and were available for questions.

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

Public verbal comments in favor of the project were received from:

1. Gene Fein (Oxnard resident);

2. Nancy Lindholm (West Ventura County Business Alliance, President and CEO);
3. Bobby Martinez (Port Hueneme City Councilmember);
4. Jamie Moreno;
5. Chris Ramirez (Downtown business owner);
6. Marissa Roman (Ventura County Contractors Association);
7. Andrew Salinas (City of Port Hueneme, Chief of Police);
8. Marty Smith
9. Christina Zubko (Friends of Ormond Beach).

Public verbal comments in opposition to the project were received from:

1. Beverley Gutierrez (McGaelic Group LLC, Property Manager);
2. Stanley Rothbart (Rose II Shopping Center, Developer); and
3. Seena Max Samimi (Jeffer, Mangels, Butler & Mitchel, Counsel).

No other public verbal or written comments were received for Item E-1.

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

MOTION: Chair Chavez moved and Commissioner Connelly seconded a motion to that the Planning Commission bring back Andrew Salinas (City of Port Hueneme, Chief of Police), Bobby Martinez (City of Port Hueneme, City Councilmember), and Seena Samimi (Jeffer, Mangels, Butler & Mitchel, Counsel) for additional questions for a maximum of 15 minutes.

VOTE: Chair Chavez, Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted in favor. Vice Chair Arruejo recused. The motion carried 6:0:0:0:1¹

Discussion ensued among the Commissioners and staff about several topics, including: applicant's experience in running a commercial cannabis dispensary; FGH's educational philosophy; applicant purchased the building; the project is a cannabis retail establishment, not manufacturing; security philosophy as it relates to the number of guards; if the project would the use impact traffic level of service (LOS) standards and evaluation; if this location is in a walkable neighborhood; strategy to address underage sales; how FGH's operational experience at Port Hueneme prepared them for the new location in Oxnard; the occurrence of crime with and without cannabis facility; requesting police statistics to be part of the staff report; will crime rate and incidents being considered during renewals; the City's position on recognizing and enforcing Covenants, Conditions and Restrictions (CC&Rs); does the project design assist crime prevention; what community outreach was conducted; has applicant team engaged with shopping center neighbors to address concerns; what is company's complaint procedure; will FGH have after hours security present or live monitoring; how business adjacent to dispensaries benefitted to increased customers, increased security and lower crime; request for specific information to substantiate the claim that businesses walked

¹ In Favor: Against: Absent: Abstain: Recused

away from the center because of the proposed cannabis use (no specifics were given); whether applicant reached out to the appellant's counsel; whether the Circle-K sells alcohol and tobacco on the premise; compatibility of uses; if a commercial cannabis dispensary is a detrimental use; request for specific information to substantiate adverse effects of a commercial cannabis dispensary having on other businesses, such as securing insurance or financing (no specifics were given); labor agreements; commercial cannabis dispensaries being economic engines; this will drive people to and increase the safety of the shopping center; this is a safe, regulated industry; the project underwent an extensive review process, and the Resolution includes 189 conditions of approval; and appreciation of expert testimony from Andrew Salinas (City of Port Hueneme, Chief of Police), Bobby Martinez (City of Port Hueneme, City Councilmember).

MOTION: Commissioner Nash moved and Commissioner Lopez seconded a motion to find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Adopt Resolution 2021-31 approving Planning and Zoning Permit No. 21-516-36 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

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

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 2021-32 approving Planning and Zoning Permit No. 21-516-41 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

² In Favor: Against: Absent: Abstain: Recused

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/NUnc3J_WWY

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 team, including: Leo Falgout (HPC, Security Consultant); Beth Thuna (HPC, Chief Executive Officer); and Marcus Thuna (HPC, Business Development Consultant) provided a presentation and were available for questions.

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

Public verbal comments in favor of the project were received from:

1. Kevin Brannon (Reel Guppy Outdoors, Founder);
2. Nancy Lindholm (West Ventura County Business Alliance, President and CEO);
3. Rolando Lugo;
4. Andrew Salinas (City of Port Hueneme, Chief of Police); and
5. Christina Zubko (Friends of Ormond Beach).

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

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

Discussion ensued among the Commissioners and staff about several topics, including: labor agreements; lack of sensitive uses nearby; HPC's outreach to neighbors; access for ambulances visiting the urgent care facility; protocols for delivery of product; security philosophy; applicant's approach to parking and delivery; appreciation of expert testimony from Andrew Salinas (City of Port Hueneme, Chief of Police), business community and customers; and applicant's experience in running a commercial cannabis dispensary.

MOTION: Chair Chavez moved and Commissioner Lopez seconded a motion to find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and adopt Resolution 2021-32 approving Planning and Zoning Permit No. 21-516-41 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE: Chair Chavez, Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted in favor. Vice Chair Arruejo recused. The motion carried 6:0:0:0:1.³

³ In Favor: Against: Absent: Abstain: Recused

F. STUDY SESSION/REPORTS

1. None

G. PLANNING COMMISSION BUSINESS

1. None.

H. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

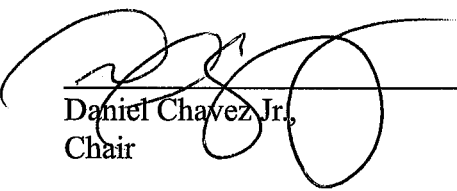
1. As of October 13, 2021, 6 Commercial Cannabis Business Retail Special Use Permits have been approved by the Planning Commission.
2. October continues to be National Community Planning Month.
3. The second reading of the Housing Element Ordinance Amendments will be on the City Council's agenda for October 19, 2021
4. The second reading on the Firearms Buffer Zone Ordinance Amendment is scheduled to be on the City Council's agenda for October 21, 2021.
5. The Rio Urbana Annexation associated with a City-approved project consisting of 167 condos and 15,000 square feet office building is scheduled to be reviewed by the Local Area Formation Commission (LAFCo) on November 17, 2021.
6. The next Planning Commission meeting will be on October 21, 2021 at 6:00 p.m.

I. ADJOURNMENT

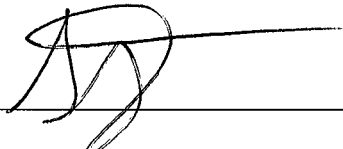
1. At 10:41 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, November 21, 2021, 6:00 p.m, Council Chambers



Daniel Chavez Jr.,
Chair

ATTEST 

Scott Kolwitz,
Planning & Environmental Services Manager