

CITY OF OXNARD

PLANNING COMMISSION

AGENDA

REGULAR MEETING
Council Chambers, 305 West Third Street
Thursday, February 3, 2022, 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/7av5HEvgmHYBAFjV6>, 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: 873 7636 1093
 3. Enter the meeting passcode: 784998
 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

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

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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 2022-XX reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

2. APPROVAL OF MINUTES - January 13, 2022
3. APPROVAL OF MINUTES - January 20, 2022

E. NOMINATIONS AND ELECTIONS

1. Nomination and Election of the Planning Commission Chair and Vice Chair to Serve for Calendar Year 2022

F. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

G. PUBLIC HEARING

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1. **Project Name: Kind Lifestyle Advocate Society LLC dba Advocate Society Commercial Cannabis Business Retail SUP - PLANNING AND ZONING PERMIT No. 21-516-17 (Special Use Permit – Cannabis: Retail):** Located at 2550 North Vineyard Avenue (APN: 145-0-232-165). A request to permit the operation of a commercial cannabis retail facility within an existing 4,566 square-foot commercial suite of a 5,270 square-foot multi-tenant commercial building on a 1.01-acre site 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. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. The project also includes a request for an administrative parking relief to allow for a decrease in the number of required parking spaces required by the center, which include the properties located at 2250 North Vineyard Avenue, from 54 parking spaces to 46 parking spaces. Filed by Ronald Jakins, on behalf of Advocate Society LLC dba Advocate Society.
City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission continue the project to date certain of February 17, 2022.

2. **Project Name: Haven #8 LLC dba Haven - Commercial Cannabis Business Retail Special Use Permit (SUP) - PLANNING AND ZONING PERMIT No. 21-516-21 (Retail):** Located at 220 South A Street (APN: 202-0-095-100). A request to permit the operation of a commercial cannabis retail facility within an existing 3,370 square-foot commercial building on an 0.16-acre site within the Downtown Core (DT-C) 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 parking lot improvement. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Joe Velazquez (“Applicant”), 18012 Cowan Suite 200, Irvine, CA 92614, on behalf of Haven #8 LLC dba Haven.
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) Guidelines Section 15301 (Existing Facilities), and
- b. Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-516-21 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

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Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/VE2mmxvaMgA>

H. STUDY SESSION/REPORTS**I. PLANNING COMMISSION BUSINESS****J. COMMUNITY DEVELOPMENT STAFF UPDATES****K. ADJOURNMENT****FUTURE MEETINGS**

Regular Meeting: Thursday, February 17, 2022, 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: February 3, 2022

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 2022-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:

- State or local officials have imposed or recommended measures to promote social distancing; or
- 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
- 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:

- 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.
- 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.
- 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."
- 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.
- 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.
- 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.
- 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, November 4, 2021, December 2, 2021, December 16, 2021, and January 13, 2022, the Planning Commission adopted Resolutions 2021-36, 2021-38, 2021-48, 2021-49, 2022-01 respectively, authorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

The proposed resolution:

- 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.
- 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) March 5, 2022, 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. 2022-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, November 4, 2021, December 2, 2021, December 16, 2021, and January 13, 2022, the Planning Commission adopted Resolutions 2021-36, 2021-38, 2021-48, 2021-49, and 2022-01 respectively, 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) March 5, 2022, 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 3rd day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

Daniel Chavez Jr., Chair

Scott Kolwitz, Secretary

APPROVED AS TO FORM:

Kenneth Rozell, Chief Assistant City Attorney

MEMO



DATE: February 3, 2022

TO: Planning Commission

FROM: Scott Kolwitz, Planning Manager
Vyto Adomaitis, Community Development Director

SUBJECT: Nomination and Election of the Planning Commission Chair and Vice Chair to Serve for Calendar Year 2022 Agenda Item No: E-1

On January 20, 2022, the Planning Commission continued the nomination and election of a Chair and Vice Chair to serve for calendar year 2022 to their meeting of February 3, 2022.

This memorandum is provided to outline the procedure for the nomination and election procedures consistent with Robert's Rules of Order, as required by Measure M approved by the voters in November 2020.

1. Nominations

The current Chair opens nominations for the position of Chair and will call upon Commissioners to make a nomination. Any Commissioner may nominate any other Commissioner including themselves. A second is necessary for a nomination. Nominations stay open until there are no more nominations.

2. Vote

The current Chair calls a vote of each nominated Commissioner for Chair in the same sequence the nominations were received, and all Commissioners will be asked to vote for each nomination until a Commissioner receives a simple majority vote of all members present. For example, if Commissioner "A" nominates Commissioner "C" and then Commissioner "D" nominates Commissioner "B," the vote will first be called for the election of Commissioner "C." If Commissioner "C" does not receive a simple majority vote, then a vote will be called for the election of Commissioner "B."

3. New Chair Immediately Assumes Responsibilities

Once the new Chair is elected, the new Chair will call for nominations of the Vice Chair following the same procedure outlined above in this memorandum.