MINUTES
OXNARD PLANNING COMMISSION
November 4, 2021

A. ROLL CALL

1. At 6:00 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 Commision 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) were present. Commissioner Sanchez was absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson, Senior Planner; Juan Martinez, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Tim Bochum, City Traffic Engineer; Tai P. Chau, Supervising Civil Engineer; Stephen McNaughten, Fire Marshal; 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. Commissioner Connelly led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

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 2021-38 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

   MOTION: Commissioner Lopez moved and Vice Chair Arruejo seconded a motion to adopt Resolution 2021-38 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

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

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[1] In Favor: Against: Absent: Abstain: Recused

2. APPROVAL OF MINUTES - October 7, 2021

3. APPROVAL OF MINUTES - October 13, 2021

4. APPROVAL OF MINUTES - October 21, 2021

MOTION: Vice Chair Arruejo moved and Commissioner Connelly seconded a motion to continue the approval of the October 7, October 13, and October 21, 2021 Minutes to the next regular Planning Commission meeting dated November 4, 2021.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, and Nash voted in favor. Commissioner Sanchez was absent.The motion carried 6:0:1:0:0[2].

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Vice Chair Arruejo stated that he visited the property for item F-1. He can hear and consider the request in a fair, objective and unbiased manner.

2. Commissioner Meyer stated that he visited the property for item F-1. He can hear and consider the request in a fair, objective and unbiased manner.

3. Chair Chavez stated that he visited the property for Items F-1, and F-2. He can hear and consider the request in a fair, objective and unbiased manner.

4. 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: 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 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

[2] In Favor: Against: Absent: Abstain: Recused

pursuant to the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Existing Facilities), and

b) Adopt Resolution 2021-37 approving Planning and Zoning Permit No. 21-520-01 (Special Use Permit), subject to certain findings and conditions.

Juan Martinez, Associate Planner provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: https://youtu.be/ZqbmN4DMpQQ.

City staff, including: Juan Martinez, Associate Planner; Scott Kolwitz, Planning & Environmental Services Manager; and Ken Rozell, Chief Assistant City Attorney were available for questions.

The applicant team, including: Jonathan Oates (Vista Real Charter High School, Principal) and Tracy Woods (Learn 4 Life, Facilities Coordinator) did not provide a presentation but were available for questions.

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

No public verbal or written comments were received for 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: how the project benefits the community and neighborhood; are property improvements a requirement of the application; whether there is a direct connection between this school and school district; enrollment numbers; the site has sufficient parking to accommodate the use; and support the expansion of the school into south Oxnard.

MOTION: Commissioner Lopez moved and Vice Chair Arruejo seconded a motion to find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA), pursuant to Section 15301 (Existing Facilities), and adopt Resolution 2021-37 approving Planning and Zoning Permit No. 21-520-01 (Special Use Permit), subject to certain findings and conditions

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, and Nash voted in favor. Commissioner Sanchez was absent. The motion carried 6:0:1:0:0[3].

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

[3] In Favor: Against: Absent: Abstain: Recused

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 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 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. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to certain findings and conditions.

Joe Pearson, Senior Planner provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: https://youtu.be/GuM_jawL1e8

City staff, including: Joe Pearson, Associate Planner; Scott Kolwitz, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; Tim Bochum, City Traffic Engineer; Tai P. Chau, Supervising Civil Engineer; Stephen McNaughten, Fire Marshal were available for questions.

The applicant team, including: Jim Delehoy (Starbucks, Senior Manager of Store Development); Christine Fong (MCG Architecture, Design Manager); Matt Friedrich (Property Owner); Hollee King (Sites Pacific Land Use Planning and Permitting Services, Property Owner Representative); Beverly Metz (Starbucks, Director of Store Development); Sally Park (MCG Architecture, Job Captain); James Spencer (MCG Architecture, Project Manager Staff); and Janny Ujueta (Starbucks, District Manager) provided a presentation and were available for questions.

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

No public 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: Parking availability (reduction of parking spaces from 35 to 15 with 11 being compact spaces; compact space designations and enforcement; customers spend hours at one location; staff parking protocols; and what motivations are provided to employees to use alternative transportation); Drive-through Queue Management (if the 16-space queue applicant-drive, City-directed or a balance of both; Transportation Demand Management Plan (TDMP) implementation; TDMP handheld devices and their pros and cons; how will the "do not block" area be enforced; and likelihood that employees will monitor video cameras / parking conditions; if the TDMP has teeth); Right-of-Way (if this development could impact the southbound lane of Vineyard Avenue; traffic flow to the site and signage restrictions; possibility to add driveway on Vineyard Avenue; and possibility of modifying the Vineyard and Riverpark intersection signage, lights and lane configuration); Traffic study (availability of operational analytics, especially at peak hours; if the City peer reviewed the traffic study; why did the traffic study use the Costa Mesa Starbucks location instead of an Oxnard location; and if a high generation use is the best use for this site); Starbucks Operations (if other stores help defer demand to this location or if the new location will induce additional demand; if there were any plans to close any other Starbucks stores to allow this one; if alcohol sales are proposed at this location; whether Starbucks provide ground beans to customers for compost); Landscaping (proposed landscape enhancements; additional landscaping required by Condition of Approval 33; and landscaping should reflect a gateway location; and Construction (what occurs if project does not get constructed in 36 months per condition number 3).

FIRST MOTION (MOTION OF INTENT TO DENY):

Chair Chavez moved and Vice Chair Arruejo seconded a Motion of Intent to Deny the Vineyard Starbucks Site Renovations project, Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit) based on the following reasons:

1. Reduction of parking spaces from 35 to 15 with 11 being compact spaces and assigned for mobile/pick-up orders provides too few parking spaces;
2. Unrealistic to pull cars out of the drive-through queue;
3. Unrealistic to pull employees out of the store to monitor and direct vehicle circulation;
4. Starbucks regularly excess their drive-through queues, which can alter or block circulation forcing others into unsafe driving conditions;
5. The Transportation Demand Management Plan is not effective and cannot be effective; and
6. Public safety concerns in the public right-of-way when the drive-through queue bleeds into the public right-of-way

SECOND MOTION (CALL THE QUESTION TO END DELIBERATIONS):

Commissioner Lopez moved and Vice Chair Arruejo seconded a motion to call the question to end deliberations on the first motion and to take the vote.

SECOND MOTION VOTE :

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

FIRST MOTION VOTE:

Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly voted in favor. Commissioners Lopez, Meyer, and Nash voted against. Commissioner Sanchez was absent. The motion failed: 3:3:1:0:0[5].

THIRD MOTION:

Commissioner Lopez moved and Commissioner Nash seconded a motion to approve the Vineyard Starbucks Site Renovations project, Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit) finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and adopting 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 with the inclusion of the following edits to Conditions 9, 116, 139 and 140:

9. Developer 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 except as modified by the Administrative Parking Relief granted by the Planning Commission <u>including to mark the compact spaces as such to avoid larger or oversized vehicles from disrupting the planned parking</u>. (PL/B, G-9)

116. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy. The Occupancy Plan must clearly state how recyclable and organic material, as appropriate, will be managed on site to be in compliance with applicable state laws (AB 939, AB 341, AB 1826, SB 1383); how restaurant staff will participate in the program; and how customers will be <u>alerted</u> ~~altered~~ to the presence of recycling on site and how contamination will be minimized. The Occupancy Plan must include what service provider(s) will manage/transport materials to appropriate facilities for processing and/or disposal.

139. All overhangs are required to be sprinklered as required by City <u>Code</u>.

140. Trash enclosure is required to be sprinklered <u>as required by City Code</u>.

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[4] In Favor: Against: Absent: Abstain: Recused

[5] In Favor: Against: Absent: Abstain: Recused

AMENDMENT TO THE THIRD MOTION:

Vice Chair Arruejo moved and Commissioner Nash seconded a motion to further edit Condition 9 & 107:

9. Developer 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 except as modified by the Administrative Parking Relief granted by the Planning Commission. (PL/B, G-9). <u>Each compact parking stall is to have the word "compact" painted at the entrance of the space in letters a minimum of eight-inches in height.</u>

107. <u>The Transportation Demand Management Plan shall provide direction for onsite circulation signage.</u> The project design shall include appropriate onsite traffic signs to instruct drivers not to queue in the public sidewalk and public roadway to the City Traffic Engineer's satisfaction. <u>Signage shall indicate that there is additional parking onsite. Onsite directional signage shall be designed with one double-faced permanent directional sign per vehicular entrance, provided such signs do not exceed three square feet in area each.</u> Onsite traffic sign square footage shall not be included within the total Advertising Signs sign area, as defined by Oxnard City Code, Chapter 16, Article IX, allowed on the project site. (TR)

AMENDMENT TO THE THIRD MOTION VOTE:

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

THIRD MOTION VOTE:

Commissioners Lopez, Meyer, and Nash voted in favor. Chair Chavez, Vice Chair Arruejo, and Commissioner Connelly voted against. Commissioner Sanchez was absent. The motion failed: 3:3:1:0:0[7].

FOURTH MOTION:

Vice Chair Arruejo moved and Commissioner Lopez seconded a motion to continue the Vineyard Starbucks Site Renovations project, Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit) to the Planning Commision meeting date of December 2, 2021, with the applicant team and City staff to respond to the following questions or requests for additional information:

1. How would Condition of Approval #38 be implemented?
2. Can a no U-Turn sign be installed at the intersection of Vineyard Avenue and Riverpark Boulevard?

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[6] In Favor: Against: Absent: Abstain: Recused

[7] In Favor: Against: Absent: Abstain: Recused

3. Provide additional information on other Starbucks parking provided and queue length for their facilities in the area.
4. Is there an ability to connect the parking area on this site to the property to the north?

FOURTH MOTION VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, and Nash voted in favor. Commissioner Sanchez was absent. The motion carried: 6:0:1:0:0[8].

G. STUDY SESSION/REPORTS

1. None.

H. PLANNING COMMISSION BUSINESS

1. Vice Chair Arruejo announced that he was
   i. Appointed by the Oxnard Union High School District (OUHSD) to be a member of the Measure A Bond Citizen Oversight Committee.
   ii. Selected to attend the California Asian Pacific Islander Legislative Caucus Institute's 10th biannual Capitol Academy this past weekend in Sacramento.

2. Commissioner Meyer announced that the CAUSE fundraising event was a great success.

3. Commissioner Nash congratulated the Planning Commissioners on their achievements and accomplishments.

4. Commissioner Lopez commented that he enjoyed being on the Planning Commission and serving with all his fellow commissioners. He thanked the Planning Commissioners and City staff.

5. Commissioner Chavez thanked Planning Commissioners and City staff.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

1. 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.

2. The next Planning Commission meeting will be on November 18, 2021.

J. ADJOURNMENT

1. At 9:19 p.m., the Planning Commission concurred to adjourn.

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[8] In Favor: Against: Absent: Abstain: Recused

FUTURE MEETINGS

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

Daniel Chavez Jr.,
Chair

ATTEST
Scott Kolwitz,
Planning & Environmental Services Manager