Written materials relating to an item on this agenda that are distributed to the legislative bodies within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at the City Clerk's Office, 300 West Third Street 4th Floor during customary business hours. Agenda reports are also on the City of Oxnard web site at www.oxnard.org.

CITY OF OXNARD CALIFORNIA

AGENDA
OXNARD CITY COUNCIL
OXNARD COMMUNITY DEVELOPMENT COMMISSION SUCCESSOR AGENCY
OXNARD FINANCING AUTHORITY
OXNARD HOUSING AUTHORITY

Council Chambers, 305 West Third Street
February 15, 2022
Closed Session - 4:30 PM
Appointment Items - 5:00 PM
Regular Meeting - 6:00 PM

Zoom details to call-in for public comment during a meeting:

1. **Dial Phone Number: (888) 475-4499**
2. **Enter Meeting ID: 837 9928 3170**
3. **Passcode: 132239**

If you wish to speak during public comments or a particular item on the agenda, please sign-on by following the zoom calling in steps listed above. Once the Mayor calls for public speakers, press *9 to raise your hand to inform the City Clerk you would like to speak during the public speaking section for that particular item on the agenda, while in the zoom waiting room.

This meeting is being held in accordance with Assembly Bill 361, allowing members of the City Council, members of the public and staff to participate via teleconference.

Consistent with City policies imposed to promote social distancing, the facility where the City Council regularly meets is temporarily closed to the public. The public is encouraged to view the meeting from home on Spectrum channel 10, Frontier channel 35, or YouTube at Youtube.com/oxnardnews. Video recordings of the meeting are typically available online following the meeting at the City's website at www.oxnard.org/city-meetings.

*Please see the link for the Measure M pre-recorded presentation video for each item listed on this agenda.

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. EMAILING COMMENTS OR REQUESTING TO SIGN UP TO SPEAK BEFORE THE MEETING

   a. Submit an email to cityclerk@oxnard.org no later than 3 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 City Council prior to the start of the meeting and made part of the legislative record.
   b. Submit a request to speak by no later than 3 p.m. on the day of the meeting by using the form available at www.oxnard.org/city-meetings, emailing the City Clerk at cityclerk@oxnard.org, or calling the City Clerk at (805) 385-7803.

2. PROVIDING PUBLIC COMMENTS DURING THE MEETING

   a. To provide public comment without requesting to speak prior to the meeting, during the meeting dial (888) 475-4499 and enter the Meeting ID and Passcode listed above as the Zoom details for this meeting.
   b. Public comments on agenda items shall be taken following the announcement of the item. After the item is announced, members of the public shall have three minutes to register or otherwise be recognized for the purpose of providing public comment. During this three-minute time period, public comments may be taken and the City Council or staff may discuss the item being considered or briefly respond to public comments.

In compliance with the Americans with Disabilities Act, if you require special assistance to participate in a meeting, please contact the City Clerk's Office at 385-7803. Notice at least 72 hours prior to the meeting will enable the City to reasonably arrange for your accessibility to the meeting.

Agenda Item time estimates: (Presentation / Council Discussion / Public Comment)

Detailed participation instructions can be found at www.oxnard.org/city-meetings.

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.

* The City has filed pre-election and post-election lawsuits regarding the validity of Measure M.

A. ROLL CALL, POSTING OF AGENDA

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS

At this time, a person may address the legislative body only on matters appearing on the closed session agenda. The presiding officer shall limit public comments to three minutes.

C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH LEGAL COUNSEL — EXISTING LITIGATION (Government Code Section 54956.9(d)(1))
Name of case: Ventura County Fire Protection District; et al. v. Santa Clara Waste Water Company; et al.
Ventura County Superior Court, Case No. 56-2016-00484523-CU-PO-VTA
Legislative Body: City Council

2. CONFERENCE WITH LABOR NEGOTIATORS (Government Code section 54957.6)
Agency designated representatives: Alex Nguyen, City Manager, Steve Naveau, Director of Human Resources; and Jennie Kelly, Assistant City Attorney.
Employee organization: Service Employees International Union CTW, CLC, Local 721 (SEIU Local 721); International Union of Operating Engineers AFL-CIO, Local No. 501 (IUOE Local 501); International Association of Firefighters, AFL-CIO (IAFF), Local No. 1684; Oxnard Public Safety Managers Association (OPSMA); Oxnard Peace Officers Association (OPOA); Oxnard Mid-Managers' Association; (OMMA); and unrepresented employees: City Manager; City Attorney; Assistant City Manager; Chief Financial Officer; City Clerk; Assistant City Treasurer/Director of Revenue and Licensing; Deputy City Manager; Community Development Director; Fire Chief; Housing Director; Human Resources Director; I.T. Director; Cultural and Community Services Director; Police Chief; Public Works Director (Department Directors); Chief Assistant City Attorney; Assistant City Attorney; Deputy City Attorney.
Legislative Body: City Council

D. APPOINTMENT ITEMS (5:00 PM)

1. City Manager Department
SUBJECT: Update on Trauma Center Hospital Designation.
RECOMMENDATION: That the City Council receive a verbal presentation from Ventura County Medical Center / Santa Paula Hospital, CEO Dr. John Fankhauser and Trauma Director, Dr. Thomas Duncan, on Trauma Center Hospital Designation.
Legislative Body: City Council
Contact: Alexander Nguyen, (805) 385-7430

E. OPENING CEREMONIES (6:00 PM)

Pledge of allegiance to the flag of the United States.

F. CEREMONIAL ITEMS

1. Cultural & Community Services Department

SUBJECT: Presentation of a Resolution Commending Debbie Estrada for over 20 Years of Service to the City of Oxnard.

RECOMMENDATION: That the City Council adopt a resolution commending Debbie Estrada for over Twenty Years of Service to the City of Oxnard's Recreation Division of the Cultural and Community Services Department.

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

G. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA

A person may address the legislative body only on matters not appearing on the agenda and within the subject matter jurisdiction of the legislative body. Speaker requests shall be submitted as set forth on the first page of this agenda. Speakers are limited to three minutes. After 30 minutes, if all speakers have not had the opportunity to speak, the remaining speakers will be given an opportunity to speak prior to adjournment of the meeting. The legislative body cannot enter into a detailed discussion or take action on any items presented during public comments at this time. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion. Persons wishing to speak on public hearing items should do so at the time of the hearing.

H. REPORT OF CITY MANAGER/EXECUTIVE DIRECTOR/SECRETARY

The City Manager/Executive Director/Secretary shall report on items of interest to the legislative body occurring since the last meeting. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. Such items may only be referred to the City Manager/Executive Director/Secretary for administrative action or scheduled on a subsequent agenda for discussion.

1. City Manager Department

SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)

RECOMMENDATION: That the City Council:

1. Receive and file an update from the Director of Emergency Services on the COVID19 Local Emergency.

Legislative Body: City Council

Contact: Alexander Nguyen, (805) 385-7430

I. CITY COUNCIL/HOUSING AUTHORITY/SUCCESSOR AGENCY/FINANCING AUTHORITY BUSINESS/COMMITTEE REPORTS

At this time, a member of the legislative body may make a brief announcement, or make a brief report on his or her activities. Further, members of the legislative body may request to schedule consideration of whether to place an item on a future agenda. The legislative body cannot enter into detailed discussion or take action on any item presented during this report. The member's report shall not exceed three minutes, unless additional time is granted by the presiding officer.

J. REVIEW OF INFORMATION/CONSENT AGENDA

The members of the legislative body will consider whether to remove Information/Consent Agenda items for discussion later during the meeting.

K. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA

At this time, a person may address the legislative body only on matters appearing on the information/consent agenda. The presiding officer shall limit public comments to three minutes.

L. INFORMATION/CONSENT AGENDA

1. City Clerk Department

SUBJECT: Approval of Minutes.

RECOMMENDATION: That the City Council approve the minutes of the January 18, 2022 regular meeting and the January 22, 2022 special meeting as presented.

Legislative Body: City Council

Contact: Rose Chaparro, (805) 385-7805

2. Information Technology Department

SUBJECT: Insight Public Sector Inc.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a blanket purchase order for an amount not to exceed $770,000 with Insight Public Sector, Inc. over a two-year period for information technology infrastructure.

(Finance and Governance Committee approved 3-0)

Legislative Body: City Council

Contact: Helen Miller, (805)385-7446

3. Public Works Department

SUBJECT: Agreement A-8428 with Blackpointe Group Construction & Management Inc., for Catch Basin Cleaning Services.

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute Agreement A-8428 with Blackpointe Group Construction & Management Inc. (Blackpointe), in the amount not to exceed $900,000 for a three-year term ending February 15, 2025, for catch basin cleaning services.

(Public Works and Transportation Committee approved 3-0)

Contact: Michael Wolfe, (805) 385-8055

4. Fire Department

SUBJECT: SAFER Grant Application - no match required.

RECOMMENDATION: That City Council adopts a resolution:

1. Ratifying the submission of a grant application for the Federal Emergency Management Agency (FEMA) FY2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $2,192,342 to be used for the hiring of six additional firefighters, no local match is required;
2. That authorizes the City Manager or designee to execute the grant agreement if grant funds are awarded to the City;
3. That authorizes the Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2022-2023 for the use of grant

funds and perform all other required financial actions; and
4. That authorizes the Fire Chief or designee to submit non-financial reports.

Legislative Body: City Council
Contact: Alexander Hamilton, (805) 385-7700

M. PUBLIC HEARINGS

1. Community Development Department
SUBJECT: TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP). (10/15/15)
RECOMMENDATION: That the City Council:

1. Conduct a public hearing:

2. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and

3. Adopt a Resolution Approving the Appeal and overturning the Planning Commission's Denial of Planning and Zoning Permit No. 21-516-24 (Special Use Permit- Cannabis Retail), subject to certain conditions and findings.
(This item did not originate in Committee)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/3dkfbwFzAE0
Legislative Body: City Council
Contact: Vyto Adomaitis, (805) 385-7882

2. Community Development Department
SUBJECT: Vineyard Starbucks Site Renovations Appeal. (10/15/15)
RECOMMENDATION: That the City Council:

1. Conduct a public hearing:

2. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and

3. Adopt a Resolution denying the Appeal and upholding the Planning Commission's Denial of Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), because the record does not contain the evidence necessary to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.
(This item did not originate in Committee)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/axNLuO3Q8G0
Legislative Body: City Council
Contact: Vyto Adomaitis, (805) 385-7882

N. REPORTS

1. Finance Department

SUBJECT: FY 20-21 Annual Comprehensive Financial Report and Summary Presentation. (15/15/10)

RECOMMENDATION: That City Council receive the Fiscal Year 2020-21 Annual Comprehensive Financial Report (ACFR) and summary presentation from the City's external financial auditors, Eadie + Payne, LLP.
(Finance and Governance Committee approved 2-0)

(Presentation will be live upon consultant's request).

Legislative Body: City Council

Contact: Betsy George, 805-200-5400

2. City Manager Department

SUBJECT: Update on Status and Accomplishments of Current Measure O Projects and Opening the Conversation regarding the Weaning Schedule. (0/10/10)

RECOMMENDATION: That the City Council:

1. Receive and file the annual update; and
2. Open the conversation regarding the Measure O weaning schedule.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/6C11bCPNPN0

Legislative Body: City Council

Contact: Shiri Klima, (805) 385-7487

3. Cultural & Community Services Department

SUBJECT: Amendment to an Agreement with the Oxnard School District (A-8318) for the Operations of the After School Education and Safety Grant (ASES) to increase the total value of the agreement by $5,030,000 bringing the total agreement amount to $2,950,000 in year one (FY 2021-2022) and $4,830,000 in year two (FY 2022-2023). (0/10/5)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute an amendment to the agreement (A-8318) with the Oxnard School District (OSD) for the operations of the Oxnard After School Education and Safety (ASES) Grant to:

(1) Increase the agreement amount by $5,030,000 resulting in a total agreement amount of $7,780,000, not to exceed $2,950,000 in year one (FY2021-2022) and $4,830,000 in year two (FY2022-2023) with an additional City match of $130,000 of in-kind services per fiscal year,
(2) Extend the expiration date for one year to June 30, 2023; and
(3) Approve a budget appropriation recognizing $200,000 of additional FY21-22 Fund 272 (21st Century CLCP-ASESP) grant funding.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/LyOy-AZ01Rs

Legislative Body: City Council

Contact: Terrel Harrison, (805) 385-7994

4. Housing Department

SUBJECT: Impact Fee Loan Agreement Amendment Las Cortes Phase III. (0/5/5)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a First Amendment to the Loan Agreement with A0592 Oxnard, L.P., a California limited partnership (Agreement No. A-8226), for an increase in deferred impact fees related to the development of the Las Cortes Phase III affordable housing project.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/mmty2GyH3gk

Legislative Body: City Council

Contact: Emilio Ramirez, (805) 385-8094

O. ADJOURNMENT

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

APPOINTMENT ITEMS (5:00 PM)
AGENDA ITEM NO. D.1

DATE: February 15, 2022

TO: City Council

FROM: Alexander Nguyen, City Manager, (805) 385-7430, alexander.nguyen@oxnard.org

SUBJECT: Update on Trauma Center Hospital Designation.

RECOMMENDATION

That the City Council receive a verbal presentation from Ventura County Medical Center / Santa Paula Hospital, CEO Dr. John Fankhauser and Trauma Director, Dr. Thomas Duncan, on Trauma Center Hospital Designation.

BACKGROUND

At the request of the City Council, Dr.'s Fankhauser and Duncan will review the value of the Regional Trauma System and the trauma services at Ventura County Medical Center, West County's Level II Trauma Center.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Luly Lopez, Executive Assistant I

ATTACHMENTS
None

CITY COUNCIL AGENDA REPORT

CEREMONIAL ITEMS
AGENDA ITEM NO. F.1

DATE: February 15, 2022

TO: City Council

FROM: Terrel Harrison, Cultural & Community Services Director, (805) 385-7994, terrel.harrison@oxnard.org

SUBJECT: Presentation of a Resolution Commending Debbie Estrada for over 20 Years of Service to the City of Oxnard.

RECOMMENDATION

That the City Council adopt a resolution commending Debbie Estrada for over Twenty Years of Service to the City of Oxnard's Recreation Division of the Cultural and Community Services Department.

BACKGROUND

On December 31, 2021, Debbie Estrada retired from the City of Oxnard after 20 years of service to the City. Mrs. Estrada began her career with the City's Recreation Division of the Cultural and Community Services Department in May 2001; thereafter promoting to Recreation Leader I/II, and then Recreation Leader III, accepting these positions with increasing responsibilities. She dedicated her career to serving the youth and seniors of the community, earning a reputation for being a dedicated, caring, and responsible employee by her coworkers and patrons. We extend our best wishes to Mrs. Estrada in retirement.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Janice Zaragoza, Recreation Coordinator

ATTACHMENTS

1. Resolution - Debbie Estrada

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD COMMENDING DEBBIE ESTRADA FOR OVER 20 YEARS OF EXEMPLARY SERVICE TO THE CITY OF OXNARD

WHEREAS, Debbie Estrada has given over 20 years of exemplary service as an employee of the City of Oxnard; and

WHEREAS, Mrs. Estrada began her career with the City of Oxnard Recreation Division of the Cultural and Community Services Department in May 2001; thereafter promoting to Recreation Leader I/II, and then Recreation Leader III, accepting these positions with increasing responsibilities; and

WHEREAS, Mrs. Estrada dedicated her career to serving the youth and seniors of the community, earning a reputation for being a dedicated, caring, and responsible employee by her coworkers and patrons; and

WHEREAS, Mrs. Estrada, and her husband Mark, passed down their commitment to public service to their children, Julie, Mark and Tirza, who have all dedicated their lives to public service through youth recreation and education.

///
///
///
///
///
///
///
///
///
///
///
///
///
///
///
///
///

NOW, THEREFORE, the City Council of the City of Oxnard does hereby resolve to commend, recognize and extend its gratitude to Debbie Estrada for over 20 years of exemplary service to the City of Oxnard and extends best wishes for a well-deserved and fulfilling retirement with family and friends.

PASSED AND ADOPTED this _____ of February, 2022 by the following votes:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
John C. Zaragoza
Mayor

ATTEST:

_____
Rose Chaparro
City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer
City Attorney

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.1

DATE: February 15, 2022

TO: City Council

FROM: Rose Chaparro, City Clerk, (805) 385-7805, rose.chaparro@oxnard.org

SUBJECT: Approval of Minutes.

RECOMMENDATION

That the City Council approve the minutes of the January 18, 2022 regular meeting and the January 22, 2022 special meeting as presented.

BACKGROUND

Approval of Minutes.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Rose Chaparro, City Clerk

ATTACHMENTS

1. MINUTES 01 18 2022 CC Regular Meeting
2. MINUTES 01 22 2022 CC Special Meeting

MINUTES
OXNARD CITY COUNCIL
Regular Meeting
January 18, 2022

A. ROLL CALL, POSTING OF AGENDA

At 4:30 p.m., Mayor John C. Zaragoza called to order the regular meeting of the Oxnard City Council, in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Mayor Pro Tem Bryan A. MacDonald and Councilmembers Gabriela Basua, Vianey Lopez, Oscar Madrigal, Bert E. Perello, and Gabriel (Gabe) Teran were present via videoconference. Mayor Zaragoza was present in person.

Councilmember Madrigal joined the meeting virtually at 6:19 p.m.

Staff members present in person were Alexander Nguyen, City Manager; Stephen M. Fischer, City Attorney; and Rose Chaparro, City Clerk.

Staff members Ashley Golden, Assistant City Manager; Shiri Klima, Deputy City Manager; Adam Smith, Project Manager; Kenneth Rozell, Chief Assistant City Attorney; Jason Benites, Police Chief; Alexander Hamilton, Fire Chief; Michael Wolfe, Public Works Director; Steve Howlett, Assistant Public Works Director; Jan Hauser, Wastewater Division Manager; Kevin Thompson, Parks Manager; Joe Perez, Parks Maintenance Supervisor/Arborist; Emilio Ramirez, Housing Director; Vyto Adomaitis, Community Development Director; Betsy George, Chief Financial Officer; Helen Miller, IT Director; and Eden Alomeri, Revenue & Licensing Director & Assistant City Treasurer; participated via videoconference.

Michael Arnold and Kristian Foy with Arnold & Associates; John O'Donnell and Kyriakos Pagonis with MMO Partners; Abby Beissinger and Ryan Allen, Arborists with Dudek Urban Foresters; Jennifer Haddow with Rincon Consultants; Ross Peabody, Civil Engineer with Peabody Engineering; John Morelli, Architect; John Carnesale, Developer; Jim Meaney, CBRE; Amanda Sherard, Assistant Project Manager with Taylor Realty Advisors; and Brian Finerman also participated via videoconference.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. PUBLIC COMMENTS ON CLOSED SESSION ITEMS (None received.)

C. CLOSED SESSION (4:30 PM)

1. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – (Government Code section 54956.8)
Property: Lot known as the Del Norte Vacant Property at the northwest corner of Del Norte Boulevard and Fifth Street in Oxnard, CA 93030 (APNs 216-0-160-225; 216-0-160-465; 216-0-

160-475)
Agency Negotiator: Michael L. Wolfe, P.E., Public Works Director
Negotiating Party: Colony Energy Partners
Under Negotiation: Price and terms of payment
Legislative Body: City Council

At 4:35 p.m., the City Council recessed to a closed session. At 5:05 p.m., the City Council reconvened in open session in the Council Chambers. The City Attorney announced that there were no reportable actions out of closed session.

D. APPOINTMENT ITEMS (5:00 PM)

1. City Attorney Department
SUBJECT: Brown Act Training. (25/25/10)
RECOMMENDATION: That the City Council receive an update and training on the Brown Act.

Paul Early, Assistant City Attorney, provided Council a Brown Act Update training session. Presentation was received and filed. No formal action was required.

E. OPENING CEREMONIES (6:00 PM)
The flag salute was followed by a moment of silence.

F. PUBLIC COMMENTS ON ITEMS NOT ON THE AGENDA
Public comments were received from David Soleymani (Request to consider changing the name of the City), Douglas D. Partello (Affordable Housing); Mark Daniels (Seeking assistance for the Strawberry Fields Community fencing), Maria Navarro with CAUSE (Request to extend the public comment period for the Environmental Impact Review for the Port of Hueneme, Vehicle Storage Facility Extension, in South Oxnard), and Manuel Herrera, Citizens for a Better Oxnard, (abandoned vehicle/homelessness concerns).

G. REPORT OF CITY MANAGER

1. City Manager Department
SUBJECT: COVID-19 Update from Director of Emergency Services. (10/5/5)
RECOMMENDATION: That the City Council:

1. Receive and file an update from the Director of Emergency Services on the COVID19 Local Emergency.

The City Manager gave a report on the City's COVID-19 response. Report was received and filed. No formal action was required.

2. City Manager Department
SUBJECT: List of City Manager Approved Contracts - Informational Only (0/5/5)
RECOMMENDATION: That the City Council receive and file the list of City Manager approved contracts for the period July 1, 2021 through December 31, 2021.

Alexander Nguyen, City Manager, gave a report. Report was received and filed. Information only, no formal action was required.

H. CITY COUNCIL REPORTS

Mayor Pro Tem MacDonald selected La Central Bakery as his recommendation for a local business.

Councilmember Perello selected Island Pacific Seafood Market as his recommendation for a local business to support. He stated that he does not support changing the name of the City of Oxnard. He also expressed concerns regarding excess illegal dumping in alleys throughout the City.

Councilmember Teran selected Little Tony's Italian Restaurant as his recommendation for a local business to support. He thanked the Martin Luther King, Jr. Committee of Ventura County for organizing this year's this year's event. He recognized Fire Chief Hamilton and staff which worked very quickly to inform the public about the tsunami emergency public safety situation. He shared a report of the utilization of the 311 application. Recognized the 311 team for their efforts as well. Also, announced that the COVID-19 virus numbers are increasing in the County of Ventura and the nation.

Councilmember Lopez selected Fisherman's Catch as her recommendation for a local business to support. She also acknowledged the 311 team for their efforts and helping to maintain the City's areas clean and safe.

Councilmember Basua selected Café Amri as her recommendation for a local business to support.

Councilmember Madrigal selected Heritage Coffee as his recommendation for a local business to support. He asked that staff check the irrigation in the medians. He noticed excess water running onto the streets. He mentioned that he also noticed that there are long lines at COVID-19 testing sites.

Mayor Zaragoza selected Dob's Break and Auto Center as his local business to support. He participated in the local Martin Luther King, Jr. holiday celebrations held in the City. He also thanked Fire Chief Hamilton and his staff for their efforts during the recent tsunami in the area. He also thanked all the contract employees that are working throughout the City. As well, as the City employees and commended them for the work that they do. He reminded the public to wear their face mask and help to fight the pandemic.

I. REVIEW OF INFORMATION/CONSENT AGENDA

Items K-1 through K-10 were discussed among the Council and staff.

J. PUBLIC COMMENTS ON INFORMATION/CONSENT AGENDA (None received.)

K. INFORMATION/CONSENT AGENDA

1. City Clerk Department
SUBJECT: Approval of Minutes.
RECOMMENDATION: That the City Council approve the revised meeting minutes for the December 7, 2021 and the December 21, 2021 regular meeting as presented.

2. Police Department
SUBJECT: **Resolution #15,529** Commending Raymund Mosones for over Twenty-Six Years of Service to the City of Oxnard.
RECOMMENDATION: That the City Council adopt a resolution commending Raymund Mosones for over Twenty-Six Years of Service to the City of Oxnard Police Department.

3. Police Department
SUBJECT: **Resolution #15,530** Commending Brian Bishop for Thirty-One Years of Exemplary Service to the City of Oxnard.
RECOMMENDATION: That the City Council adopt a resolution commending Brian Bishop for thirty-one years of outstanding service to the City of Oxnard Police Department.

4. Police Department
SUBJECT: **Resolution #15,531** Commending Brett Smith for over Twenty-Eight Years of Outstanding Service to the City of Oxnard.
RECOMMENDATION: That the City Council adopt a resolution commending Brett Smith for over twenty-eight years of outstanding service to the City of Oxnard Police Department.

5. Fire Department
SUBJECT: Mutual Aid Response with California Office of Emergency Services.
RECOMMENDATION: That the City Council adopt **Resolution #15,532** approving the side letters with the International Association of Firefighters (IAFF), the Oxnard Mid-Managers Association (OMMA), and the Oxnard Public Safety Managers Association (OPSMA) concerning Mutual Aid Response with California Office of Emergency Service (CalOES). (Community Services, Public Safety, Housing & Development Committee approved 3-0.)

6. Fire Department
SUBJECT: Ratify submission of application for 2021 Emergency Management Performance Grant (EMPG). (In-kind match of $36,393 required.)
RECOMMENDATION: That the Oxnard City Council adopt **Resolution #15,533**:

1. That ratifies the submission of a grant application to the Ventura County Office of Emergency Services for the 2021 Emergency Management Performance Grant (EMPG) in the amount of $36,393 for the purpose of offsetting the salary and benefits of the Emergency Services Manager, and the required salary match of $36,393;
2. That authorizes the City Manager or designee to execute the grant agreement if funds are awarded to the City;
3. That authorizes the Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations for the use of grant funds and perform all other required financial actions; and
4. That authorizes the Fire Chief or designee to submit non-financial reports.

7. City Manager Department

SUBJECT: Seventh Annual Recognized Obligation Payment Schedule 2022-2023.

RECOMMENDATION: That the Community Development Commission Successor Agency adopt **CDCSA Resolution #40** approving the Seventh Annual Recognized Obligation Payment Schedule (ROPS) 22-23 covering the period of July 1, 2022 - June 30, 2023.
(The Finance and Governance Committee approved 3-0.)

8. City Manager Department

SUBJECT: Enterprise Resource Planning (ERP) Annual Report and Second Amendment to Kreative Core Technologies Corp Contract for ERP Project Management Services.

RECOMMENDATION: That City Council:
a. Receive the Enterprise Resource Planning (ERP) system annual report; and
b. Approve and authorize the Mayor to execute a Second Amendment to the Professional Services Agreement with Kreative Core Technologies Corp (9431-21-FN) in the amount of $700,000 for a new not to exceed contract amount of $900,000 and to extend the term from September 30, 2022, to February 1, 2023, for Project Management Services related to the Core Financials and Human Capital Management phases (HCM) of the City's multi-year ERP implementation.
(Finance and Governance Committee approved 3-0.)

9. Fire Department

SUBJECT: Appropriation of Wildland Fire Reimbursement Revenue.

RECOMMENDATION: That the City Council amend the FY 2021-22 Budget to recognize an additional $695,615 of General Fund revenue from wildland fire reimbursement and appropriate $370,128 to the Fire Department to restore the Department's original training budget; to improve and expand training related to mutual aid response; and to acquire equipment and supplies. (Community Services, Public Safety, Housing & Development Committee approved 3-0.)

10. Public Works Department

SUBJECT: Agreements for On-Call Professional Hydrogeological Services.
RECOMMENDATION: That the City Council approve and authorize the Mayor to execute the following on-call professional hydrogeological agreements:
1. Agreement A-8406 with Groundwater Solutions, Inc. dba GSI Water Solutions, Inc. in the amount not to exceed $250,000 for a three-year term;
2. Agreement A-8407 with ENGEO, Inc. in the amount not to exceed $250,000 for a three-year term; and
3. Agreement A-8408 with Hopkins Groundwater Consultants, Inc. in the amount not to exceed $250,000 for a three-year term.
(Public Works and Transportation Committee approved 3-0.)

It was moved by Councilmember Perello, seconded by Councilmember Teran, to approve the Information/Consent items as presented. VOTE: MacDonald, Perello, Basua, Madrigal, Zaragoza, Teran, and Lopez voted in favor; motion passed 7-0.

L. APPOINTMENT ITEMS

1. City Manager Department
SUBJECT: Federal and State Legislative Update and Approval of Second Amendments to Federal and State Lobbyists Contracts. (20/15/15)
RECOMMENDATION: That the City Council:
1. Approve and authorize the Mayor to execute a Second Amendment with HROD, Inc., John R. O'Donnel (A-8049) for federal lobbyist services;
2. Approve and authorize the Mayor to execute a Second Amendment with Michael J. Arnold and Associates, Inc. (A-8050) for State lobbyist services; and
3. Receive and file a report on the City's legislative activity in 2021.

(Presentation will be live upon consultant's request.)

Alexander Nguyen, City Manager, introduced John O'Donnell and Kyriakos Pagonis with MMO Partners; and Michael Arnold and Kristian Foy with Arnold and Associates; who presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Mayor Pro Tem MacDonald, seconded by Councilmember Perello, to approve the recommended action as presented. VOTE: MacDonald, Zaragoza, Perello, Madrigal, Basua, Teran, and Lopez voted in favor; motion passed 7-0.

M. PUBLIC HEARINGS

1. Community Development Department
SUBJECT: A request approval of a General Plan Amendment to change the 2030 General Plan land use designation of a 7.61-acre site located along the south side of Fifth Street at the intersection of Portofino Place (south of the Oxnard Airport) (APNs: 185-0-221-025, 185-0-221-265, and 185-0-223-015) from Business Research Park (BRP) to Residential Medium

(RM) (PZ 20-620-02), a Zone Change from Business Research Park to Multiple-Family (R-2) (PZ 20-570-02), and a Tentative Subdivision Map (Tract No. 6064) for condominium purposes (PZ 20-300-02) to allow for the construction of 90, two-story condominium dwelling units and associated site improvements; adoption of an Addendum to the previously adopted Mitigated Negative Declaration; and approval of an Affordable Housing Agreement. (0/10/10)

RECOMMENDATION: That the City Council:
1. Conduct a public hearing; and
2. Adopt a resolution adopting an Addendum to the previously adopted Mitigated Negative Declaration (MND) 2004-11; and
3. Adopt a resolution approving Planning and Zoning Permit No. 20-620-02 (General Plan Amendment) to change the land use designation of the project site from Business Research Park (BRP) to Residential Medium (RM), and
4. Introduce an Ordinance for first reading (by title only, waiving further reading), approving Planning and Zoning Permit No. 20-570-02 (Zone Change) to change the zoning of the project site from Business Research Park to Multiple-Family (R-2), and
5. Adopt a resolution approving Planning and Zoning Permit No. 20-300-02 (Tentative Subdivision Map for Tract No. 6064), subject to certain findings and conditions, and
6. Approve an Affordable Housing Agreement.
(This item did not originate in Committee)

An announcement was made that this public hearing was pulled from this meeting agenda and will be rescheduled and a new notice will be published for a future meeting.

N. REPORTS

1. Public Works Department

SUBJECT: City of Oxnard Tree Program Review. (10/10/10)

RECOMMENDATION: That the City Council receive and file the City of Oxnard Tree Program Review conducted by Dudek.
(Public Works and Transportation Committee approved 3-0.)
(Presentation will be live upon consultant's request.)

Steve Howlett, Assistant Public Works Director, introduced Abby Beissinger and Ryan Allen, Arborists with Dudek Urban Foresters, who presented and answered questions. Public comments were received from Douglas D. Partello. Discussion ensued among the Council and staff. The Tree Program Review report was received and filed. No formal action was required.

2. Public Works Department

SUBJECT: First Amendment to Agreement A-8294 with Brown and Caldwell for Primary Clarifiers and Activated Sludge Basins Improvement Project PW 21-17. (0/5/5)

RECOMMENDATION: That the City Council approve and authorize the Mayor to execute a First Amendment to Agreement A-8294 with Brown and Caldwell in the amount of $330,069 for a new not to exceed contract amount of $1,173,413 for additional design work required

for the Primary Clarifiers & Activated Sludge Improvements Project PW 21-17 (Project No. 186607).
(This item did not originate in Committee as this is a capital improvement project specifically listed in the City's Capital Improvement Program.)

Jan Hauser, Wastewater Division Manager, presented and answered questions. Public comments were received from Douglas D. Partello. Discussion ensued among the Council and staff.

It was moved by Councilmember Perello, seconded by Councilmember Lopez, to approve the recommended action as presented. VOTE: Lopez, Basua, Teran, Zaragoza, MacDonald, Perello, and Madrigal voted in favor; motion passed 7-0.

3. Fire Department
SUBJECT: Purchase Order for South Coast Fire Equipment for Three Fire Engines $2,603,358.21. (0/10/5)
RECOMMENDATION: That the City Council approve and authorize:

1. The Mayor to execute a Purchase Order for South Coast Emergency Fire Equipment in the amount of $2,603,358.21 for the purchase of three (3) Pierce Fire Engines and
2. A budget appropriation recognizing and appropriating $53,359 from the Lease Purchase Equipment Fund (313).

(This item did not originate in Committee.)

Alexander Hamilton, Fire Chief presented and answered questions. No public comments were received. Discussion ensued among the Council and staff.

It was moved by Mayor Zaragoza, seconded by Councilmember Teran, to approve the recommended action as presented. VOTE: Madrigal, Lopez, Teran, MacDonald, Basua, Perello, and Zaragoza voted in favor; motion passed 7-0.

O. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 9:01 p.m.

ROSE CHAPARRO
City Clerk

JOHN C. ZARAGOZA
Mayor

MINUTES
OXNARD CITY COUNCIL
Special Council Meeting
January 22, 2022

A. ROLL CALL, POSTING OF AGENDA

At 10:03 a.m., Mayor John C. Zaragoza called to order the special meeting of the Oxnard City Council, in the City Hall Council Chambers at 305 W. Third Street, Oxnard, California. The City Clerk called the roll and announced the posting of the agenda. Mayor Pro Tem Bryan A. MacDonald and Councilmembers Gabriela Basua, Vianey Lopez, Oscar Madrigal, Bert E. Perello, and Gabriel (Gabe) Teran were present via videoconference. Mayor Zaragoza was present in person.

Staff members present in person were Alexander Nguyen, City Manager; Ken Rozell, Chief Assistant City Attorney; and Rose Chaparro, City Clerk.

Staff members Shiri Klima, Deputy City Manager; Stephen M. Fischer, City Attorney; and Jason Zaragoza, Deputy City Attorney; participated via videoconference.

Kristen Parks, Consultant with National Demographics Corporation also participated via videoconference.

THE FOLLOWING LEGISLATIVE BODIES ARE MEETING: City Council

B. OPENING CEREMONIES

The flag salute was followed by a moment of silence.

C. PUBLIC HEARINGS

1. City Attorney Department
SUBJECT: Public Hearing Regarding Redistricting of City Council Districts (15/30/30)
RECOMMENDATION: That the City Council conduct a public hearing regarding the redistricting process for City Council districts and receive a presentation from the City's redistricting consultant regarding the maps that have been submitted.

(This item did not originate in Committee.)

Because the presentation will be made by a consultant, the presentation was not prerecorded pursuant to Measure M.

The City Clerk announced the affidavit of publication and stated that written communications were received and were forwarded to Council for consideration.

Kenneth Rozell, Chief Assistant City Attorney, introduced Kristen Parks, Consultant with National Demographics Corporation, which presented and answered questions.

Mayor Zaragoza opened the public testimony portion of the public hearing. Public comments were

received from Lawrence Stein, Debbie Mitchell, Manuel Herrera, and Daniel Chavez.

Without objection, the Council approved closing the public testimony portion of the public hearing. Discussion ensued among the Council and staff. Report was received and filed, no formal action was required.

D. ADJOURNMENT

There being no further business on the agenda, and without objection, Mayor Zaragoza adjourned the meeting at 11:26 a.m.

ROSE CHAPARRO	JOHN C. ZARAGOZA
City Clerk	Mayor

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.2

DATE: February 15, 2022

TO: City Council

FROM: Helen Miller, Information Technology Director, (805)385-7446, helen.miller@oxnard.org

SUBJECT: Insight Public Sector Inc.

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute a blanket purchase order for an amount not to exceed $770,000 with Insight Public Sector, Inc. over a two-year period for information technology infrastructure.

(Finance and Governance Committee approved 3-0)

BACKGROUND

The City's current computer network infrastructure, comprised of 200+ physical network components, supports the delivery of services to residents across 27 sites. The average age of the City's network equipment is approximately six years with the oldest at ten years of age. The useful life of a network's components typically ranges from five to seven years; therefore, the City has extended and responsibly optimized our initial investment.

The City Council's most recent network infrastructure approval was October 15, 2019, which is the last time staff presented the need to replace unsupported and unsecured hardware (with modern Cisco equipment). At that time, the average age of the network equipment was 12 years old. In the two years since that approval, staff has refreshed portions of the network reducing the average equipment age from 12 years to 6 years, a significant 50% improvement. However, even with this improvement, the City remains dependent today upon obsolete and soon to be obsolete network infrastructure. The requested two-year purchase authorization with Insight Public Sector will enable continued progress by supporting the refresh and replacement of additional obsolete network components essential for City services, including in the libraries, Police Department, and Fire Department. In addition, modern networking hardware requires purchasing annual software maintenance and security support from the equipment manufacturer. Staff requests authorization for a two-year blanket purchase order in the amount of $770,000, allocated as follows:

Description	Estimated Cost per Year	Total Estimated Cost
Annual maintenance support	$150,000	$300,000
Network infrastructure improvements (modernize/replace)	$200,000	$400,000
Contingency (10%)	$ 35,000	$ 70,000

A 10% contingency is included in anticipation of continued pandemic supply chain cost increases, an increase in City departments' demand for IT services to support business process improvements (including the current ERP implementation), and unforeseen remediation and/or emergency equipment replacement.

Staff continues to compare pricing for its networking equipment and services from various sources. Specifically, as it relates to the City's standardization on Cisco network equipment, Insight Public Sector has been assigned as our preferred provider by Cisco and is the technology value added reseller authorized in the City's network infrastructure

vendor agreement. Insight offers access to competitive public purchase agreements such as Omnia (formerly US Communities), National IPA Technology Solutions, and NASPO ValuePoint. The City has been purchasing under the OMNIA Partners Public Sector Contract No. 4400006644 purchasing group.

STRATEGIC PRIORITIES

This agenda item supports the Organizational Effectiveness strategy. The purpose of the Organizational Effectiveness strategy is to reinforce, stabilize, improve, and strengthen the organizational foundation of the City in order to build a modern, high-functioning City government that effectively and efficiently supports the operating departments in providing high-quality services and programs for our residents and businesses.

FINANCIAL IMPACT

The annual cost for maintaining the network hardware is approximately $150,000. Funds for these expenditures are included in the IT Department's FY 2021-22 operating budget. The department's current budget includes a hardware replacement fund of $665,000. This amount is used to replace obsolete personal computers, servers, and networking equipment throughout the City. Funding for the projects discussed above will come from the IT Department's hardware replacement fund (Fund 731-7304) as well as other department budgets and grants. The two-year not-to-exceed $770,000 authorization will allow staff to meet our current network-related obligations as well as plan for future updates and upgrades.

COMMITTEE OUTCOME

The Finance and Governance Committee approved 3-0 on January, 25, 2022, to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Gary Krumian, Programmer Analyst

ATTACHMENTS

1. BPO-8481 Insight Public Sector

CITY OF OXNARD CALIFORNIA

BLANKET ORDER

CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

PURCHASE ORDER NO. 008481

DATE: 1/28/2022

VENDOR PHONE: (800)934-4477
VENDOR FAX: ( ) -
VENDOR #: 21221
VENDOR ADDRESS: INSIGHT PUBLIC SECTOR, INC.
6820 S. HART AVE
TEMPE, AZ 85283- 2

SHIP TO: MULTIPLE LOCATIONS

LOCATIONS AND QUANTITIES SPECIFIED FOLLOWING ITEM

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY	REQUISITION #	REQUISITION DATE	CONFIRMED BY
01/28/2022		00/00/0000	JOSH WELLS
FOB	**ACCOUNT NUMBER**		**AUTHORIZED BY**
			PATRICIA GARCIA

ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

INFORMATION TECHNOLOGY COMPUTER INFRASTRUCTURE
Effective date: 02/15/2022
Expiration date: 02/14/2024
Not to exceed: 770,000.00

COUNCIL APPROVED 2/15/22, AGENDA ITEM NO. L3
FINANCE & GOVERNANCE COMMITTEE APPROVED 1/25/22
NSS 21-160

TOTAL PURCHASE AMOUNT **$770,000.00**

In order to receive payment, email all invoices to:
invoices@oxnard.org

In the subject line, reference the Purchase Order number above.

AUTHORIZED SIGNATURE. _____
John C. Zaragoza, Mayor

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

BLANKET ORDER

CITY OF OXNARD
300 WEST 3RD STREET
OXNARD, CA 93030

PURCHASE ORDER NO. 008481

DATE: 1/28/2022

VENDOR PHONE: (800)934-4477
VENDOR FAX: ( ) -
VENDOR #: 21221
VENDOR ADDRESS: INSIGHT PUBLIC SECTOR, INC.
6820 S. HART AVE
TEMPE, AZ 85283- 2

SHIP TO: MULTIPLE LOCATIONS

LOCATIONS AND QUANTITIES SPECIFIED FOLLOWING ITEM

Our P.O. # MUST Appear on ALL Invoices, Packages and Correspondence

DELIVER BY	REQUISITION #	REQUISITION DATE	CONFIRMED BY
01/28/2022		00/00/0000	JOSH WELLS
FOB	**ACCOUNT NUMBER**		**AUTHORIZED BY**
			PATRICIA GARCIA

ITEM #	QUANTITY/ UNIT	DESCRIPTION ARTICLE OR SERVICE	UNIT COST	EXTENDED COST

By acceptance of this purchase order, you agree to the attached terms and conditions of the City of Oxnard

PURCHASE ORDERS
TERMS AND CONDITIONS

The City Purchasing Officer and the Vendor agree as follows:

1. Vendor shall furnish to City the labor, materials, equipment, supplies and/or services described in the Purchase Order preceding this page.
2. City shall pay to Vendor the price, or prices, specified in the Purchase Order upon delivery of the labor, materials, equipment, supplies and/or services, and acceptance thereof by the City Purchasing Officer, or upon the completion of the services to be performed and acceptance thereof.
3. If the Purchase Order is continuing in nature, City shall pay to Vendor the amount due Vendor for labor, materials, equipment or supplies furnished, or services completed and accepted.
4. Vendor shall deliver the labor, materials, equipment or supplies, or cause the services to be performed, within the time and in the manner specified in the Purchase Order. Vendor shall be excused in performance for delays resulting from causes beyond the control of Vendor.
5. If services are performed or labor furnished to City under the Purchase Order, Vendor agrees to indemnify, hold harmless and defend City, its City Council, and each member thereof, and every officer, employee, representative or agent of City, from any and all liability claims, demands, actions, damages (whether in contract or tort, including personal injury, death at any time, or property damage), costs and financial loss, including all costs and expenses and fees of litigation or arbitration, that arise directly or indirectly from any acts or omissions related to this Agreement performed by Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf. This agreement to indemnify, hold harmless and defend shall apply whether such acts or omissions are the product of active negligence, passive negligence, willfulness or acts for which Vendor or its agents, employees, subcontractors, consultants and other persons acting on Vendor's behalf would be held strictly liable. Vendor's obligation to defend shall arise when a claim, demand or action is made or filed, whether or not such claim, demand or action results in a determination of liability or damages as to which Vendor is obligated to indemnify and hold harmless.
6. Insurance
   a) Vendor shall obtain and maintain during the performance of any services under this Agreement the following insurance coverage issued by a company satisfactory to the Risk Manager, unless the Risk Manager waives, in writing, the requirement that Vendor obtain and maintain such insurance coverage.
      i. Commercial general liability insurance, including a contractual liability endorsement, in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability coverage (Occurrence Form CG0001ED, November 1988);
      ii. Business automobile liability insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Auto Liability Insurance Services Office coverage (Occurrence Form CA000TED, June 1992) covering Code No. 1, "any auto";
      iii. Workers' compensation insurance in compliance with the laws of the State of California, including employer's liability insurance in an amount not less than $1,000,000 per claimant.
7. Vendor, in the performance of any services or the furnishing of any labor under this Purchase Order, shall be considered an independent contractor, and Vendor and Vendor's agents and employees shall not be considered officers or employees of the City.
8. Vendor, without the written consent of the City Purchasing Officer, shall not:
   a) Assign the Purchase Order, or any interest therein, or any money due thereunder; or
   b) Make any changes, alterations or variations in the terms of the Purchase Order.
9. The cost of inspection on deliveries, or offers to make deliveries that do not meet specifications, will be paid by Vendor or deducted by City from amounts due Vendor.
10. Vendor shall indemnify and hold harmless City, its officers and employees, from liability, claims, loss or expense of any kind or nature on account of any copyrighted or uncopyrighted composition, patented or unpatented process or invention, article or appliance furnished or used under this Purchase Order.
11. Vendor shall comply with all applicable federal, state and local ordinance, laws and regulations and shall obtain and pay for all required licenses and permits, including a City of Oxnard business license.
12. Return or exchange of materials, equipment or supplies will not be permitted without written approval by the City Purchasing Officer.
13. All materials, supplies and equipment furnished under the Purchase Order shall, where applicable, be in full compliance with the Safety Orders and Regulations of the Division of Industrial Safety of the State of California and the Williams-Steiger Federal Occupational Health and Safety Act of 1970.
14. City may terminate this Purchase Order at any time by giving written notice of termination to Vendor. If termination is for cause, termination shall become effective on the date of the notice or at a later date, specified in the notice. If termination is without cause, termination shall become effective five days after the date of the notice or at a later date specified in the notice.
15. Vendor shall comply with all applicable equal employment opportunity requirements of the California Department of Fair Employment and Housing in performing or contracting for any services under this Purchase Order.
16. For public projects, Vendor shall pay prevailing wages in accordance with Labor Code Sections 1720 et seq.

ADDITIONAL REQUIREMENTS FOR GRANT-FUNDED PROJECTS

17. The following requirements apply to any Purchase Order funded in whole or in part by federal grant funds.
    a) Upon expiration of the time specified on the reverse side, this Purchase Order shall terminate unless City and Vendor have mutually agreed in writing to an extension of time.
    b) If legal action is brought by either party because the other has failed to comply with terms or conditions of this Purchase Order, the prevailing party shall be awarded its attorney's fees and costs in addition to its damages and/or equitable relief.
    c) Vendor shall comply with all applicable requirements of Executive Order 11246 as amended by Executive Order 11375 and the regulations adopted pursuant thereto (41 CFR Chapter 60), which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin.
    d) Vendor shall insure that the grantee (City), the Federal Grantor Agency, the Comptroller General of the United States, or any duly authorized representative, shall have access to any books, records, documents and papers, specifically relating to this Purchase Order, for the purpose of making audit, examination, excerpts and transcriptions for not less than three years after completion of the project and/or until the completion of the final project audit as required by the Federal Grants Agency.

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.3

DATE: February 15, 2022

TO: City Council

FROM: Michael Wolfe, Public Works Director, (805) 385-8055, michael.wolfe@oxnard.org

SUBJECT: Agreement A-8428 with Blackpointe Group Construction & Management Inc., for Catch Basin Cleaning Services.

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute Agreement A-8428 with Blackpointe Group Construction & Management Inc. (Blackpointe), in the amount not to exceed $900,000 for a three-year term ending February 15, 2025, for catch basin cleaning services.

(Public Works and Transportation Committee approved 3-0)

BACKGROUND

The City of Oxnard (City) received its most recent Municipal Separate Storm Sewer System (MS4) permit in September 2021. The MS4 permit requires that trash and debris be removed from catch basins and disposed of properly. The City owns and maintains over 2,500 catch basins that capture and convey stormwater to the ocean. As a consequence of normal operation, catch basins collect a variety of trash, leaves, and plastic (debris). Debris must be removed and disposed of to prevent release of trash and debris to the environment and mitigate flooding.

The City is also required to comply with the statewide Trash Amendments by installing full capture trash devices in stormwater catch basins. There are currently 329 full capture devices installed within catch basins with an additional 500+ planned for installation. These stainless steel devices act as a barrier for trash and debris that may fall into the catch basin. These devices require quarterly inspection and cleaning.

DISCUSSION

On November 17, 2021, the Purchasing Department released Request for Proposal PW 22-54 for Catch Basin Cleaning. This solicitation closed on December 9, 2021, where a total of three bids were received. An evaluation team consisting of Wastewater and Purchasing staff reviewed all proposals and determined Blackpointe to be the most qualified based on the evaluation criteria in the request for proposal. . Evaluation criteria consisted of the proposer's ability and history, responsiveness to the proposal, technical competence and experience, references/past record of performance, and cost.

Bidder	Total Bid Proposal ($/Catch Basin)
Blackpointe	$68.17

United Storm Water	$105.05
Downstream Services	$149.00

Through this agreement, Blackpointe shall provide catch basin inspection, cleaning and disposal of trash and debris, and storm drain placard replacement for the City's 2,500+ catch basins. All trash and debris shall be properly disposed of to a location that is properly permitted, regulated, and meets all federal, state, and local guidelines. Removal of debris from catch basins greatly reduces unwanted waste from infiltrating waterways and also mitigates flooding during wet weather events.

Blackpointe shall use the City's GIS system to log and quantify all cleaning and inspection activities and will be required to adjust full capture stormwater devices, when required. Additionally, Blackpointe shall photograph each catch basin before and after each inspection/cleaning event and provide disposal manifests with every bill.

STRATEGIC PRIORITIES

This agenda item supports the Infrastructure and Natural Resources strategy. The purpose of the Infrastructure and Natural Resources strategy is to preserve and improve our roads, utilities, parks, trees, water supply and natural resources through effective planning, prioritization, and an equitable and efficient use of available funding.

FINANCIAL IMPACT

The cost for this agreement with Blackpointe, in the amount not to exceed $900,000, of which $100,000 is funded from existing appropriations in the approved Fiscal Year 2021-22 budget from the Stormwater Operating Fund 114 (account 114-3502-804-8209). Future balances, in the amount of $300,000 annually, will be budgeted in subsequent fiscal years. The Stormwater Operating Fund is partially subsidized by the General Fund.

Catch Basin Cleaning Spending plan					
Division	**FY 21-22**	**FY 22-23**	**FY 23-24**	**FY 24-25**	**TOTAL**
Stormwater	$100,000	$300,000	$300,000	$200,000	$900,000

COMMITTEE OUTCOME

The Public Works and Transportation Committee approved 3-0 on January 25, 2022 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Jan Hauser, Wastewater Division Manager

ATTACHMENTS

1. Blackpointe Group - A-8428

AGREEMENT FOR TRADE SERVICES
COVER PAGE

(1) Agreement Start Date: February 15, 2022

(2) Vendor: Blackpointe Group Construction & Management Inc

(3) Services: Catch Basin Cleaning for the Wastewater Division

(4) Schedule of Services: See Schedule of Services Exhibit, which is attached hereto and incorporated herein through February 14, 2025 subject to renewal terms as noted in the Rates and Costs Exhibit

(5) Agreement Ending Date: February 14, 2025 subject to renewal terms as noted in the Rates and Costs Exhibit

(6) Total Agreement Amount: Not to Exceed $900,000

(7) City's Project Manager: Ray Trevino, Wastewater Collections Supervisor

(8) Vendor's Project Manager: Victor Schittone, Founder

(9) Insurance Coverage: INS-B

(10) What wages are required for this Project?

☒ Living wage but not prevailing wages, in which case: Section 20(a) through (d) and the Living Wage Policy Exhibit are incorporated and are required; but Section 20(e) and the Prevailing Wage Exhibit are not incorporated and are not required.
☐ Prevailing wages but not living wage, in which case: Section 20(e) and the Prevailing Wages Exhibit are incorporated and are required; but Section 20(a) through (d) and the Living Wage Policy Exhibit are not incorporated and are not required.
☐ Both living wage and prevailing wages, in which case Section 20, the Living Wage Policy Exhibit, and the Prevailing Wages Exhibit are incorporated and required.
☐ Neither living wage nor prevailing wages, in which case Section 20, the Living Wage Policy Exhibit, and the Prevailing Wages Exhibit are not incorporated and are not required.

(11) Addresses for Notice:

FOR VENDOR:	*FOR CITY:*
11972 Hertz Avenue	305 West Third Street, East Wing, Third Floor
Moorpark, CA 93021	Oxnard, CA 93030
Attn: Victor Schittone, Founder	Attn: Ray Trevino, Wastewater Collections Supervisor

(12) Contact Emails:

VENDOR'S PROJECT MANAGER:	*CITY'S PROJECT MANAGER:*
victor@blackpointe.com	ray.trevino@oxnard.org

The Agreement for Trade Services is attached hereto and incorporated herein by this reference. The following exhibits are also attached hereto and incorporated herein by this reference into the Agreement:

☒ Scope of Services Exhibit
☒ Rates and Costs Exhibit
☒ Schedule of Services Exhibit
☒ Living Wage Policy Exhibit
☐ Prevailing Wages Exhibit
☒ Insurance Exhibit (INS-B)

AGREEMENT FOR TRADE SERVICES

THIS AGREEMENT FOR TRADE SERVICES ("Agreement") is entered into in Ventura County, California, on the date that is written as "(1) Agreement Start Date" on the Cover Page, which is attached hereto and incorporated herein by this reference. This Agreement is entered by and between the City of Oxnard ("City") and the person or entity listed as "(2) Vendor" on the Cover Page, subject to the following terms and conditions:

1. Scope of Services. Vendor shall provide to City the services listed as "(3) Services" on the Cover Page (the "Services"). Vendor shall provide the Services during the term of this Agreement, as set forth below, according to the schedule written as "(4) Schedule of Services" on the Cover Page, and as further explained in the Scope of Services Exhibit, which is attached hereto and incorporated herein by this reference. In the event of any conflict between the terms of this Agreement and any incorporated document(s), the terms of this Agreement shall control.

2. Term. This Agreement shall begin on the date that is written as "(1) Agreement Start Date" on the Cover Page and shall end on the date that is written as "(5) Agreement Ending Date" on the Cover Page. Time is of the essence in this Agreement.

3. Compensation. For the Services performed during the term of this Agreement, City shall pay Vendor an amount not to exceed the amount that is listed as "(6) Total Agreement Amount" on the Cover Page, at the rates listed in the Rates and Costs Exhibit, attached hereto and incorporated herein by this reference. The rates in the Rates and Costs Exhibit shall be in effect through the end of this Agreement unless otherwise stated therein.

4. Invoices. Vendor shall submit a payment request to City by the end of each calendar month listing the Services provided, costs of those Services, and total amount due for the month. Each invoice must also list the current balance on the Agreement, including that invoice, as well as the months remaining on the term of the Agreement. Invoices may be emailed to: invoices@oxnard.org.

5. Most Favored Nation. Throughout the term of the Agreement, in the event Vendor provides the Services having terms more favorable than this Agreement to any person or entity other than City, Vendor shall notify City within 10 calendar days of signing the other contract, or if there is no other contract, of finalizing that deal or providing any services, whichever occurs first in time. In that notice, Vendor shall offer City to amend this Agreement to reflect such more favorable terms into this Agreement without any contingency to amend any other provision of this Agreement.

6. Acceptance of Payment. Vendor's acceptance of final payment made pursuant to this Agreement shall constitute a release of City from all claims and liabilities for compensation to Vendor for anything completed, finished or relating to the Services. City's payment shall not constitute nor be deemed a release of the responsibility and liability of Vendor for the accuracy and competency of the information provided and/or the Services performed hereunder, nor shall such payment be deemed to be an assumption of responsibility or liability by City for any defect or error in the Services performed by Vendor and its employees, agents and subcontractors. Vendor shall provide City with a completed Request for Taxpayer Identification Number and Certification, as issued by the Internal Revenue Service. If any sales tax is due for the Services performed by Vendor or materials or products provided to City by Vendor, Vendor shall pay the sales tax. City shall not reimburse Vendor for sales taxes paid by Vendor.

7. Non-binding Terms. Any terms and conditions that are typed, printed, or otherwise included in any Vendor invoice rendered pursuant to this Agreement shall be deemed to be solely for the convenience of the parties. No such term or condition shall be binding upon City, and no action by City (including, without limitation, the payment of any such invoice in whole or in part) shall be construed as binding City with respect to any such term or condition, unless the specific term or condition has been previously agreed to by Vendor and City in this Agreement or in a binding amendment thereto.

8. Non-Appropriation of Funds. Payments to be made to Vendor by City for the Services performed within the current fiscal year are within the current fiscal budget and within an available, unexhausted and unencumbered appropriation of City. In the event City does not appropriate sufficient funds for payment of the Services beyond the current fiscal year, this Agreement shall cover payment for the Services only up to the

conclusion of the last fiscal year in which City appropriated sufficient funds and shall automatically terminate at that fiscal year's conclusion.

9. Coordination of Services. The Services shall be coordinated with the person in the position listed in "(7) City's Project Manager" on the Cover Page, subject to the direction of the City Manager or Department Director. Vendor hereby designates the person in the position listed in "(8) Vendor's Project Manager" on the Cover Page as the person responsible for the Services who shall coordinate with City's Project Manager in making binding decisions in line with this Agreement on behalf of Vendor.

10. Personnel. Vendor represents that it has or shall secure at its own expense all personnel required to perform the Services. Vendor shall make reasonable efforts to maintain the continuity of Vendor's staff who are assigned to perform the Services. Vendor may associate with or employ associates or subcontractors in the performance of the Services, but at all times shall Vendor be responsible for its associates and subcontractors' labor, advice or materials provided in furtherance of providing the Services. Should any of Vendor's employees, assigns or subcontractors not conduct him- or herself appropriately, as determined by the City's Project Manager, in the process of providing the Services or any portion thereof, the City's Project Manager may notify the Vendor's Project Manager, who shall immediately handle the problem, as determined appropriate by him or her, such that the problem does not persist.

11. Additional Work. City may request additional specified work under this Agreement. The City's Project Manager must authorize all such work in writing before commencement. Vendor shall perform such work, and City shall pay for such additional work, in accordance with the Rates and Costs Exhibit. Should the work not fall under any such listed rate or cost, Vendor shall submit a quote for all additional work, which the City's Project Manager must approve in writing by before any such work may commence. The City shall compensate Vendor for any work that does not fall under a rate or cost listed in the Rates and Costs Exhibit, and for which Vendor did not obtain the City's Project Manager's written approval before work commenced, as determined by the City's Project Manager in his or her sole discretion.

12. Advertising and Publicity. Vendor shall not use the name of or refer to City directly or indirectly in any advertisement, news release, or professional or trade publication without prior written approval from the City Manager. This Section shall survive the termination of this Agreement.

13. Audit. City shall have the option of inspecting, auditing and/or reproducing all records and other written materials: used by Vendor in preparing its billings to City as a condition precedent to any payment to Vendor; or for other purposes relating to the Agreement. Vendor will promptly furnish all documents requested by City. Additionally, if this Agreement is in excess of $10,000, the State Auditor may examine and audit Vendor for a period of 3 years after final payment under the Agreement. Regardless of whether a State audit is permitted, Vendor shall maintain and preserve all such records for a period of at least 3 years after final payment under the Agreement or until an audit has been completed and accepted by City, whichever occurs later. Vendor shall maintain all such records in City or to promptly reimburse City for all reasonable costs incurred in conducting the audit at a location other than in City, including but not limited to expenses for personnel, salaries, private auditor, travel, lodging, meals and overhead. Vendor shall include a copy of this Section in all contracts with its subcontractors, and Vendor shall be responsible for immediately obtaining those records or other written material from its subcontractors upon a request by the State Auditor and/or City.

14. Termination. City may terminate this Agreement at any time, with or without cause and without penalty, upon 15 calendar days' prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 15 calendar days from the date of the notice. Vendor may terminate this Agreement at any time, with or without cause and without penalty, upon 30 calendar days' prior written notice. Such termination shall be effective on the date specified in the notice, or if no date is specified, then 30 calendar days from the date of notice and only if all assignments accepted by Vendor have been completed before the date of termination. In the event of termination of this Agreement by either party due to no fault or failure of performance by Vendor, City shall pay Vendor compensation for all Services satisfactorily completed in accordance with all of the terms and provisions of this Agreement, as determined by the City, before the effective date of termination; provided, in no event shall the Vendor receive an amount exceeding that which would have been paid to Vendor for

the full performance of the Services. If City pays for any materials, City shall be entitled to the title and possession of such.

15. Hold Harmless, Defense and Indemnity.

To the fullest extent permitted by law, Vendor shall immediately defend, indemnify, and hold harmless City, its legislative and advisory bodies, and the City's officials, directors, officers, employees, and agents (the "Indemnitees") from and against all liabilities regardless of nature, type, or cause, arising out of or resulting from or in connection with Vendor's performance of this Agreement or Vendor's failure to comply with any of its obligations contained in this Agreement. Liabilities subject to the duties to defend and indemnify include, without limitation, all claims, losses, damages, penalties, fines, and judgments; associated investigation and administrative expenses; defense costs, including but not limited to reasonable attorneys' fees; court costs; and costs of alternative dispute resolution. Vendor's obligation to indemnify applies unless it is adjudicated that any of the liabilities covered by this Section 15 are the result of the sole active negligence or sole willful misconduct of any of the Indemnitees.

a. The duty to defend is a separate and distinct obligation from Vendor's duty to indemnify. Vendor shall be obligated to defend in all legal, equitable, administrative, or special proceedings with counsel approved by the City Attorney immediately upon tender to Vendor of the claim in any form or at any stage of an action or proceeding, whether or not liability is established. An allegation or determination of negligence or willful misconduct by any of the Indemnitees shall not relieve Vendor from its separate and distinct obligation to defend the Indemnitees. The obligation to defend extends through final judgment, including exhaustion of any appeals. The defense obligation includes the obligation to provide independent defense counsel if Vendor asserts that liability is caused in whole or in part by the negligence or willful misconduct of the Indemnitees. If it is finally adjudicated that liability was caused by the sole active negligence or sole willful misconduct of any of the Indemnitees, Vendor may submit a claim to City for reimbursement of reasonable attorneys' fees and defense costs.

b. The review, acceptance or approval of Vendor's work or work product by any of the Indemnitees shall not affect, relieve or reduce Vendor's indemnification or defense obligations. This Section 15 shall survive completion of the Services or termination of this Agreement. The provisions of this Section 15 shall not be restricted by and do not affect the provisions of this Agreement relating to insurance.

16. Insurance. Vendor shall obtain and maintain during the performance of any services under this Agreement the insurance coverages listed within the insurance document stated in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit, which is attached hereto and incorporated herein by this reference, unless the Risk Manager waives, in writing, the requirement that Vendor obtain and maintain such insurance coverages. Such insurance must be issued by a company satisfactory to the Risk Manager. Vendor shall, before performance of any Services pursuant to this Agreement, file with the Risk Manager evidence of insurance coverage as specified in "(9) Insurance Coverage" on the Cover Page and in the Insurance Exhibit. Maintenance of insurance coverages by Vendor is a material element of this Agreement. Vendor's failure to maintain or renew insurance coverages or to provide renewal evidence may be considered a material breach of this Agreement.

17. Documents and Materials.

a. All final computations, exhibits, files, plans, correspondence, reports, drawings, designs, data, photographs, specifications, information, images, video files, media, or other deliverables prepared, created, drawn, calculated, photographed or developed by Vendor pursuant to this Agreement ("Documents and Materials") shall be the property without restriction or limitation upon its use, duplication or dissemination by the City. All Documents and Materials shall be considered "works made for hire," and all Documents and Materials and any and all intellectual property rights arising from their creation, including, but not limited to, all copyrights and other proprietary rights, shall be and remain the property of the City without restriction or limitation upon their use, duplication or dissemination by the City. Vendor shall not obtain or attempt to obtain copyright protection as to any Documents and Materials. Vendor hereby assigns to the City all ownership and any and all intellectual property rights to the Documents and Materials that are not otherwise vested in the City pursuant to this Section 17.

b. Vendor shall deliver all Documents and Materials to City's Project Manager upon completion of the Services or termination of this Agreement without additional cost or expense to the City. Additionally, anytime at City's request, City shall be entitled to possession of, and Vendor shall furnish to City's Project Manager within 10 calendar days, any or all of the Documents and Materials without additional cost or expense to the City. In both situations, if Vendor prepares Documents and Materials on a computer, Vendor shall provide City with said Documents and Materials both in a printed format and in an electronic format that is acceptable to the City. Vendor may retain copies of these Documents and Materials but must request permission from the City before use, duplication or dissemination these Documents and Materials for any purpose other than for the Services provided to the City pursuant to this Agreement.

c. Any substantive modification of the Documents and Materials by City staff or any use of the completed Documents and Materials for other City projects, or any use of uncompleted Documents and Materials, without the written consent of Vendor, shall be at City's sole risk and without liability or legal exposure to Vendor.

d. Vendor warrants and represents that it has secured all necessary licenses, consents or approvals to use any instrumentality, thing or component as to which any intellectual property right exists, including computer software, used in the rendering of the Services and the production of all Documents and Materials, and that the City has full legal title to and the right to use, duplicate or disseminate the Documents and Materials. Vendor shall defend, indemnify and hold Indemnitees harmless from any loss, claim or liability in any way related to a claim that City's use of any of the Documents and Materials is violating federal, state or local laws, any contractual provisions, or any laws relating to trade names, licenses, franchises, copyrights, patents or other means of protecting intellectual property rights and/or interests in products or inventions. Vendor shall bear all costs arising from the use of patented, copyrighted, trade secret or trademarked documents, materials, equipment, devices or processes in connection with its provision of the services and Documents and Materials. In the event the use of any of the Documents and Materials by the City is held to constitute an infringement and the use of any of the same is enjoined, Vendor, at its own expense, shall: secure for City the right to continue using the Documents and Materials by suspension of any injunction, or by procuring a license or licenses for City; or modify the Documents and Materials so that they become non-infringing while remaining in compliance with the requirements of this Agreement.

e. This Section 17 shall survive the termination of this Agreement.

18. Confidentiality of Information.

a. For the purposes of this Agreement, "Confidential Information" means all information, in whatever form transmitted, relating to the past, present or future business affairs of the City, including without limitation, (i) technical information, including patent, copyright, trade secret, and other proprietary information, techniques, sketches, drawings, models, inventions, processes, apparatus, equipment, algorithms, software programs, software source documents, and formulas; or (ii) non-technical information, including without limitation finances, financial and accounting data and information, suppliers, customers, customer lists, purchasing data and any other information belonging to the City or to a third party whose information is in the City's possession or control under obligations of confidentiality, and which is disclosed to Vendor or is developed by Vendor in whole or in part at the City's expense.

b. All Documents and Materials shall be considered Confidential Information and shall not be reproduced, transmitted, disclosed or used by the Vendor without the written consent of the City, except as may be necessary for Vendor to fulfill its obligations to the City.

c. Notwithstanding the above, these limitations shall not apply to information that (i) is already known to Vendor at the time of that information's disclosure or becomes publicly known through no wrongful act or omission of Vendor, (ii) is communicated to a third party with the express written consent of City and is not subject to restrictions on further use or disclosure, (iii) is independently developed by Vendor and has no relation to this Agreement, or (iv) is required by law, court order, court-issued subpoena or other legal process to be disclosed; provided, however, that before making such disclosure, Vendor shall immediately provide City with written notice

and a reasonable opportunity for City to object to the disclosure or to take action to maintain the confidentiality of the information, unless such prior disclosure is legally impermissible.

d. Vendor shall use reasonable care to protect the Confidential Information. In the event of a breach or threatened breach of this Agreement, City shall be entitled to obtain an injunction prohibiting any such breach, the costs of which shall be paid by Vendor. Any relief granted shall be in addition to and not in lieu of any other legal or equitable relief, including money damages. The parties acknowledge that Confidential Information is valuable and unique and that disclosure of the Confidential Information in breach of this Agreement may result in irreparable injury to the City.

e. Other than an obligation upon the City to deal in good faith, the City makes no warranties and shall bear no liability or responsibility for errors or omissions in any Confidential Information disclosed under this Agreement or for any business decisions made by Vendor in reliance on any Confidential Information disclosed under this Agreement.

f. This Section 18 shall survive the termination of this Agreement.

19. Independent Contractor. Vendor is and shall at all times remain, as to City, a wholly independent contractor. Neither City nor any of its employees or agents shall have control over the conduct of Vendor or any of its employees, except as stated in this Agreement. Vendor has and shall retain the right to exercise full control over the employment, direction, means of performance, location, compensation and discharge of all persons assisting Vendor, and it is free to dispose of all portions of its time which it is not obligated to devote to City in such a manner and to such persons, firms, or corporations as Vendor wishes except as expressly provided in this Agreement. This Agreement shall not be interpreted to prevent or preclude Vendor from rendering any services for Vendor's own account or to any other person or entity as Vendor in its sole discretion shall determine; provided, however, that performing such services shall not materially interfere with the Services Vendor shall perform for the City. Except as City's Project Manager specifies in writing, Vendor and its employees and agents have no authority, express or implied, to act on behalf of City in any capacity, to incur any debt, obligation or liability on behalf of City, bind City in any manner, or otherwise act on behalf of City as an agent. Vendor and its employees are not employees of City. Vendor and its employees are not entitled to receive from City any of the benefits or rights afforded employees of City, including but not limited to reserve leave, sick leave, vacation leave, holiday leave, compensatory leave, Public Employees Retirement System benefits, and health, life, dental, long-term disability and workers' compensation insurance benefits. Vendor shall not, at any time or in any manner, represent that it or any of its agents or employees are in any manner agents or employees of City. Vendor agrees to pay all required taxes on amounts paid to Vendor under this Agreement, and to indemnify and hold City harmless from any and all taxes, assessments, penalties, and interest asserted against City by reason of the independent contractor relationship created by this Agreement. Vendor shall be solely responsible for, and shall save City harmless from, all matters relating to the payment of Vendor's subcontractors, material suppliers, directors, officers, employees, agents and representatives, including compliance with social security requirements, federal and State income tax withholding, and all other regulations governing employer-employee relations, as applicable. City shall have the right to offset against the amount of any compensation due to Vendor under this Agreement any amount due to City from Vendor as a result of its failure to promptly pay to City any reimbursement or indemnification arising under this Section.

20. Wages. If the first option is selected in response to (10) on the Cover Page and, thus, the payment of living wage is required, only this paragraph and subsections (a) through (d) of this Section 20 shall apply. If the second option is selected in response to (10) on the Cover Page and, thus, the payment of prevailing wages (and related Labor Code provisions) is required, only this paragraph and subsection (e) of this Section 20 shall apply. If the third option is selected in response to (10) on the Cover Page and, thus, both the payment of living wage and prevailing wages (and related Labor Code provisions) is required, this paragraph and subsections (a) through (e) shall apply, meaning Vendor shall compensate all of its employees providing services to City in accordance with both the City's Living Wage Policy and State-required prevailing wages. In the event of a conflict between the City's Living Wage Policy and State-required prevailing wages, the higher of the two shall prevail. If the fourth option is selected in response to (10) on the Cover Page and, thus, neither the payment of living wage nor prevailing wages (and related Labor Code provisions) is required, no part of this Section 20 shall apply.

If either the first or third option is selected in response to (10) on the Cover Page, Vendor shall compensate any employee of Vendor who provides Services to the City under this Agreement in accordance with the Living Wage Policy Exhibit, which is attached hereto and incorporated herein by this reference. While this Agreement is in effect, Vendor shall pay such employee no less than $16.89 per hour for each hour that such employee provides services under this Agreement. This hourly rate shall be adjusted on July 1, 2022, and each July 1 thereafter, according to the percentage change in the Consumer Price Index, all items, prepared by the Bureau of Labor Statistics for the Los Angeles area relating to all urban consumers (CPI-U), index base 1982-84=100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

a. Vendor agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by the Oxnard City Council on July 9, 2002, and effective October 1, 2002.

b. If Vendor fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to Vendor, effective immediately.

c. In addition, if Vendor fails to comply with the Living Wage Policy in any manner, Vendor shall pay to City a fine of $500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. Vendor shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to Vendor of the amount owed.

d. If either the second or third option is selected in response to (10) on the Cover Page, in accordance with Labor Code Section 1770 *et seq*., the Project is a "public work." The Vendor shall pay wages in accordance with the determination of the Director of the Department of Industrial Relations ("DIR") regarding the prevailing rate of per diem wages. Copies of those rates are on file with the Public Works Director and are available to any interested party upon request. The Vendor shall post a copy of the DIR's determination of the prevailing rate of per diem wages at the job site. The Vendor shall comply with all provisions of the Prevailing Wage Exhibit, which is attached hereto and incorporated herein by this reference.

21. Nondiscriminatory Employment. Vendor shall not unlawfully discriminate against any individual based on race, color, religion or religious creed, national origin, ancestry, ethnic group identification, primary language, physical disability, mental disability, medical condition, genetic information, marital status, gender, gender identity, gender expression, sex, sexual orientation, age, immigration status, citizenship or military and veteran status. Vendor understands and agrees that it is bound by and will comply with all legal nondiscrimination mandates. For every subcontractor who will perform Services, Vendor shall be responsible for such subcontractor's compliance with this Section.

22. Vendor's Representations. Vendor represents, covenants and guarantees that: a) Vendor is licensed, qualified, and capable of furnishing the labor, materials, and expertise necessary to perform the Services in accordance with the terms and conditions set forth in this Agreement; b) there are no obligations, commitments, or impediments of any kind that will limit or prevent Vendor's full performance under this Agreement; c) to the extent required by the standard of practice, Vendor has investigated and considered the scope of Services performed, has carefully considered how the Services should be performed, and understands the facilities, difficulties and restrictions attending performance of the Services under this Agreement.

23. Compliance with Laws. In performing the Services under this Agreement, Vendor shall comply with all applicable laws, ordinances and regulations. Before performing the Services under this Agreement, Vendor shall obtain all required licenses and permits, including a City business tax certificate.

24. Conflict of Interest. If, in performing the Services set forth in this Agreement, Vendor makes, or participates in, a "governmental decision" as described in Title 2, Section 18701(a)(2) of the California Code of Regulations, or performs the same or substantially all the same duties for City that would otherwise be performed by a City employee holding a position specified in City's conflict of interest code, Vendor shall be subject to City's

conflict of interest code, the requirements of which include the filing of one or more statements of economic interests disclosing the relevant financial interests of Vendor's personnel providing the Services set forth in this Agreement. Furthermore, Vendor shall not to accept any employment or representation during the term of this Agreement or within 12 months after completion of the Services which is or may likely make Vendor "financially interested," as provided in California Government Code Sections 1090 and 87100, in any decisions made by City on any matter in connection with which Vendor has been retained pursuant to this Agreement.

25. Fictitious Name. If Vendor has a fictitious name, Vendor shall submit to City a new Fictitious Business Name Statement approved by any California county before Vendor's prior Fictitious Business Name Statement expires if such expiration may occur during the term of this Agreement, including any term amendment.

26. Non-Assignability. Vendor shall not assign or transfer any interest in this Agreement or any part thereof, whether by assignment or novation, without City's prior written consent, which may be withheld for any reason or for no reason at all. Any purported assignment without written consent shall be null, void, and of no effect, and Vendor shall hold harmless, defend and indemnify Indemnitees regarding all Claims arising from or relating to any unauthorized assignment.

27. Protection of Services. Vendor shall continuously maintain adequate protection of all of Vendor's work from damage and shall protect the City's property from any and all injury or loss arising in connection with this Agreement. Vendor shall take all necessary precaution for the safety of employees on the job and shall comply with all applicable provisions of federal, State and municipal safety laws and building codes to prevent accidents or injury to persons on, about or adjacent to any premises where the Services are being performed.

28. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of Vendor.

29. Applicable Law; Venue. The validity, interpretation, and performance of this Agreement shall be controlled by and construed under the laws of the State of California, excluding California's choice of law rules. Venue for any such action relating to the Agreement shall be in the Ventura County Superior Court.

30. Titles. The titles used in this Agreement are for convenience only and shall in no way define, limit or describe the scope or intent of this Agreement or any part of it.

31. Force Majeure. Neither City nor Vendor shall be responsible for delays or failures in performance resulting from acts beyond the control of either party. Such acts shall include but are not be limited to acts of God, riots, acts of war, epidemics, fire, earthquakes, or other disasters.

32. Authority. Any person executing this Agreement on behalf of Vendor warrants and represents that s/he has the authority to execute this Agreement on behalf of Vendor and to bind it to the performance of these obligations.

33. Binding Agreement. The parties do not intend this Agreement to be binding upon them and shall not be held liable to its terms until it is fully executed by all required signers.

34. Cumulative Remedies. All rights and remedies of City herein shall be in addition to all other rights and remedies available at law or in equity, including, without limitation, specific performance for the enforcement of this Agreement, and temporary and permanent injunctive relief.

35. Integration; Amendment. This Agreement, including any other documents incorporated herein by specific reference, constitutes the entire and integrated agreement of City and Vendor regarding the subject matter described herein. This Agreement supersedes all prior oral or written communications, negotiations, representations, agreements and promises. This Agreement may not be modified or amended, nor any provision or breach waived, except in a writing, signed by both parties, that expressly refers to this Agreement.

36. Construction. In the event of any asserted ambiguity in or dispute regarding the interpretation of any matter herein, the interpretation of this Agreement shall not be resolved by any rules of construction providing for interpretation against the party who causes the uncertainty to exist or who drafted the Agreement in whole or in part.

37. No Waiver. Waiver by either party of any one or more of the conditions of performance under this Agreement shall not be a waiver of any other condition of performance under this Agreement. In no event shall the making by City of any payment to Vendor constitute or be construed as a waiver by City of any breach of covenant, or any default that may then exist on the part of Vendor, and the making of any such payment by City shall in no way impair or prejudice any right or remedy available to City with regard to such breach or default.

38. Attorneys' Fees. The prevailing party shall be entitled to recover reasonable costs, attorneys' fees (including the reasonable value of the services rendered by the City Attorney's Office) and expenses, including investigation fees and expert witness fees, in addition to any other relieve to which that party may be entitled, in any legal action or other proceeding, including an action for declaratory relief, for the enforcement of this Agreement or because of an alleged dispute, breach, default or misrepresentation in connection with this Agreement.

39. Notice. Except as otherwise required by law, a notice or communication authorized or required by this Agreement shall be in writing and shall be deemed received—on (a) the day of delivery if delivered by hand or overnight courier service during City's regular business hours or (b) on the third business day following deposit in the United States mail, postage prepaid—to the addresses listed as "(11) Addresses for Notice" on the Cover Page or to such other address as one party may notify the other in writing.

40. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed to be an original and all of which, when taken together, shall be deemed to be one and the same agreement. A signed copy of this Agreement transmitted by email to either of City or Vendor's Project Managers' emails listed in "(12) Contact Emails" on the Cover Page or by other means of electronic transmission shall be deemed to have the same legal effect as delivery of an original executed copy of this Agreement for all purposes.

41. Severability. If any term or portion of this Agreement is held to be invalid, illegal, or otherwise unenforceable by a court of competent jurisdiction, the remaining provisions of this Agreement shall continue in full force and effect.

[Signatures on next page]

IN WITNESS WHEREOF, the parties hereto have executed the Agreement on the date that is written as "(1) Agreement Start Date" on the Cover Page.

CITY OF OXNARD

☒ John C. Zaragoza, Mayor[1] Date
☐ Alexander Nguyen, City Manager
☐ Daniel Willhite, Purchasing Manager
☐ Buyer

ATTEST:

Rose Chaparro, City Clerk Date
(only if Mayor signs)

APPROVED AS TO FORM:

Stephen M. Fischer, City Attorney (always required) Date

BLACKPOINTE GROUP CONSTRUCTION & MANAGEMENT INC.

Victor Schittone, Director/ Secretary[2] Date

Laurel J. Schittone, CEO Date

[1] The City Council must authorize and the Mayor must sign any agreement over $200,000 annually. The City Manager may authorize and sign any agreement over $100,000 but up to $200,000 annually. The Purchasing Manager may authorize and sign any agreement up to $100,000 annually. A Buyer may authorize and sign any agreement up to $25,000 annually.

[2] The City requires the following for any contract:

- For a corporation, the signatures of the Board President, CEO or Vice President and of the Board Secretary, Assistant Secretary, CFO or Assistant Treasurer;
- For an LLC, the signatures of at least two managers of the LLC (company directors, not lower-level managers); or
- For a partnership, the signature of a partner. If the partnership is a limited partnership, the signer must be a general partner.

If the company has a different structure, or if the above-listed persons are not the appropriate signers, please submit to the City Attorney legally-binding documentation stating who can sign and bind your company.

SCOPE OF SERVICES EXHIBIT

The Vendor shall furnish all necessary labor, materials, equipment and other incidental and appurtenant services to provide Catch Basin Inspection and Cleaning for the City of Oxnard.

The scope of services shall include, but not be limited to:

1. **General Requirements**
    a. Vendor shall inspect every catch basin per the attached schedule and if needed clean catch basin inlets, underground vaults, catch basins, and concrete inlets of debris, sediment, and miscellaneous obstructions. Structures shall be cleaned until all debris is removed from the side walls, bottom, and trash excluder screen if present.
    b. Prior to cleaning the catch basin, the Vendor shall identify the type of debris in the basin as well as quantify the amount of debris in the basin on a scale of 0-100% capacity.
    c. The City will supply the Vendor with a GIS application for capturing and storing project and catch basin information.
    d. All debris quantities and related work shall be entered into a contractor owned tablet connected to the City's GIS Storm Drain Database.
    e. Vendor shall purchase a license use agreement to the City's GIS mapping system that will allow for upload of all necessary information of each catch basin as necessary.
    f. Services can be performed by hand, vacuum combination truck or by other method as approved by the City.
    g. The services of this nature are considered to be in a confined space. Vendor shall take all necessary precautions to ensure the safety of employees at all times.
    h. Catch basins will be field checked by City staff and will be recleaned by Vendor if debris removal is deemed unsatisfactory. The City will not be charged for this supplementary cleaning.
    i. Vendor shall develop, submit, and secure approved Traffic control plan for each location as necessary.
    j. Vendor shall photograph each catch basin before and after cleaning/ inspection.

2. **Catch Basin Inspection**
    a. Vendor shall arrive at a catch basin, remove the lid or grate, take a photograph of the inside of the catch basin, and quantify debris for removal.
    b. After debris is removed, take a photo of the cleaned catch basin, and replace the lid or grate.

3. **Catch Basin Cleaning**
    a. Vendor shall perform catch basin cleaning if debris is observed in a catch basin.
    b. Debris quantities are entered into the survey form.
    c. Vendor shall remove all debris from catch basin, deck, bicycle grate, trash excluder, and invert, and take a photograph of the catch basin once finished.
    d. Typical debris removed from drains includes trash, leaves, dirt, sand, rock, metal, glass, aluminum cans and other miscellaneous debris.

4. **Debris Hauling and Disposal**
    a. Vendor shall provide transport and disposal of all debris generated as a result of catch basin cleaning. Vendor shall use a disposal site that is properly permitted, regulated, and meets all federal, state, and local guidelines, and provide disposal manifest(s) with every bill.
    b. Vendor shall ensure that materials from other sources do not contaminate or mix with City's catch basin waste.

5. **Trash Excluders**
   a. The City has installed approximately 329 trash excluders in high trash generating catch basins and anticipates installing additional devices.
   b. Trash excluders shall be cleaned on a quarterly basis.
   c. When a trash excluder is encountered, Vendor shall mark the appropriate box on the survey form.
   d. Vendor shall clean the catch basin and the trash excluder device.
   e. Vendor shall reinstall trash excluder devices that have become dislodged from their mounts.
   f. Vendor shall note any trash excluder damage on the survey form and report any trash excluder damage to City personnel immediately.

6. **Catch Basin Placards**
   a. Vendor will be supplied with "No Dumping Drains to Ocean" placards and adhesive.
   b. Vendor shall replace any missing or illegible placards.
   c. Placards will be charged on a per-installation basis.

RATES AND COSTS EXHIBIT

ITEM NUMBER	DESCRIPTION	UNIT	TOTAL
1	Inspection Only	Catch Basing Each Lump Sum	$17.00
2	Inspection and Cleaning (including disposal)	Catch Basing Each Lump Sum	$41.17
3	Placard Installation	Each	$10.00

PAYMENT

Vendor shall only invoice for time spent at the locations of service. The City shall not pay for time spent on route or traveling to acquire parts or supplies unless approved by the Project Manager.

The period of performance anticipated for this agreement shall be for three (3) years, with each year renewable in one (1) year increments effective upon signature of an Agreement by both parties, unless terminated earlier. This annual renewal shall be based on mutually acceptable services, cost adjustments, and the City requirements and there is no obligation by the City to purchase any specified amount of goods or services. Updated annual pricing must be submitted to the City in writing, no later than the November 1st preceding the renewal date. Increases shall not exceed the Consumer Price Index for all Urban Consumers (CPI-U) for Los Angeles from the U.S. Bureau of Labor Statistics based on 12-month CPI-U for March.

SCHEDULE OF SERVICES EXHIBIT

Vendor must verbally respond within 24 hours of telephone notification by the City. The scope of services and schedule shall be mutually agreed to between City staff and Vendor before work begins. Services under this category shall be planned and scheduled Monday through Friday between the hours of 8:00 am and 5:00 pm unless otherwise agreed to by the City.

Cleaning schedule is approximate and is subject to change. The City's project manager will coordinate with Vendor on a regular basis regarding catch basin cleaning timeframe and expectations.

Month	# CB Inspect/ Clean	Month	# CB Inspect/ Clean
January	0	June	0
February	329	July - September	2547
March	0	October	0
April	329	November	329
May	0	December	0

LIVING WAGE POLICY EXHIBIT

The Living Wage Policy of the City of Oxnard is hereby adopted by the City Council on July 9, 2002 to be effective October 1, 2002.

1. Pursuant to this Living Wage Policy, Vendor shall pay those employees who provide services to the City under contract:

(a) Effective October 1, 2002, at least $9.00 an hour for the time during which the employee is providing services to the City;

(b) Effective July 1, 2003, at least $9.25 an hour for the time during which the employee is providing services to the City and 32 hours of paid leave per every calendar year in which an employee provides services to the City;

(c) Effective July 1, 2004, at least $10.59 an hour for the time during which the employee is providing services to the City and 64 hours of paid leave per every calendar year in which an employee provides services to the City; and

(d) Effective July 1, 2005, at least $12.22 an hour for the time during which the employee is providing services to the City and 96 hours of paid leave per every calendar year in which an employee provides services to the City.

2. The hourly rates established in Section 1 shall be adjusted July 1, 2006 and, each July 1 thereafter, according to the percentage change since July 1, 2005 in the Consumer Price Index prepared by the Bureau of Labor Statistics for the Los Angeles area relating to all urban consumers.

3. A service contractor executing a service contract with the City for which the City will pay the contractor $25,000 or more during the contract term shall be subject to the Living Wage Policy.

4. A service contractor executing more than one service contract with the City, and the combined monetary total of the payments by the City pursuant to such contracts is $25,000 or more for the combined contract terms shall be subject to the Living Wage Policy.

5. This Living Wage Policy shall not govern the following types of contracts for: (a) the purchase, rental or lease of goods, products, equipment, supplies or other personal property; (b) public works projects as defined in State or local law; and (c) professional services.

6. This Living Wage Policy shall not govern the following service contractors: (a) nonprofit entities organized under IRS Code section 501(c)(3); (b) public entities such as cities, counties, special districts, states and the federal government; and (c) businesses employing fewer than five persons.

7. The City Attorney is directed to include in all standard trade services contracts and all contracts involving unique trade services, the language set forth in **Exhibit 1** attached hereto and incorporated herein by this reference.

8. If Vendor fails to comply with this Living Wage Policy, the City Manager is directed to terminate the subject service contract immediately and to impose appropriate fines and penalties as set forth in the service contract.

9. The City Manager and the City Attorney are responsible for the administration and enforcement, respectively, of the Living Wage Policy. If an employee of a service contractor governed by the Living Wage Policy concludes that he/she has been retaliated against for the exercise of rights under the Living Wage Policy, the employee should contact the City Manager at 385-7430.

10. The City Manager shall reasonably cooperate with representatives of the Ventura County Living Wage Coalition to ensure the effective administration and enforcement of the Living Wage Policy.

11. This Living Wage Policy may be changed only by City Council and only after a duly noticed public hearing.

12. The City Manager is directed to ensure that the City Council will review the Living Wage Policy as part of the FY 2003-2004/05 budget process.

Exhibit 1

Living Wage Policy

Pursuant to the Living Wage Policy adopted July 9, 2002 by the City Council and effective October 1, 2002, the City Manager and City Attorney are directed to include the following language in all standard trade services contracts and all unique trade services contracts governed by the Living Wage Policy.

A. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as the Living Wage Policy Exhibit. While this Agreement is in effect, Vendor shall pay such employee no less than $16.89 per hour for each hour that such employee provides services under this Agreement. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

B. Vendor agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by City Council on July 9, 2002 and effective October 1, 2002.

C. If Vendor fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to Vendor, effective immediately.

D. In addition, if Vendor fails to comply with the Living Wage Policy in any manner, Vendor shall pay to City a fine of $500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. Vendor shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to Vendor of the amount owed.

CITY OF OXNARD LIVING WAGE REQUIREMENTS
EFFECTIVE JULY 1, 2021

42. Vendor shall compensate any employee of Vendor who provides services under this Agreement in accordance with the Living Wage Policy, attached hereto and incorporated herein by reference as Exhibit 1. While this Agreement is in effect, Vendor shall pay such employee no less than **$16.89 per hour** for each hour that such employee provides services under this Agreement. **This hourly rate shall be adjusted on July 1, 2022, and each July 1 thereafter, according to the percentage change in the Consumer Price Index**, all items, prepared by the Bureau of Labor Statistics for the Los Angeles area relating to all urban consumers (CPI-U), index base 1982-84=100, comparing May of the previous year to May of the current year. In addition, while this Agreement is in effect, Vendor shall provide to such employee no less than 96 hours of paid leave per calendar year.

a. Vendor agrees to post, at a location readily accessible to those employees providing services to the City, a copy of the Living Wage Policy adopted by the Oxnard City Council on July 9, 2002 and effective October 1, 2002.

b. If Vendor fails to compensate such employee pursuant to the Living Wage Policy, the City Manager or designee shall terminate this Agreement on written notice to Vendor, effective immediately.

c. In addition, if Vendor fails to comply with the Living Wage Policy in any manner, Vendor shall pay to City a fine of $500 and shall pay to any employee providing services under this Agreement a penalty of three times the amount or value of the compensation owed to such employee under the Living Wage Policy. Vendor shall pay such fine and penalty within 15 days after the City Manager or designee provides written notice to Vendor of the amount owed.

d. The foregoing requirements are restated on page 5 of the Agreement for Trade Services.

INSURANCE REQUIREMENTS FOR CONSULTANTS
(WITHOUT ERRORS AND OMISSIONS REQUIREMENT)

1. Consultant shall obtain and maintain during the performance of any services under this Agreement the following insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of services hereunder by Consultant, its agents, representatives, employees or subconsultants.

a. Commercial General Liability Insurance, including Contractual Liability, in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for general liability with coverage equivalent to Insurance Services Office Commercial General Liability Coverage (Occurrence Form CG 0001). If a general aggregate limit is used, that limit shall apply separately to the project or shall be twice the occurrence amount;

b. Business automobile liability insurance in an amount not less than $1,000,000 combined single limit for bodily injury and property damage for each claimant for automobile liability with coverage equivalent to Insurance Services Office Automobile Liability Coverage (Occurrence Form CA0001) covering Code No. 1, "any auto";

c. Workers' compensation insurance in compliance with the laws of the State of California, and employer's liability insurance in an amount not less than $1,000,000 per claimant. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City.

2. Consultant shall, prior to performance of any services, file with the Risk Manager certificates of insurance with original endorsements affecting coverage required by this Exhibit INS-B. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The certificates and endorsements are to be on the attached forms or on other forms approved by the Risk Manager. All certificates and endorsements are to be received and approved by the Risk Manager before work commences. City reserves the right to require complete certified copies of all required insurance policies at any time. The certificates of insurance and endorsements shall be sent via email (or fax if necessary) to the Risk Manager, addressed as follows (do not send hard copies):

City of Oxnard
Insurance Compliance
Reference No. _____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

3. Consultant agrees that all insurance coverages shall be provided by a California admitted insurance carrier with an A.M. Best rating of A:VII or better and shall be endorsed to state that coverage may not be suspended, voided, canceled by either party, or reduced in coverage or limits without 30 days' prior written notice to the Risk Manager. The Risk Manager shall not approve or accept any endorsement if the endorsement contains "best effort" modifiers or if the insurer is relieved from the responsibility to give such notice.

4. Consultant agrees that the commercial general liability and business automobile liability insurance policies shall be endorsed to name City, its City Council, officers, employees and volunteers as additional insureds as respects: liability arising out of activities performed by or on behalf of Consultant; products and completed operations of Consultant; premises owned, occupied or used by Consultant; or automobiles owned, leased, hired or borrowed by Consultant. The coverage shall contain no special limitations on the scope of protection afforded to City, its City Council, officers, employees and volunteers. **The General liability Special Endorsement Form and Automobile Liability Special Endorsement Form attached to this Exhibit INS-B or substitute forms containing the same information and acceptable to the Risk Manager shall be used to provide the endorsements (ISO form CG 2010 11/85 or if not available. CG 2010 with an edition date prior to 01/04 <u>and</u> CG 2037).**

5. The coverages provided to City shall be primary and not contributing to or in excess of any existing City insurance coverages **(this must be endorsed)**. Additionally, the workers' compensation policy shall include a waiver of all rights of subrogation which the insurer may have against the City. Any failure to comply with reporting provisions of the policies shall not affect coverage provided to City, its City Council, officers, employees and volunteers. The insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

6. Any deductibles or self-insured retentions must be declared to and approved by the Risk Manager. At the option of the Risk Manager, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects City, its City Council, officers, employees and volunteers, or the contractor shall procure a bond guaranteeing payment of losses and related investigations, claim administration and defense expenses.

7. All insurance standards applicable to Consultant shall also be applicable to Consultant's subconsultants. Consultant agrees to maintain appropriate agreements with subconsultants and to provide proper evidence of coverage upon receipt of a written request from the Risk Manager.

INSTRUCTION FOR SUBMITTING INSURANCE CERTIFICATES AND ENDORSEMENT FORMS

Certificates of Insurance

The sample accord form on the following page is provided to facilitate your preparation and submission of certificates of insurance. You may use this or any industry form that shows coverage as broad as that shown on the attached sample. **Please note the certificate holder address must be as shown on the attached sample accord form with the contract number and insurance exhibit identification information completed.** Improperly addressed certificates may delay the contract start-up date because the City's practice is to return unidentifiable insurance certificates to the insured for clarification as to the contract number. **Cancellation provisions must be endorsed to the policy. Modifying the certificate does not change coverage or obligate the carrier to provide notes of cancellation.**

Endorsement Forms

Original endorsements are required for general liability and automobile liability insurance policies and must be attached to the applicable certificate of insurance. City preference is that you use the endorsement forms which are attached. Substitute forms will be accepted, however, as long as they include provisions comparable to the attached.

INS-B.doc

ACORD CERTIFICATE OF INSURANCE

ISSUE DATE (MM/DD/YY)

PRODUCER

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

CODE SUB-CODE

COMPANIES AFFORDING INSURANCE COVERAGE

INSURED

COMPANY LETTER A SPECIFY COMPANY NAMES IN THIS SPACE

COMPANY LETTER B

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED, NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS
A	**GENERAL LIABILITY** [x] COMMERCIAL GENERAL LIABILITY [x] CLAIMS MADE [x] OCCUR. [x] OWNER'S & CONTRACTOR'S PROT.				GENERAL AGGREGATE $1,000,000 PRODUCTS COMP/OP AGG. $1,000,000 PERSONAL & ADV. INJURY $1,000,000 EACH OCCURRENCE $1,000,000 FIRE DAMAGE (Any one fire) $ MED. EXPENSE (Any one person) $
A	**AUTOMOBILE LIABILITY** [x] ANY AUTO ALL OWNED AUTOS SCHEDULED AUTOS HIRED AUTOS NON-OWNED AUTOS GARAGE LIABILITY				COMBINED SINGLE LIMIT $1,000,000 BODILY INJURY (Per person) $ BODILY INJURY (Per accident) $ PROPERTY DAMAGE $
A	**EXCESS LIABILITY** UMBRELLA FORM OTHER THAN UMBRELLA FORM				EACH OCCURRENCE $ AGGREGATE $
A	**WORKERS' COMPENSATION** AND EMPLOYERS' LIABILITY				STATUTORY LIMITS EACH ACCIDENT $1,000,000 DISEASE-POLICY LIMIT $1,000,000 DISEASE-EACH EMPLOYEE $1,000,000
A	**OTHER**				

SAMPLE

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/RESTRICTIONS/SPECIAL ITEMS

CERTIFICATE HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

CANCELLATION
SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ~~ENDEAVOR TO~~ MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, ~~BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE COMPANY, ITS AGENTS OR REPRESENTATIVES.~~

AUTHORIZED REPRESENTATIVE

GENERAL LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

☐ Deductible ☐ Self-Insured
Retention (check which) of $ _____
with an Aggregate of $_____
coverage. ☐ Per Occurrence

APPLICABILITY This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

GENERAL LIABILITY
☐ COMMERCIAL GENERAL LIABILITY
☐ COMPREHENSIVE GENERAL LIABILITY
☐ OWNERS & CONTRACTORS PROTECTIVE

☐ Claims Made
Retroactive Date _____
☐ Occurrence

OTHER PROVISIONS

COVERAGES	LIABILITY LIMITS IN THOUSANDS $	
	EACH OCCURRENCE	AGGREGATE
☐ GENERAL		
☐ PRODUCTS/COMPLETED OPERATIONS		
☐ PERSONAL & ADVERTISING INJURY		
☐ FIRE DAMAGE		
☐ _____		
☐ _____		

Underwriter=s representative for claims pursuant to this insurance.

CLAIMS:
Name: _____
Address: _____
_____
Telephone: ( ) _____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED**. The City, its officers, agents, employees and volunteers are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED**. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST**. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE**. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES**. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE**. This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Commercial General Liability Coverage, "occurrence" form CG0001; or
   b. If excess, affords coverage which is at least as broad as the primary insurance form CG0001.

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

☐ Broker/Agent ☐ Underwriter ☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

AUTOMOBILE LIABILITY SPECIAL ENDORSEMENT
FOR THE CITY OF OXNARD (the "City")

SUBMIT IN DUPLICATE

ENDORSEMENT NO.	ISSUE DATE (MM/DD/YY)

PRODUCER

Telephone:

NAMED INSURED

POLICY INFORMATION:
Insurance Company:
Policy No.:
Policy Period: (from) (to)
LOSS ADJUSTMENT EXPENSE ☐ Included in Limits
☐ In Addition to Limits

☐ Deductible ☐ Self-Insured Retention (check which) of $ _____
with an Aggregate of $_____ applies to _____
coverage. ☐ Per Occurrence ☐ Per Claim (which)

APPLICABILITY. This insurance pertains to the operations, products and/or tenancy of the named insured under all written agreements and permits in force with the City unless checked here ☐ in which case only the following specific agreements and permits with the City are covered:

CITY AGREEMENTS/PERMITS

TYPE OF INSURANCE

☐ COMMERCIAL AUTO POLICY
☐ BUSINESS AUTO POLICY
☐ OTHER

OTHER PROVISIONS

LIMIT OF LIABILITY

$ _____ per accident, for bodily injury and property damage.

CLAIMS: Underwriter's representative for claims pursuant to this insurance.
Name: _____
Address: _____
_____
Telephone: ( )_____

In consideration of the premium charged and notwithstanding any inconsistent statement in the policy to which this endorsement is attached or any endorsement now or hereafter attached thereto, insurance company agrees as follows:

1. **INSURED**. The City, its officers, agents, volunteers and employees are included as insureds with regard to liability and defense of suits arising from the operations, products and activities performed by or on behalf of the named insured.
2. **CONTRIBUTION NOT REQUIRED**. As respects: (a) work performed by the named insured for or on behalf of the City; or (b) products sold by the named insured to the City; or (c) premises leased by the named insured from the City, the insurance afforded by this policy shall be primary insurance as respects the City, its officers, agents, employees or volunteers; or stand in an unbroken chain of coverage excess of the named insured's scheduled underlying primary coverage. In either event, any other insurance maintained by the City, its officers, agents, employees or volunteers shall be in excess of this insurance and shall not contribute with it.
3. **SEVERABILITY OF INTEREST**. This insurance applies separately to each insured against whom claim is made or suit is brought except with respect to the company's limits of liability. The inclusion of any person or organization as an insured shall not affect any right which such person or organization would have as a claimant if not so included.
4. **CANCELLATION NOTICE**. With respect to the interests of the City, this insurance shall not be canceled, or materially reduced in coverage or limits except after thirty (30) days prior written notice by receipted delivery has been given to the City.
5. **PROVISIONS REGARDING THE INSURED'S DUTIES**. Any failure to comply with reporting provisions of the policy or breaches or violations of warranties shall not affect coverage provided to the City, its officers, agents, employees or volunteers.
6. **SCOPE OF COVERAGE**. This policy, if primary, affords coverage at least as broad as:
   a. Insurance Services Office Automobile Liability Coverage, "occurrence" form CA0001, code ("any auto"); or
   b. If excess, affords coverage which is at least as broad as the primary insurance form referenced in the preceding section (1).

Except as stated above nothing herein shall be held to waive, alter or extend any of the limits, conditions, agreements or exclusions of the policy to which this endorsement is attached.

ENDORSEMENT HOLDER

CITY OF OXNARD
Attn: Insurance Compliance
Reference No._____
P.O. Box 100085 – OX
Duluth, GA 30096
Via Email: cityofoxnard@ebix.com
Via Fax: 678-259-1007

AUTHORIZED REPRESENTATIVE

☐ Broker/Agent ☐ Underwriter ☐ _____

I _____ (print/type name), warrant that I have authority to bind the above-mentioned insurance company and by my signature hereon do so bind this company to this endorsement.

Signature _____
(original signature required)

Telephone: ( ) Date Signed _____

CITY COUNCIL AGENDA REPORT

INFORMATION/CONSENT AGENDA
AGENDA ITEM NO. L.4

DATE: February 15, 2022

TO: City Council

FROM: Alexander Hamilton, Fire Chief, (805) 385-7700, alexander.hamilton@oxnard.org

SUBJECT: SAFER Grant Application - no match required.

RECOMMENDATION

That City Council adopts a resolution:

1. Ratifying the submission of a grant application for the Federal Emergency Management Agency (FEMA) FY2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $2,192,342 to be used for the hiring of six additional firefighters, no local match is required;
2. That authorizes the City Manager or designee to execute the grant agreement if grant funds are awarded to the City;
3. That authorizes the Chief Financial Officer or designee to submit financial reports and grant claims, approve budget appropriations during FY2022-2023 for the use of grant funds and perform all other required financial actions; and
4. That authorizes the Fire Chief or designee to submit non-financial reports.

BACKGROUND

The City of Oxnard is eligible to submit an application for the Fiscal Year (FY) 2021 Staffing for Adequate Fire and Emergency Response (SAFER) Grant in Federal funding from the Federal Emergency Management Agency (FEMA).

The intention of SAFER is to improve local fire departments' staffing and deployment capabilities so they may more efficiently respond to emergencies. With the enhanced staffing, a SAFER grant recipient's response time will be reduced sufficiently and an appropriate number of trained personnel will be assembled at the incident scene per the National Fire Protection Association (NFPA) and Occupational Safety and Health Administration (OSHA) regulations.

DISCUSSION

The objectives of the SAFER Program are to assist local fire departments with staffing and deployment capabilities to respond to emergencies and assure that communities have adequate protection from fire and fire-related hazards. Local fire departments accomplish this by improving staffing and deployment capabilities, so they may more effectively and safely respond to emergencies. With enhanced staffing levels, recipients should experience a reduction in response times and an increase in the number of trained personnel assembled at the incident scene.

The Fire Department will apply for six (6) positions to staff a second paramedic squad in the City that will be housed at Fire Station 6, located at 2601 Peninsula Road. Fire Station 6 was chosen to place this second paramedic squad as it is a difficult geographical area to adequately cover with an ambulance. The additional squad will provide enhanced emergency medical services by ensuring there is always a paramedic assigned to that area.

If awarded, this grant will increase the total staffing to the Fire Department by six (6) personnel at the firefighter rank, two per shift. The award will fund the salary and benefits for three (3) years with no local match required. If at the end of the performance period the City is not in a position to sustain the paramedic squad the positions could be absorbed into the department and the second paramedic squad shut down. There is no staffing commitment past the period of performance.

The grant period for SAFER funding is May 31, 2023 to May 31, 2026. The application was posted January 3, 2022 with a submission deadline of February 4, 2022. This proposal meets the Council's priority of restoring and possibly increasing paramedic squads.

STRATEGIC PRIORITIES

This agenda item supports Public Safety strategy. The purpose of the Public Safety strategy is to restore and modernize the delivery of public safety services to provide for the safety of our neighborhoods and health of our community.

FINANCIAL IMPACT

If awarded, the FY2021 SAFER grant provides reimbursement of salary and benefits for a three year period; a total of $2,192,342. The performance period is scheduled to begin May 31, 2023. No local match is required.

The grant will not cover the cost of training, approximately $75,000 per firefighter, or the cost of overtime for any leave that is taken, estimated at $15,000 per employee based on recent trends for new firefighters. General Fund (101) appropriation request will be included in the FY2022-23 proposed budget to fund the cost of training and overtime.

Over the long term (FY 2026 and beyond), after the SAFER grant expires, the City would either have to reduce the workforce by six (6) FTE, or commit General Fund (101) dollars to funding 100% for the six (6) FTE positions going forward.

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing & Development Committee approved 3-0 on January 25, 2022 to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Amy Van Atta, Management Analyst II

ATTACHMENTS

1. SAFER FY21 Resolution

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD RATIFYING SUBMITTAL OF FEDERAL EMERGENCY MANAGEMENT AGENCY GRANT APPLICATION FOR STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE FUNDS FISCAL YEAR 2021

WHEREAS, City Council Resolution No.12,053 sets out the procedure by which City staff may submit grant applications, following approval by resolution of the City Council; and

WHEREAS, the Fire Department has requested that City Council ratify the approval for submission of an application to the Federal Emergency Management Agency (FEMA) Staffing for Adequate Fire and Emergency Response Grant in the amount of $2,192,342, with no local match required, for the purpose of increasing Fire Department staff by six (6) full time employee positions.

NOW, THEREFORE, the City Council of the City of Oxnard resolves to approve the submittal of a grant application by the City Manager for Fire Department enhancement. The City Council further resolves that the City Manager or designee is authorized to execute grant agreements; the Chief Financial Officer or designee is authorized to submit financial reports and grant claims, approve special budget appropriations during FY 2022-2023 for the use of the grant funds and perform all other required financial actions; and the Fire Chief or designee is authorized to submit non-financial reports.

PASSED AND ADOPTED this 15th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

_____
John C. Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.1

DATE: February 15, 2022

TO: City Council

FROM: Vyto Adomaitis, Community Development Director, (805) 385-7882, vyto.adomaitis@oxnard.org

SUBJECT: TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP). (10/15/15)

RECOMMENDATION

That the City Council:

1. Conduct a public hearing:

2. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and

3. Adopt a Resolution Approving the Appeal and overturning the Planning Commission's Denial of Planning and Zoning Permit No. 21-516-24 (Special Use Permit- Cannabis Retail), subject to certain conditions and findings.
(This item did not originate in Committee)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/3dkfbwFzAE0

BACKGROUND

EXECUTIVE SUMMARY:

On January 13, 2022, the Planning Commission ("Commission") failed to approve or deny Planning and Zoning Permit No. 21-516-24 (Special Use Permit- Cannabis Retail), a request by the Applicant TD Enterprise LLC dba Oxnard Holistics ("TD Enterprise") to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site within the Commercial Neighborhood Convenience (CNC) zone (Attachments A) at 1015 Harbor Boulevard. Based upon the failure by the Planning Commission to either approve or deny the Special Use Permit- Cannabis Retail, legal counsel ruled that – for due process purposes – the inaction by the Planning Commission would be deemed a denial.

On January 20, 2022, a timely Appeal application was filed by TD Enterprises ("Appellant") with the City (Attachment B). The Applicant and Appellant are one and the same, and they will be referred to as the "Appellant" throughout the remainder of this staff report. The Appellant submitted a supplemental letter on January 28, 2022 (Attachment C). The Appellant seeks City Council review of the Planning Commission's de facto denial of the Special Use Permit- Cannabis Retail.

Staff recommends the City Council adopt a Resolution to approve the Appeal and overturn the Commission's denial as the denial was based on procedural grounds resulting in consecutive tie votes of the Commission without any possibility to break the tie votes (Attachment D). The merits of the Appellant's Grounds of Appeal are described below in the

Analysis and Discussion section of this staff report. Approval of the Appeal would allow the commercial cannabis retail facility to become operational, subject to project conditions and obtaining the necessary state licenses.

For the benefit of the Council, this staff report provides 1) an extensive background on the Cannabis Ordinance creation and associated application selection and permit process, 2) the specific elements that are required to grant the requested Special Use Permit and a summary of the Findings which were made, 3) a summary of the Appeal, and 4) a discussion of the review and hearing process before the City Council.

BACKGROUND:

Cannabis Regulations

In April 2018, the City Council adopted a cannabis delivery ordinance including permit fees (Ord. No. 2937 - Chapter 11, Article XV). In January 2019, the State legalized cannabis delivery by state-licensed firms and eliminated the City's ability to regulate cannabis delivery.

On June 18, 2019, the City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis. On October 1, 2019, the City Council adopted Ord. No. 2965, modifying the discretionary permitting process along with other non-substantive ordinance adjustments pertaining to manufacturing, testing, and distribution of cannabis. On December 17, 2019, the City Council adopted Ord. 2972 establishing regulations for retail cannabis (dispensary) uses. On September 15, 2020, the City Council adopted Ord. No. 2985 to permit cannabis retail dispensaries in the downtown zones ("Downtown-Core" and "Downtown-General"), and updated the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the OCC). On October 20, 2020, the City Council adopted a cannabis local equity program.

On December 1, 2020, the City Council adopted Ord. No. 2994, which repealed and readopted the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII ("Code"), making a number of changes to the ordinance. The City Council also repealed Chapter 11, Article XV (Medical Cannabis Delivery), and Chapter 7, Article XVI (Cannabis and Medical Cannabis Activities) due to State legalization of state-licensed cannabis delivery operators. The above regulations are found within the published Oxnard City Code (OCC).

Commercial Cannabis Retail License Selection

On January 7, 2021, TD Enterprise filed for a request to obtain a Commercial Cannabis Business Permit for a cannabis retail facility during the open application period for a competitive selection process. The City received 51 applications for commercial cannabis retail. The applications were reviewed using a competitive scoring process and the processes involved a four phase process: 1. Application Submittal and Determination of Eligibility, 2. Application Evaluation and Initial Ranking, 3. Interviews and Second Ranking, and 4. Authorization to File an Application for a Special Use Permit at a Specific Location. All awarded applicants must complete all four phases and secure a Special Use Permit in order to successfully commence and inaugurate the Commercial Cannabis Business Permit.

On March 1, 2021, the City Manager approved a list of 13 retail cannabis applicants and three local equity applicants that were invited to apply for a Special Use Permit at specific locations based on the competitive selection process. TD Enterprise was invited to apply for a Special Use Permit at 1015 Harbor Boulevard. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit, TD Enterprise is required to receive approval of a SUP as specified within OCC Section 11-457.

Required Findings to Grant a Special Use Permit

Pursuant to OCC Section 11-485, approval of retail dispensaries shall be through approval of a Special Use Permit. Pursuant to OCC Section 16-531, in order to grant a Special Use Permit, the following findings must be made:

(A) The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.

(B) The site that is subject to the special use permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and items which may be required by section 16-532

(C) The site that is subject to the special use permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.

(D) The site that is subject to the special use permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.

Commercial Cannabis Retail Special Use Permit

On January 13, 2022, the Commission held a public hearing to consider Planning & Zoning Permit No. 21-516-24. At the public hearing, over an approximately three-hour period, the Commission received a presentation by TD Enterprise, heard public testimony, deliberated, and made a motion to approve the project's Special Use Permit. Approximately 77-minutes of public verbal testimony was also provided by twenty-five individuals. Verbal comments received from sixteen of the twenty-five individuals can generally be summarized as being supportive of the request, and verbal comments from nine of the twenty-five individuals can generally be summarized as being unsupportive of the request.

Supportive comments generally described TD Enterprise's existing operations at other locations within California as being legal and of a high caliber, the proposed use at 1015 Harbor Boulevard as meeting the Council's intent, complying with buffer zones for sensitive uses, exceeding City and State regulations, occupying a vacant commercial space, being an upgrade to the existing shopping center, diversifying Oxnard's industries, providing 24-hour security to the shopping center and surrounding properties, supportive of workers, and supportive of youth organizations. Of note, Port Hueneme Police Chief Salinas described the City of Port Hueneme's experience of neighboring businesses having benefited due to an increase in visitors to the area, highlighted that crime rates adjacent to cannabis dispensaries have dropped in Port Hueneme since the cannabis dispensaries opened due to the additional security measures, and identified that loitering has not been an issue for cannabis dispensaries.

Comments opposing the project generally described the proposed use as not being compatible with the character of the shopping center's tenants or neighborhood, not family friendly, not good for property values, not providing a barrier between residential uses, not complying with the buffer zones for sensitive uses, questioned the suitability of the site, increasing potential for crime, providing unnecessary video monitoring, potential for consumption on or off the property, contributing to homelessness issues, contributing to increased traffic, contributing to an oversaturation of dispensaries in the area when Port Hueneme's dispensaries are considered, able to force businesses out of the shopping center if they utilize parking spaces, not providing enough parking, not having conducted adequate outreach, and not being exempt from the California Environmental Quality Act.

Following the public testimony and deliberations, the Commission voted on two motions. The first was a motion to Approve the project as submitted as the project met all of the required Special Use Permit Findings found in OCC Section 16-531, and the second motion was a Motion of Intent to Deny the project as Findings 2 (general welfare) and 4 (highway - incompatibility) could not be made. These two motions both failed as a result of two tie votes (3 to 3, with one Commissioner recused). Based upon the failure by the Planning Commission to either approve or deny the Special Use Permit- Cannabis Retail, legal counsel ruled that – for due process purposes – the inaction by the Planning Commission would be deemed a denial. As a majority of Commissioners were not able to agree to an approval or denial, the Commission did not adopt a Resolution to approve or deny the project.

On January 20, 2022, the Appellant filed a timely Appeal application with the City (Attachment B).

On January 28, 2022, the Appellant submitted a supplemental letter to the City to be added to their Appeal application (Attachment C). The supplemental letter did not raise any additional Appeal items but provided an additional narrative to their Appeal application.

ANALYSIS/DISCUSSION:

The Appellant has appealed the decision of the Commission primarily because the Appellant believes the Findings staff

proposed are appropriate and should be made by the City Council to approve the project.

Summary of the Appeal

The Appellant provided seven formal Grounds of Appeal in their Appeal application. The Grounds of Appeal can be summarized to include:
1) As demonstrated by the record and Planning staff's recommendation, the Project satisfies the required SUP findings set forth in City Code Section 16-531 and as outlined in Planning staff's proposed Resolution 2022-XX,
2) The Project meets all applicable zoning requirements for the proposed commercial cannabis retail business,
3) The Project is appropriately conditioned, as recommended by Planning staff, to address community concerns regarding the operation of the Project near residential neighborhoods,
4) The Planning Commission improperly denied the Project based on conclusions that are inconsistent with evidence in the record, against the recommendation of the City's own experts, and contradictory to the Planning Commission's prior approval of other SUP applications for commercial cannabis retail businesses near residential uses in the City,
5) The Oxnard Shores neighbors' concerns regarding environmental and traffic issues have been addressed by Planning staff in its comprehensive CEQA review of the Project,
6) The applicant has undertaken substantial efforts to engage with community stakeholders, including the few Oxnard Shores residents who oppose the Project, and is committed to continuing their engagement as a responsible operator and stakeholder in the City, and
7) The City conducted an extensive public process prior to the City Council's final adoption of its commercial cannabis regulations (Chapter 11, Article XVII), which provided the public ample opportunity to object to the allowance of commercial cannabis retail businesses in the City, including on the Site.

The Appellant's seven Grounds of Appeal are noted below, verbatim in italicized text, with staff's response following each ground of appeal.

Ground of Appeal 1: "As demonstrated by the record and Planning staff's recommendation, the Project satisfies the required SUP findings set forth in City Code Section 16-531 and as outlined in Planning staff's proposed Resolution 2022-XX, attached hereto as Exhibit 1"

Staff Response 1:
Staff agrees with Ground of Appeal 1. The Appellant's project met the required SUP findings outlined within Oxnard City Code (OCC) Section 16-531 (Attachment X). Furthermore, the Project was reviewed by the Cannabis Review Committee (CRC) and recommended for approval by meeting all the cannabis retail requirements outlined within Article XVII. Commercial Cannabis Activity of the OCC. Based on the complete record, including the staff report and draft Commission Resolution, which included 188 conditions of approval which were crafted for compliance with the requirements to ensure operational standards were met.

Ground of Appeal 2: "The Project meets all applicable zoning requirements for the proposed commercial cannabis retail business"

Staff Response 2:
Staff agrees with Ground of Appeal 2. As outlined in staff's response to Ground of Appeal 1, the Project was thoroughly reviewed by the CRC and other staff prior to the public hearing for compliance with both SUP Findings as required by OCC Section 16-531 and cannabis retail requirements outlined within Article XVII. The administrative record, which includes the staff report, supplemental staff transmittal memorandums, and draft Resolution demonstrates the project meets all requirements for project approval.

Ground of Appeal 3: "The Project is appropriately conditioned, as recommended by Planning staff, to address community concerns regarding the operation of the Project near residential neighborhoods"

Staff Response 3:
Staff agrees with Ground of Appeal 3. The CRC and other staff reviewed and conditioned the Project so the Project would meet the requirements for cannabis retail use as outlined within OCC Section 16-531. The draft Resolution incorporated 188 conditions of approval to specifically address operational, security, and reporting issues which may concern adjacent residences or businesses within the shopping center.

As outlined in the staff report and draft resolution, the Project will be located within the Coastal Neighborhood Commercial (CNC) zone, which allows for retail use. The purpose of the CNC zone is to protect an area of established shopping convenience and personal services to serve the existing coastal residential community of Oxnard Shores and the public who visit the area. The CNC zone provides a wide range of commercial/recreational opportunities for both the visiting public and the residents of the city, including retail. Other more intense uses, such as restaurants, are allowed uses within the CNC zone which do not require a Special Use Permit.

The Project's location complies with the requirements of OCC Section 11-473 - Location and Design of Cannabis Businesses,which allows for cannabis retail uses subject to approval of a SUP. The proposed retail cannabis use requires a Special Use Permit to ensure operational characteristics of the business will be both compatible with and not adversely affect or be materially detrimental to the other uses, buildings or structures within the shopping center or the adjacent residential uses.

The Project is not located closer than 600 feet from the following outlined uses:
Any school providing institutions in kindergarten or any grades 1 through 12, whether public, private, charter, including pre-school, transitional kindergarten, and K-12.
A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.
A youth center that is in existence at the time the license is issued, unless the State licensing authority or the City specifies a different radius.
Of the 188 project conditions, Condition 63 specifies that no cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business, and Condition 63 specifies that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

The OCC does not impose a minimum distance requirement for cannabis retail based on the proximity of residentially zoned properties. Additionally, the Project 188 conditions of approval were drafted to ensure compliance with cannabis retail uses and Special Use Permit requirements.

<u>Ground of Appeal 4</u>: "The CPC improperly denied the Project based on conclusions that are inconsistent with evidence in the record, against the recommendation of the City's own experts, and contradictory to CPC's prior approval of other SUP applications for commercial cannabis retail businesses near residential uses in the City"

<u>Staff Response 4</u>:
Staff disagrees with Ground of Appeal 4 as a majority of Commissioners did not make specific conclusions or findings regarding the Project. Based upon the failure by the Planning Commission to either approve or deny the Special Use Permit- Cannabis Retail, legal counsel ruled that – for due process purposes – the inaction by the Planning Commission would be deemed a denial.

Absent a majority vote from the Commissioners, staff recommends the City Council approve the project based on the original Findings and conditions originally proposed to the Commission.

<u>Ground of Appeal 5</u>: "The Oxnard Shores neighbors' concerns regarding environmental and traffic issues have been addressed by Planning staff in its comprehensive CEQA review of the Project"

<u>Staff Response 5</u>:
Staff agrees with Ground of Appeal 5. The CEQA Categorical Exemption Section 15301 (Existing Facilities) and Section 15300.2 (Exception to the Exemptions) apply to this project. As described in the Commission staff report and City Council draft Resolution (Attachments A & D), the Project results in "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" as the Project involves a request to sell retail cannabis products within an existing commercial building previously used to sell retail goods. The project request will not increase the square footage of the existing building. None of the exceptions defeat the exemption.

<u>Ground of Appeal 6</u>: "Applicant has undertaken substantial efforts to engage with community stakeholders, including the

few Oxnard Shores residents who oppose the Project, and is committed to continuing their engagement as a responsible operator and stakeholder in the City"

Staff Response 6:
Staff can confirm the Appellant engaged in public outreach both through and outside the City's formal public outreach process.

The Project has had robust discussions at the City's Community Workshop and Planning Commission meetings. TD Enterprise participated in the Community Workshop on November 15, 2021. The site was posted with Project details and Community Workshop information, and the Developer mailed out 3,330 meeting agenda notices to the residents of Oxnard Shores and Oxnard Dunes. A total of 28 community members attended the meeting, which resulted in 12 comments being provided. The Community Workshop's Questions and Answer process with the TD Enterprise and community members lasted approximately 2 hours and 25 minutes. The Planning Commission meeting lasted approximately 3 hours and 15 minutes, of which a substantial amount of time involved public comment and Planning Commissioners asking questions of the TD Enterprises team and City staff. At each meeting, TD Enterprises offered contact information to facilitate future conversations with the community in an effort to resolve issues raised.

Furthermore, outside the City's formal public outreach process, TD Enterprises has engaged in public outreach by sending out mailers to the community and by providing an informational open house at Embassy Suites - Mandalay Bay on November 4, 2021.

Ground of Appeal 7: "The City conducted an extensive public process prior to the City Council's final adoption of its commercial cannabis regulations (Chapter 11, Article XVII), which provided the public ample opportunity to object to the alliance of commercial cannabis retail businesses in the City, including on the Site."

Staff Response 7:
While the City of Oxnard did have multiple public hearings regarding the adoption of the City's cannabis regulations, these regulations (Oxnard City Code Section 11-450 et. seq.) do not authorize retail cannabis dispensaries at specific locations and did not analyze each potential site. Instead, City cannabis regulations identify specific areas in which cannabis retail dispensaries are conceptually permitted, with the actual siting of each cannabis retail dispensary subject to land use siting criteria, buffer requirements, a competitive selection process which resulted in 16 applicants being invited to apply for a Special Use Permit for a specific location, and requiring a Special Use Permit to be approved by the Planning Commission or the City Council (if the Planning Commission's approval or denial of the special use permit is appealed).

Appeal Review and Hearing Process Before the City Council

Pursuant to OCC Section 16-548, the City Council is provided with Review and Hearing Procedures and Quorum standards.

(A) A review of an Appeal from a decision of the Commission may be heard de novo.
(B) On hearing the review or Appeal, the City Council shall primarily consider the issues raised by the grounds specified in the notice of review or Appeal, but shall not be restricted thereto.
(C) The City Council may promulgate additional rules of procedure for review or Appeal hearings.
(D) Rules governing evidence and procedure relating to review and Appeal hearings shall be liberally construed to effect enlightened consideration and determination by the City Council.

The staff highlights that per the above procedures, the City Council is primarily considering the issues raised on the grounds specified in the notice of review or Appeal, but the City Council is not restricted to those issues.

Conclusion:
The Appellant requests the Planning Commission's approval of the project be overturned based on the seven appeal grounds.

Based on the above Analysis/Discussion Section, staff provided an analysis of each of the seven items the Appellant raised in their letter submitted to the Planning Commission. Staff's responses collectively demonstrate the Appeal

contains merit, and the Appeal should overturn the Commission's de facto denial. Furthermore, the City Council staff report, attachments, and Resolution provide substantial evidence in the record for the City Council to be able to conclude that all of the required Special Use Permit Findings found in OCC Section 16-531 have been made. Staff believes the required findings are well documented and the City Council is in a position to approve the requested Special Use Permit.

Thus, staff recommends that City Council uphold the Appeal and overturn the Planning Commission's Denial of the project and Approve the project with the specific Findings outlined in the draft City Council Resolution (Attachment D). Pursuant to OCC Section 16-551, the decision of the City Council is final.

STRATEGIC PRIORITIES

This agenda item supports Economic Development strategy. The purpose of the Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, encouraging new business investments, and targeting site-based redevelopment opportunities.

FINANCIAL IMPACT

Denial of this request would permit the operation of a commercial cannabis retail facility at 1015 Harbor Boulevard. The commercial cannabis retail facility would generate sales tax revenue for the City, and, as conditioned, would require a one-time payment of $250,000 and a donation of 1% of gross revenues to the City of Oxnard.

COMMITTEE OUTCOME

This item is a public hearing and was heard by the Planning Commission; therefore, this item did not originate in Committee.

Prepared by: Scott Kolwitz, Planning Manager

ATTACHMENTS

1. Attachment A Staff Report and Transmittal Letter 1-4 PZ No. 21-516-24
2. Attachment B Applicant Letter of Appeal (SUP No. 21-516-024)
3. Attachment C Supplement to Appeal of City Planning Commission's Determination re SUP No. 21-516-024, 4895-4905-7547 v 1
4. Attachment D Draft City Council Resolution 21-516-24
5. Attachment E PZ No. 21-516-24 Appeal Presentation CC

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commision

FROM: Jose Coyotl, Associate Planner

DATE: January 13, 2021

SUBJECT: **Project Name: TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP)**; Planning and Zoning Permit No. 21-516-24 (Retail); Located at 1015 Harbor Boulevard (APN: 191-0-075-015).

1) **Recommendation:** That the Planning Commission ("**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 2022-XX approving Planning and Zoning Permit No. 21-516-24 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

2) **Project Description and Applicant:** A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site located at 1015 Harbor Boulevard (APN: 191-0-075-015) within the Commercial Neighborhood Convenience (CNC) 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 (Attachments A and B). Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. For the purposes of this Staff Report, the foregoing project description shall be referred to as the "**Project**". Filed by Kristine Byers ("**Applicant**"), 2801 B Street Unit 161, San Diego, CA 92101, on behalf of TD Enterprise, LLC. dba Oxnard Holistics.

3) **Existing & Surrounding Land Uses:** The 2.39-acre property is developed with a 17,615 square-foot multi-tenant commercial building, and 108 associated parking spaces. The project will be located within the 17,615 square-foot multi-tenant commercial building located at 1015 Harbor Boulevard. The nearest youth center is Neptune Square Park, located approximately 1,309 feet southwest of the project site which is outside the required

600-foot radius away from a sensitive use. The following table identifies the General Plan and zoning designations of the project site and adjacent properties:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Visitor Serving Center (VSC)	Coastal Neighborhood Commercial (CNC)	Multi-tenant commercial shopping center.
North	Residential Exiting (REX)	Single-Family Beach (R-B-1)	Single-family homes.
South	REX and VSC	Garden Apartment Coastal (R-3-C) and CNC	Multi-family homes and vacant commercial lot.
East	REX	Coastal Low-Density Multiple Family) R-2-C and R-3-C	Multi-family homes.
West	REX	R-B-1 and R-3-C	Single-family and multi-family homes.

4) Background Information:

Cannabis Regulations

In April 2018, the City Council adopted a cannabis delivery ordinance including permit fees (Ord. No. 2937 - Chapter 11, Article XV). In January 2019, the State legalized cannabis delivery by state-licensed firms and eliminated the City's ability to regulate cannabis delivery.

On June 18, 2019, the City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis. On October, 1, 2019, the City Council adopted Ord. No. 2965, modifying the discretionary permitting process along with other non-substantive ordinance adjustments pertaining to manufacturing, testing, and distribution of cannabis. On December 17, 2019, the City Council adopted Ord. 2972 establishing regulations for retail cannabis (dispensary) uses. On September 15, 2020, the City Council adopted Ord. No. 2985 to permit cannabis retail dispensaries in the downtown zones ("Downtown-Core" and "Downtown-General"), and updated the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the OCC). On October 20, 2020, the City Council adopted a cannabis local equity program.

On December 1, 2020, the City Council adopted Ord. No. 2994 (Attachment C) establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII ("Code"). The adapted ordinance made modifications to implement the City's Local Equity Cannabis program, update appeal provisions, and made a number of other nonsubstantive updates to the existing cannabis regulations. The City

Council also repealed Chapter 11, Article XV (Medical Cannabis Delivery), and Chapter 7, Article XVI (Cannabis and Medical Cannabis Activities) due to State legalization of state-licensed cannabis delivery operators.

Development History
The site was originally developed in the mid-1960s. Since the initial construction to present day, permits for various tenant improvements have been approved to accommodate the turnover of retail and restaurant establishments.

Commercial Cannabis Retail License Selection
On January 7, 2021, TD Enterprise LLC dba Oxnard Holistics filed for a request to obtain a Commercial Cannabis Business Permit for a 1,320 square-foot cannabis retail facility.

On March 1, 2021, TD Enterprise LLC dba Oxnard Holistics was awarded a conditional Commercial Cannabis Business Permit for cannabis retail (Attachment D). In order to successfully commence and inaugurate the Commercial Cannabis Business Permit, TD Enterprise LLC dba Oxnard Holistics is required to receive approval of a SUP as specified within OCC Section 11-457.

5) Environmental Determination:

In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA**.** The Project involves a request for retailing of cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. None of the Exceptions to the Exemptions (Section 15300.2) apply to the Project to make the Exemption inapplicable. Therefore, Staff recommends that the Planning Commission find that the Project is Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) (Attachment E).

6) Analysis:

a) *General Discussion:*

As discussed below, the Project has been found to be consistent with the General Plan, Coastal Neighborhood Commercial zone, and the OCC.

In accordance with OCC Section 11-473(A) and 11-473(B), permitted uses within the Visitor Serving Center zone, includes a commercial cannabis business retail of cannabis, provided that the owner has first obtained a commercial cannabis business permit per discretionary cannabis use pursuant to Article XVI, Chapter 11 of the OCC (SUP for retail). The site will be secure at all times by the use of proper security measures as

reviewed by the Police Department.

b) ***General Plan, Local Coastal Program, and Zoning Consistency:***

General Plan Consistency:
The City's 2030 General Plan land use designation for the subject site is Visitor Serving Center (VSC), which provides for the development of areas of commercial uses designated to serve visitors to the area. Permitted uses include hotels, motels, restaurants, and specialty retail. The proposed Project is consistent with the 2030 General Plan and the property's land use designation (Attachment F).

In addition to being subject to the 2030 General Plan, the proposed development is subject to the Coastal Act and Local Coastal Plan. The applicable policies have been compared with the proposed project as follows:

Coastal Act Policies (CA) and Local Coastal Plan (LCP) Policies

POLICY NO.	POLICY	EXPLANATION
CAP 30250	New development shall be located within, contiguous with, or in close proximity to existing developed areas able to accommodate it.	The project will be located within an existing commercial shopping center limiting the impact to surrounding land uses.
CAP 30252	The Location and amount of new development should maintain and enhance public access to the cast by: a. Facilitating the provision or extension of transit service. b. Providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads. c. Providing nonautomobile circulation within the development. d. Providing adequate parking facilities or providing	The Project will operate in an existing shopping center that provides adequate parking facilities and has direct access to South Harbor Boulevard and West Wooley Road and associated transit services. Additionally, as part of the Project a condition of approval includes the installation of 10 bicycle storage spaces to help promote alternative non automotive modes of transportation.

	substitute means of servicing the development with public transportation. e. Assuring the potential for public tanist for high-intensity use such as high-rise residential office buildings. f. Assuring that the recreational needs to new residents that will not overload nearby coastal recreation development areas by correlating the amount of development with local park acquisition and development plans with the provision of on-site recreational facilities to serve the new development.	
Local Coastal Policy (LCP) No. 83	Uses permitted in area designated visitor - serving commercial shall be primarily visitor-serving in nature, including hotels, motels, restaurants, and specialty retail. Neighborhood convenience uses may be conditionally permitted. Commercial areas shall be well-designated aesthetically. Possible techniques include innovative landscape and theme architecture. Parking areas shall include bicycle parking spaces. It is the City's policy to encourage a mix of commercial visitor-serving uses to meet the needs of all economic groups. Thus, facilities that will be affordable to families of low and moderate income will be encouraged.	The Project will serve both visitor and residential neighborhoods by providing cannabis specialty retail products via a Special Use Permit within an established shopping center that meets the design standards mentioned in LCP No. 83. Furthermore, the Project was conditioned to include 10 new bicycle spaces thus improving the opportunity for more cycling in the coastal area.

Zoning Consistency:
The Project is within the Coastal Neighborhood Commercial (CNC) zone. The purpose of the CNC zone is to protect an area of established convenience shopping and personal services to serve the existing coastal residential community of Oxnard Shores and the public who visit the area. The CNC zone provides a wide range of commercial/recreational opportunities for both the visiting public and the residents of the city, including retail. As demonstrated within the table of Attachment G, the Project is in compliance with the CNC zone.

***Location and Design of Cannabis Business Requirements*:**
In accordance with OCC Section 11-473 (Location and Design of Cannabis Business), the retail sale of cannabis products is a conceptually permitted use on the property subject to relevant requirements. As demonstrated in the table of Attachment H, the Project has been found to be in compliance with Section 11-473.

As demonstrated within the referenced table attachments, this Project is consistent with the City's General Plan, General Commercial Planned Development zone, and Section 11-473 (Location and Design of Cannabis Business). Therefore, with approval of this permit, the proposed use is consistent with the zoning designation of the property.

c) Circulation and Parking:
Vehicular access to the site will occur via one existing approximately 30-foot drive aisles off West Wooley Road, one drive ailes approximately 25-foot drive aisles off Harbor Boulevard Service Road, and two approximately 25-foot drive aisles off Outrigger Way public alleyway. In order to minimize security issues unloading of cannabis products, the project will utilize a legal nonconforming loading zone along the east side of the buildings accessed by a service door to the tenant space. In order to comply with parking requirements for the proposed cannabis retail use, the applicant will be making modifications to the existing parking configuration resulting in 108 parking spaces which includes: 4 ADA, 34 standard, 66 compact, and 4 motorcycle parking stalls. Required parking is provided as follows:

USE TYPE & SQUARE FOOTAGE	PARKING STANDARD	PARKING REQUIRED	PROPOSED	COMPLIES?
Shopping Center 15,875 square feet	1 per 250 square feet of area	64	108	Yes
Retail Cannabis Use 1,740 square feet	1 per 250 square feet of area	7		Yes

Uses with More than 25 Automobile Parking Spaces	1 designated space for use by motorcycle	1	4 (included in the 108 parking spaces)	Yes
Shopping Center	Five spaces at each mall entrance	10	A minimum of 10 spaces	Yes, as conditioned
	Total Provided Parking: :	71 Parking Spaces	108 Parking Spaces	
		10 Bicycle Spaces	10 Bicycle Spaces	

d) *Police Department Review:*

With implementation of the recommended operating conditions, the Police Department anticipates the retail of cannabis products will have little, if any, adverse impact on area crime or demand for policing services. Furthermore, Port Hueneme Chief of Police Andrew Salina has made public comments during other cannabis public hearings outlining the reduction in crime Port Hueneme has experienced in areas adjacent to commercial cannabis retailers as a direct result of their operational characteristics including the use of upgraded security systems, private security, and other site-specific security plans. Several conditions of approval have been incorporated into the draft resolutions of approval (Attachments I) in order to reduce the risk for potential policing problems in the future. The Applicant has accepted all proposed conditions of approval.

7) Cannabis Review Committee:

The Project was reviewed by the Cannabis Review Committee (CRC) on September 7, 2021. Conditions of approval from CRC are included in the attached Resolution.

8) Community Workshop and Public Input:

The project site is located within the Oxnard Shores. On November 4, 2021, the site was posted with Project details and Community Workshop information, and the Developer mailed out 3,330 meeting agenda notices to the residents of Oxnard Shores and Oxnard Dunes. On November 15, 2021, the project was presented to the public during a Community Workshop meeting. There were 28 members that participated at the Community Workshop for this item. Staff received 12 comments during the meeting regarding the cannabis retail facility which are summarized below.

- 11 of the comments received highlighted the following 7 categories:
    a) Increased crime and security issues within the existing shopping center and the possible issues for the neighboring residents.
    b) The cannabis process did not conduct enough public outreach with the residents of Oxnard Shores and Dunes until the project was submitted for a Special Use Permit.
    c) The cannabis retailer does not provide a benefit to the neighboring residents.
    d) There is a concentration of adult uses within the existing shopping center which include alcohol sales.

e) The project should be reviewed for compliance with CEQA based on the retail and delivery component of cannabis retail uses.
f) Cannabis retail is not a suitable use for the shopping center and residential coastal area.
g) The City should reevaluate applying a 600 foot minimum distance to residential properties.

- 1 comment outlined support for the project based on the applicant meeting all the City requirements, likely being a positive business, and possibly reducing crime in the immediate shopping center.

Following the Community Workshop Staff has received an additional six (6) comment letters from the general public (Attachment J).

9) Appeal Procedure:

In accordance with OCC Section 16-545, the Planning Commission's action on Planning and Zoning Permit No. 21-516-24 (Commercial Cannabis Retail- Special Use permit) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk's Office and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission's decision, the decision of the Planning Commission shall be deemed final.

Attachments:

A. Maps (Vicinity, General Plan, Zoning, Aerial)
B. Reduced Project Plans
C. Cannabis Ordinance No. 2994
D. TD Enterprise LLC dba Oxnard Holistics Conditional Commercial Cannabis Business Permit
E. Notice of Exemption
F. 2030 General Plan Consistency Chart
G. Zoning Consistency Chart
H. Location and Design of Cannabis Business Consistency Chart
I. Draft Resolution of Approval for Commercial Cannabis Retail
J. Public Comment Letters
K. Staff Presentation

Attachment

A. Maps (Vicinity, General Plan, Zoning, Aerial)

Vicinity Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

December 21, 2021

PZ 21-516-24
Location: 1015 Harbor Blvd
APN: 1910075015
Oxnard Holistics

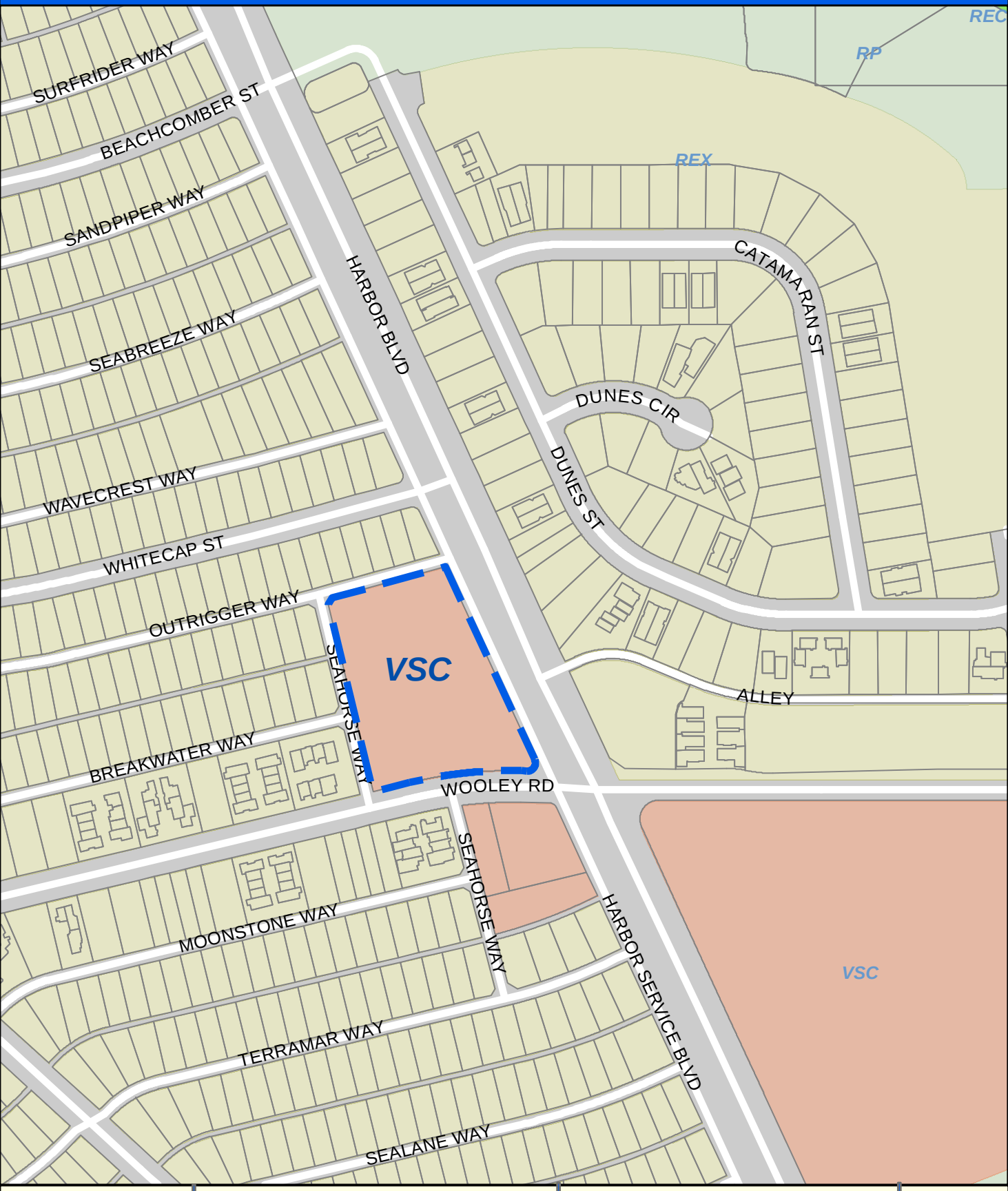
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

December 21, 2021

PZ 21-516-24
Location: 1015 Harbor Blvd
APN: 1910075015
Oxnard Holistics

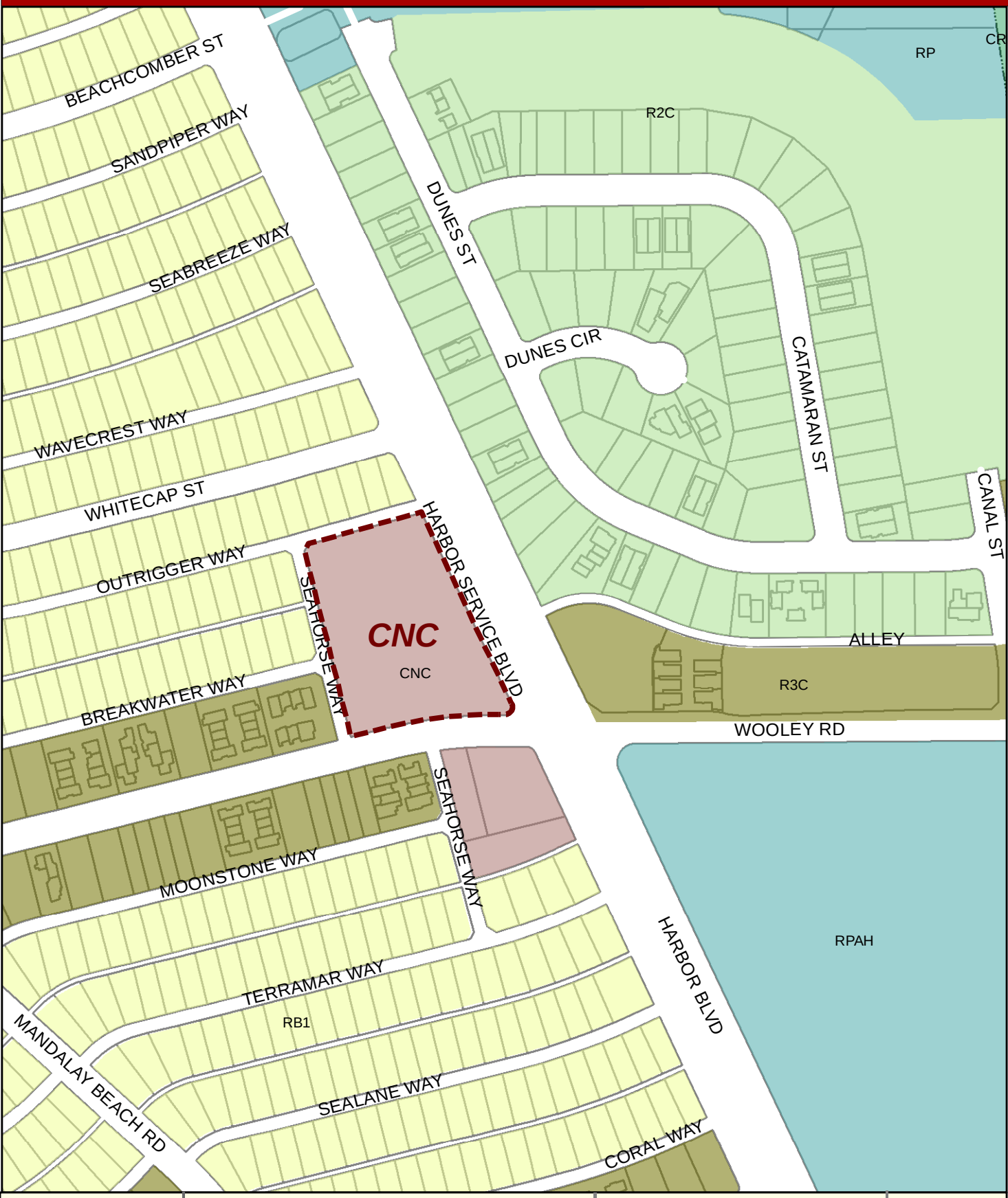
Feet
0 75 150 300

2030 General Plan Land Use Map

N W E S

1:3,000

Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

December 21 2021

PZ 21-516-24
Location: 1015 Harbor Blvd
APN: 1910075015
Oxnard Holistics

0 50 100 200 300 400 Feet

Zoning/Specific Plan Map

N W E S

1:3,000

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

December 21, 2021

PZ 21-516-24
Location: 1015 Harbor Blvd
APN: 1910075015
Oxnard Holistics

0 25 50 100 150 200 Feet

Aerial Map

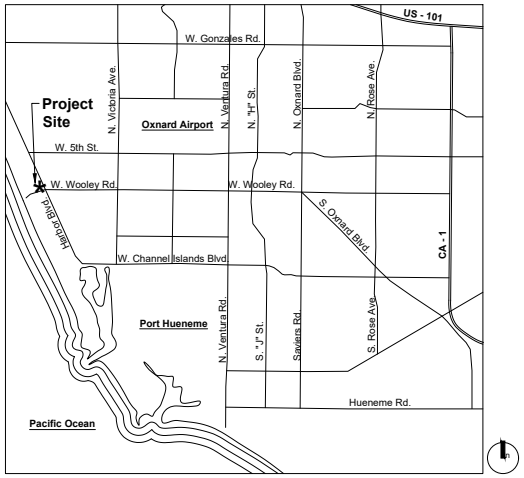
N W E S

Attachment

B. Reduced Project Plans

Vicinity Map

Scale: Not to scale



Development Summary

Project Narrative:	This project is an application for a Phase 4 SUP (Special Use Permit) for a Cannabis Retail Storefront to be located at 1015 Harbor Blvd. Oxnard, CA 93035. The scope of work will include: 1. Interior tenant improvement of existing suite within the Oxnard Shores Shopping Center; 2. Proposed demolition work includes removal of the following: interior partitions, finishes, lay-in ceilings, lighting and MEP infrastructure. 3. Proposed spaces include: Reception Lobby, Retail Sales Area, Receiving Area, Secure Manager's Office and Restroom. 4. Proposed interior work includes new partitions, lighting, MEP infrastructure, security system, fire sprinklers, millwork and finishes throughout. 5. Proposed exterior work includes new signage and security system.	
Project Team:	Client:	TD Enterprise LLC 6847 Avenida Andorra La Jolla, CA 92037 Contact: Tony Hall tonyh@torreyholistics.com 619.807.7044
	Architect:	Kristi Byers, Architect A.P.C. 3919 30th Street, Suite 107 San Diego, CA 92104 Contact: Kristi Byers, AIA LEED AP BD&C kb@kristibyersaia.com 619.599.5984
Project Address:	1015 Harbor Boulevard Oxnard, CA 93035	
Legal Description:	Tract: 127701, Lot: 115, Ref: 029Mr 061	
APN:	191-0-075-015	
Sheet Index:	T0.00 Development Summary & Vicinity Map A1.00 Site Plan & Parking Calculations A1.50 Egress Plan A2.00 Floor Plan A3.00 Partial Exterior Elevations	
Type of Construction:	Type 5-B	
Occupancy Classification:	Existing: B - Office Proposed: M - Commercial	
Zoning & Overlays:	Base Zone:	CNC - Coastal Neighborhood Commercial
Gross Area:	Gross Site Area:	104,108 SF
	Gross Building Area:	17,615 SF (Entire shopping center)
	Gross Project Floor Area:	1,740 SF (This project's suite only)
Existing & Proposed Use:	Existing Use:	One suite is vacant; the second suite is a nail salon
	Proposed Use:	Cannabis Retail Storefront
Year Constructed:	1979	
Applicable Codes:	City of Oxnard Municipal Code 2019 California Building Code 2019 California Green Building Code 2019 California Plumbing Code 2019 California Mechanical Code 2019 California Energy Code 2019 California Fire Code	

Kristi Byers, Architect
Architecture Design Sustainability

Project:

Oxnard Holistics - Cannabis Retail Shop
Special Use Permit

1015 Harbor Boulevard
Oxnard, California 93035

Drawing Preparation and Revision Dates

01	07.26.2021	SUP Submittal
02	09.24.2021	SUP Resubmittal
03	10.24.2021	SUP Resubmittal
04	11.29.2021	SUP Resubmittal - ADA Revs.

Drawing Name:
Development Summary & Vicinity Map

Drawing Number:
T0.00
(1 of 5)

Parking Calculation Chart:

Standard Spaces (9'-9" x 19'-0")	34
Compact Spaces (size meets min. but varies)	66
Accessible Spaces	4
Motorcycle Spaces	4
Total Parking Spaces:	***108***

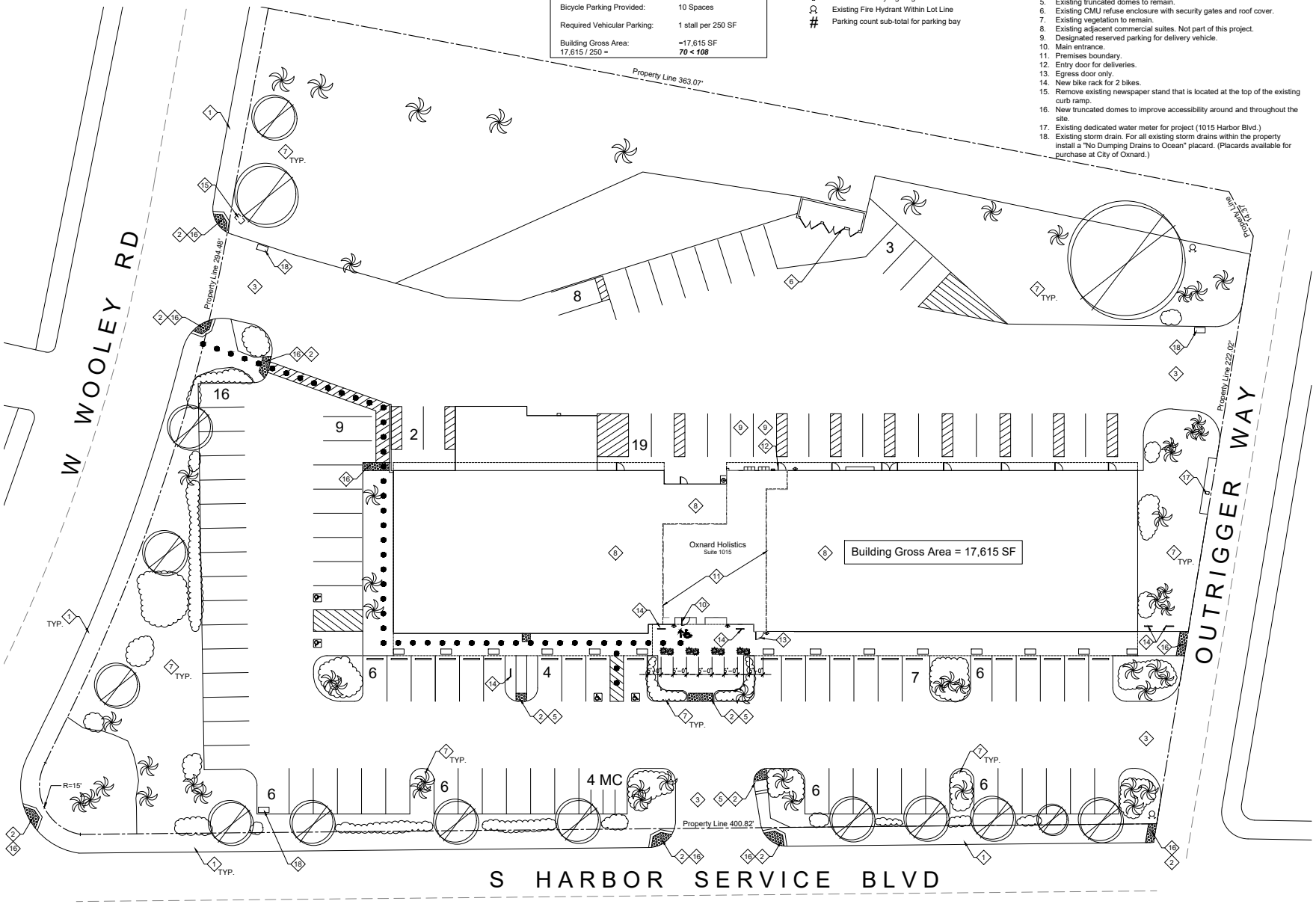
Bicycle Parking Provided:	10 Spaces
Required Vehicular Parking:	1 stall per 250 SF
Building Gross Area:	=17,615 SF
17,615 / 250 =	***70 < 108***

Legend:

- Property Line
- Accessible Path of Travel
- Accessible Entrance
- Exterior Security Lighting
- Existing Fire Hydrant Within Lot Line
- # Parking count sub-total for parking bay

Site Plan Key Notes:

1. Existing sidewalk to remain.
2. Existing curb cut to remain.
3. Existing driveway to remain.
4. Concrete planter to serve as vehicular barrier. Final design to be approved by City of Oxnard Police Department.
5. Existing truncated domes to remain.
6. Existing CMU refuse enclosure with security gates and roof cover.
7. Existing vegetation to remain.
8. Existing adjacent commercial suites. Not part of this project.
9. Designated reserved parking for delivery vehicle.
10. Main entrance.
11. Premises boundary.
12. Entry door for deliveries.
13. Egress door only.
14. New bike rack for 2 bikes.
15. Remove existing newspaper stand that is located at the top of the existing curb ramp.
16. New truncated domes to improve accessibility around and throughout the site.
17. Existing dedicated water meter for project (1015 Harbor Blvd.)
18. Existing storm drain. For all existing storm drains within the property install a "No Dumping Drains to Ocean" placard. (Placards available for purchase at City of Oxnard.)



10. Site Plan

Scale: 1/8" = 1'-0"

Kristi Byers, Architect
Architecture Design Sustainability

Project:

Oxnard Holistics - Cannabis Retail Shop
Special Use Permit

1015 Harbor Boulevard
Oxnard, California 93035

Drawing Preparation and Revision Dates

01	07.26.2021	SUP Submittal
02	09.24.2021	SUP Resubmittal
03	10.24.2021	SUP Resubmittal
04	11.29.2021	SUP Resubmittal - ADA Revs.

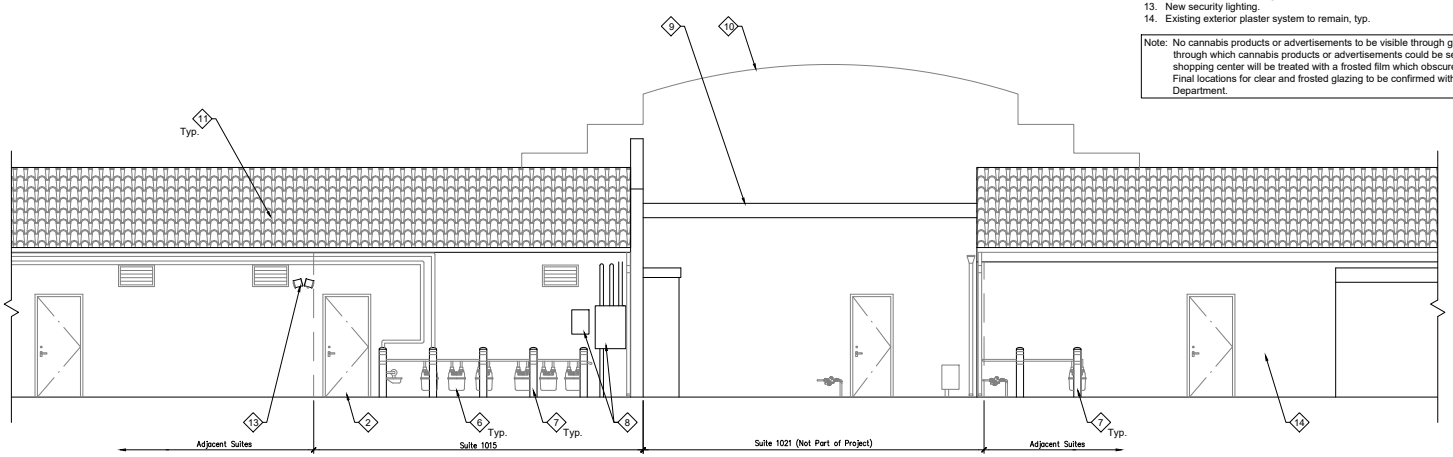
Drawing Name:
Site Plan & Parking Calculations

Drawing Number:
A1.00
(2 of 5)

Partial Exterior Elevation Key Notes:

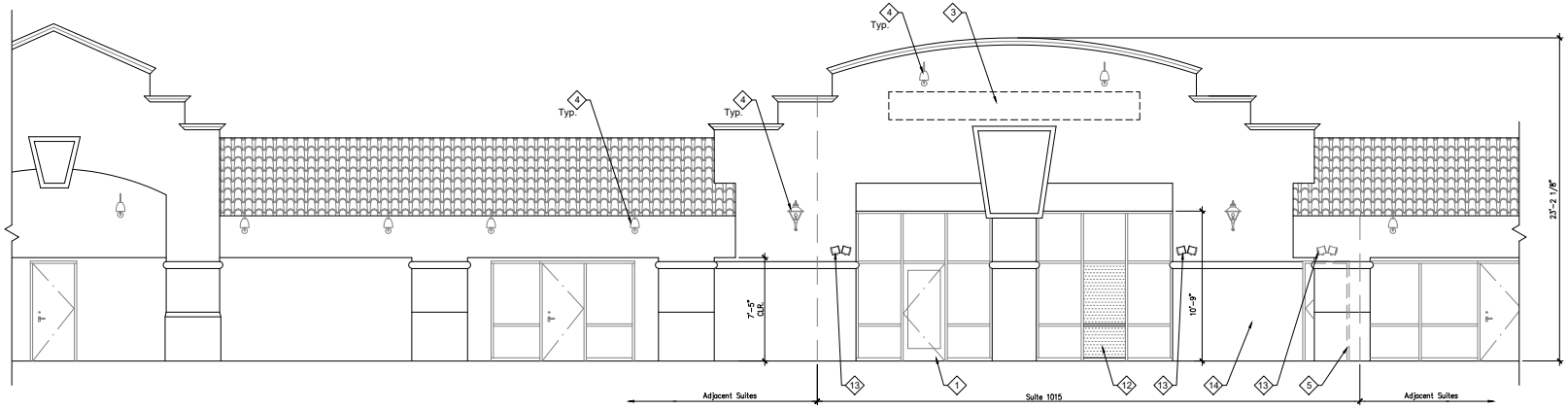
1. Existing door to become main entry to cannabis retail shop.
2. Existing dedicated secured product delivery door (restricted to delivery personnel and employees only.)
3. New cannabis retail shop signage over main entry.
4. Existing building lighting to remain.
5. Dashed line represents egress door beyond.
6. Existing natural gas meter bank to remain.
7. Existing bollards for gas meter equipment protection.
8. Existing telephone panels.
9. Existing parapet with flat roof beyond.
10. Existing parapet at front of building, beyond.
11. Existing roofing to remain.
12. Existing exterior storefront door to be removed and replaced with new storefront glazing system to match existing.
13. New security lighting.
14. Existing exterior plaster system to remain, typ.

Note: No cannabis products or advertisements to be visible through glazing. Any glazing through which cannabis products or advertisements could be seen by passers-by in the shopping center will be treated with a frosted film which obscures the view to the interior. Final locations for clear and frosted glazing to be confirmed with the Oxnard Police Department.



11. Partial West Exterior Elevation

Scale: 1/4" = 1'-0"



10. Partial West Exterior Elevation

Scale: 1/4" = 1'-0"

Kristi Byers, Architect
Architecture Design Sustainability

Project:

Oxnard Holistics - Cannabis Retail Shop
Special Use Permit

1015 Harbor Boulevard
Oxnard, California 93035

Drawing Preparation and Revision Dates

01	07.26.2021	SUP Submittal
02	09.24.2021	SUP Resubmittal
03	10.24.2021	SUP Resubmittal
04	11.29.2021	SUP Resubmittal - ADA Revs.

Drawing Name:
Partial
Exterior Elevations

Drawing Number:
A3.00
(5 of 5)

Attachment

C. Cannabis Ordinance No. 2994

ORDINANCE NO. 2994

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD, CALIFORNIA REPEALING AND READOPTING ARTICLE XVII OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-450 TO 11-496) REGARDING COMMERCIAL CANNABIS ACTIVITY, REPEALING CHAPTER 7, ARTICLE XVI OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTION 7-280 TO 7-285) REGARDING CANNABIS AND MEDICAL CANNABIS MEDICAL ACTIVITIES, AND REPEALING ARTICLE XV OF CHAPTER 11 OF THE OXNARD CITY CODE (OXNARD CITY CODE SECTIONS 11-390 TO 11-403) REGARDING MEDICAL CANNABIS DELIVERY

The City Council of the City of Oxnard does hereby ordain as follows:

Section 1. Article XVII of Chapter 11 of the Oxnard City Code regarding Commercial Cannabis Activity is hereby repealed and readopted to read as follows:

"ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

It is the purpose and intent of this article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Regulate and Tax Adult Use of Cannabis Act ("AUMA" or "Proposition 64" enacted by California voters in 2016), while imposing sensible regulations on the use of land to protect the city's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this article to regulate the Cultivation, Processing, manufacturing, testing, Sale, Delivery, Distribution, and transportation of Cannabis and Cannabis Products in a responsible manner to protect the health, safety, and welfare of the residents of the city and to enforce rules and regulations consistent with state law. It is the further purpose and intent of this article to require all commercial cannabis operators to obtain and renew annually a permit to operate within the city. Nothing in this article is intended to authorize the possession, use, or provision of Cannabis for purposes that violate state or federal law. The provisions of this article are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under state, city, or other law.

SEC. 11-451. LEGAL AUTHORITY.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the MAUCRSA, any subsequent state legislation and/or regulations regarding same, the city is authorized to adopt ordinances that establish standards, requirements and regulations for the

licensing and permitting of Commercial Cannabis Activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the state, or any of its departments or divisions, shall be the minimum standards applicable in the city to all Commercial Cannabis Activity.

SEC. 11-452. CANNABIS CULTIVATION AND COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

Except as specifically authorized in this article, the commercial Cultivation, Manufacture, Processing, storing, laboratory testing, Labeling, Sale, Delivery, Distribution or transportation (other than as provided under Cal. Bus. and Prof. Code Section 26090(e)), of Cannabis or Cannabis Product is expressly prohibited in the city.

SEC. 11-453. COMPLIANCE WITH STATE AND LOCAL LAWS.

It is the responsibility of the Owners and operators of a Commercial Cannabis Business to ensure that it is always operating in a manner compliant with all applicable state and local laws, and any regulations promulgated thereunder. Nothing in this article shall be construed as authorizing any actions that violate federal, state or local law with respect to the operation of a Commercial Cannabis Business. It shall be the responsibility of the owners and the operators of a Commercial Cannabis Business to ensure that the Commercial Cannabis Business is, at all times, operating in a manner compliant with all applicable federal, state and local laws, including the MAUCRSA, and any subsequently enacted state law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the local Commercial Cannabis Business Permit. Nothing in this article shall be construed as authorizing any actions that violate federal or state law regarding the operation of a Commercial Cannabis Business.

SEC. 11-454. DEFINITIONS.

When used in this article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) A-LICENSE - A state license issued by the Bureau of Cannabis Control for Cannabis or Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(B) A-LICENSEE - Any person holding a license for Cannabis or Cannabis Products that are intended for adults 21 years of age and over and who do not possess physician's recommendations.

(C) APPLICANT - An Owner applying for a Commercial Cannabis Business Permit pursuant to this article.

(D) BATCH - A specific quantity of homogeneous Cannabis or Cannabis Product that is one of the following types:

(1) HARVEST BATCH - A specifically identified quantity of dried flower or trim, leaves,

and other Cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.

(2) MANUFACTURED CANNABIS BATCH - Either of the following:

(a) An amount of Cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(b) An amount of a type of manufactured Cannabis produced in one production cycle using the same formulation and standard operating procedures.

(E) BUREAU - The Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation, or its successor.

(F) CANNABIS - All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. Cannabis also means the separated resin, whether crude or purified, obtained from cannabis. Cannabis does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, Cannabis does not mean "industrial hemp" as defined by Cal. Health and Safety Code Section 11018.5 or Cal. Food and Agricultural Code Section 81000.

(G) CANNABIS ACCESSORIES - The same meaning as in Cal. Health and Safety Code Section 11018.2.

(H) CANNABIS INNOVATION ZONE - A park or campus which is one contiguous commercial area of land which has many Cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.

(I) CANNABIS CONCENTRATE - Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a Cannabis plant is a concentrate for purposes of this article. A Cannabis concentrate is not considered food, as defined by Cal. Health and Safety Code Section 109935, or drug, as defined by Cal. Health and Safety Code Section 109925.

(J) CANNABIS PRODUCT - A product containing Cannabis, including, but not limited to, manufactured Cannabis, - intended to be sold for use by Cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5 (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this article, Cannabis does not include industrial hemp as defined by Cal. Food and Agricultural Code Section 81000, or Cal. Health and Safety Code Section 11018.5.

(K) CANNABIS PRODUCTS - The same meaning as in Cal. Health and Safety Code Section 11018.1.

(L) CANOPY - The designated area(s) at a licensed premise, except nurseries that will contain mature plants at any point in time.

(1) Canopy shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the

space(s) within the boundaries; and

(2) Canopy may be non contiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total Canopy calculation.

(M) CAREGIVER or PRIMARY CAREGIVER - The same meaning as that term is defined in Cal. Health and Safety Code Section 11362.7.

(N) CHILD RESISTANT - Designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(O) CITY - The City of Oxnard including the area within the territorial city limits of the city and such territory outside of the city over which the city council has jurisdiction or control by virtue of any provision of law.

(P) COMMERCIAL CANNABIS ACTIVITY - Includes the possession, Manufacture, Distribution, Processing, storing, Sale, laboratory testing, packaging, Labeling or transportation of Cannabis and Cannabis Products as provided for in this division.

(Q) COMMERCIAL CANNABIS BUSINESS - Any business or operation which engages in medicinal or adult-use Commercial Cannabis Activity.

(R) COMMERCIAL CANNABIS BUSINESS PERMIT - A regulatory permit issued by the city pursuant to this article to a Commercial Cannabis Business and is required before any Commercial Cannabis Activity may be conducted in the city. The initial permit and annual renewal of a Commercial Cannabis Business Permit is made expressly contingent upon the business's ongoing compliance with all of the requirements of this article and any regulations adopted by the city governing the Commercial Cannabis Activity at issue.

(S) CULTIVATION - Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of Cannabis.

(T) CULTIVATION SITE - A location where Cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(U) CUSTOMER - A natural person 21 years of age or over, or a natural person 18 years of age or older who possesses a physician's recommendation or a medical marijuana identification card.

(V) DAY CARE CENTER - The same meaning as in Cal. Health and Safety Code Section 1596.76.

(W) DELIVERY - The commercial transfer of Cannabis or Cannabis Products to a Customer. Delivery also includes the use by a retailer of any technology platform owned and controlled by the Retailer.

(X) DIRECTOR - The director of the California Department of Consumer Affairs. .

(Y) DISTRIBUTION - The procurement, sale, and transport of Cannabis and Cannabis Products between licensees.

(Z) DISTRIBUTOR - A person holding a valid Commercial Cannabis Business Permit for Distribution issued by the city, and, a valid state license for Distribution, required by state law to engage in the business of purchasing Cannabis from a licensed cultivator, or Cannabis Products from a licensed Manufacturer, for sale to a licensed Retailer.

(AA) DRIED FLOWER - All dead Cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(BB) EDIBLE CANNABIS PRODUCT - Cannabis Product that is intended to be used, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Cal. Food and Agricultural Code Division 15 (commencing with Section 32501). An Edible Cannabis Product is not considered food, as defined by Cal. Health and Safety Code Section 109935, or a drug, as defined by Cal Health and Safety Code Section 109925.

(CC) FUND - The Cannabis Control Fund established pursuant to Cal. Bus. and Prof. Code Section 26210.

(DD) GREENHOUSE - A fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for Cultivation.

(EE) KIND - Applicable type or designation regarding a particular Cannabis variant or Cannabis Product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(FF) LABELING - Any label or other written, printed, or graphic matter upon a Cannabis Product, upon its container.

(GG) LICENSE - A state license issued by the state and includes both an A-license and an M-license, as well as a Testing Laboratory license.

(HH) LICENSEE - Any person holding a license under this article, regardless of whether the license held is an A-license or an M-license, and includes the holder of a Testing Laboratory license.

(II) LICENSING AUTHORITY - The city and/or state agency responsible for the issuance, renewal, or reinstatement of the license, or the city and/or state agency authorized to take disciplinary action against the licensee.

(JJ) LIMITED-ACCESS AREA - An area in which cannabis is stored or held and is only accessible to a licensee or permittee and authorized personnel.

(KK) LIVE PLANTS - Living Cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(LL) LOCAL JURISDICTION - A city, county or city and county.

(MM) LOCAL EQUITY APPLICANT – Applicant with at least forty percent (40%) Local Ownership. To remain a Local Equity Applicant, a minimum of 40% Local Ownership must be maintained for the entire period of time in which a Local Equity Applicant has a Commercial Cannabis Business Permit. If an applicant does not obtain a Commercial Cannabis Business Permit based upon the local equity status, then that applicant shall not be deemed a Local Equity Applicant.

(NN) LOCAL OWNERSHIP -- Ownership interest(s) held by one or more natural persons who are a resident within the city's corporate boundaries as of the date the application is submitted and who maintain local residency at all times while their ownership interest(s) are used for qualifying as a Local Equity Applicant for one or more Commercial Cannabis Business Permits. Factors used to determine local residency shall include (as applicable) but are not limited to the following: ownership or rental of dwelling unit within the city's corporate boundaries that is the primary residence; California driver's license with a residential address within the city's corporate boundaries that is the primary residence; voter registration at a residential address within the city's corporate boundaries that is the primary residence; residential address within the city's corporate boundaries used for filing state and federal income

tax returns that is the primary residence; and the natural person does not have a homestead exemption in any jurisdiction other than within the city's corporate boundaries. Local Ownership" is subject to ongoing verification under penalty of perjury.

(OO) LOT - A Batch or a specifically identified portion of a Batch.

(PP) M-LICENSE - A state license issued by the state for Commercial Cannabis Activity involving medicinal Cannabis.

(QQ) M-LICENSEE - Any person holding a license by the state for Commercial Cannabis Activity involving medicinal cannabis.

(RR) MANUFACTURE - To compound, blend, extract, infuse, or otherwise make or prepare a Cannabis Product.

(SS) MANUFACTURED CANNABIS - Raw Cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(TT) MANUFACTURER - A licensee that conducts the production, preparation, propagation, or compounding of Cannabis or Cannabis Products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages Cannabis or Cannabis Products or labels or container.

(UU) MANUFACTURING SITE - A location that produces, prepares, propagates, or compounds Cannabis or Cannabis Products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid Commercial Cannabis Business Permit for Manufacturing from the city and, a valid state license as required for Manufacturing of Cannabis Products.

(VV) MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT - Cannabis or a Cannabis Product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5, by a medicinal Cannabis patient in California who possesses a physician's recommendation.

(WW) NONVOLATILE SOLVENT - Any solvent used in the extraction process that is not a volatile solvent. For purposes of this article, a nonvolatile solvent includes carbon dioxide (CO_2) used for extraction and ethanol used for extraction or post-extraction processing.

(XX) NURSERY - A Licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and Cultivation of Cannabis.

(YY) OPERATION - Any act for which a license is required under the provisions of this article, or any commercial transfer of Cannabis or Cannabis Products.

(ZZ) OWNER - Any of the following:

(1) A Person with an aggregate ownership interest of 20% or more in the Person applying for a license, Commercial Cannabis Business Permit or a Licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The manager of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the business applying for a license, or who has a financial interest in the business other than a fixed lease of real property.

(AAA) PACKAGE - Any container or receptacle used for holding Cannabis or Cannabis

Products.

(BBB) PATIENT or QUALIFIED PATIENT - The same definition as Cal. Health and Safety Code Sections 11362.7 *et seq.*, as it may be amended, and which means a person who is entitled to the protections of Cal. Health and Safety Code Section 11362.5.10.

(CCC) PERSON - Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(DDD) PERSON WITH AN IDENTIFICATION CARD - The meaning given that term by Cal. Health and Safety Code Section 11362.7.

(EEE) PHYSICIAN'S RECOMMENDATION - A recommendation by a physician that a patient use Cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code Section 11362.5.

(FFF) PREMISES - The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or Licensee where the Commercial Cannabis Activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-license and an A-license for the same type of activity and such operation is lawful under state and local laws, rules and regulations.

(GGG) PROCESSING - A Cultivation Site that conducts only trimming, drying, curing, grading, packaging, or labeling of Cannabis and nonmanufactured Cannabis Products.

(HHH) PURCHASER - The customer who is engaged in a transaction with a Licensee for purposes of obtaining cannabis or cannabis products.

(III) RETAILER - A Commercial Cannabis Business facility where Cannabis, Cannabis Products, or devices for the use of Cannabis or Cannabis Products are offered, either individually or in any combination, for retail Sale, including an establishment (whether fixed or mobile) that delivers, pursuant to express authorization, Cannabis and Cannabis Products as part of a retail sale, and where the operator holds a valid Commercial Cannabis Business Permit from the city authorizing the operation of a retailer, and a valid state license as required by state law to operate a retailer.

(JJJ) SELL, SALE, and TO SELL - Include any transaction whereby, for any consideration, title to Cannabis or Cannabis Products are transferred from one person to another, and includes the Delivery of Cannabis or Cannabis Products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of Cannabis or Cannabis Products by a Licensee to the licensee from whom the Cannabis or Cannabis Product was purchased.

(KKK) STATE LICENSE - A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in Commercial Cannabis Activity.

(LLL) TESTING LABORATORY - A laboratory, facility, or entity in the state that offers or performs tests of Cannabis or Cannabis Products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in Commercial Cannabis Activity in the state.

(2) Licensed by the State of California.

(MMM) TOPICAL CANNABIS - A product intended for external application and/or absorption through the skin. A topical Cannabis Product is not considered a drug as defined by Cal. Health and Safety Code Section 109925.

(NNN) TRANSPORT - The transfer of Cannabis Products from the permitted business location of one Licensee to the permitted business location of another Licensee, for the purposes of conducting Commercial Cannabis Activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(OOO) UNIQUE IDENTIFIER - An alphanumeric code or designation used for reference to a specific plant on a licensed premises and any Cannabis or Cannabis Product derived or manufactured from that plant.

(PPP) VOLATILE SOLVENT - Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of volatile solvents include, but are not limited to, butane, hexane, and propane.

(QQQ) YOUTH CENTER - Any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or state parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

A request for a cannabis employee permit will only be initiated after securing a favorable recommendation for a Commercial Cannabis Business Permit. If an Owner has employees at the time of submittal of the Commercial Cannabis Business Permit application, a request for a cannabis employee permit can be initiated in advance of issuance of a discretionary land use permit.

(A) Any person who is an employee or who otherwise works within a Commercial Cannabis Business must be legally authorized to do so under applicable state law.

(B) Any person who is an employee or who otherwise works within a Commercial Cannabis Business must obtain a commercial cannabis employee work permit from the city prior to performing any work at any Commercial Cannabis Business.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the city manager or his or her designee(s), and shall include, but not be limited to, the following information:

(1) Name, address, and phone number of the applicant;

(2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least 21 years of age must be submitted with the application;

(3) Name, address of the Commercial Cannabis Business where the person will be employed, and the name of the primary manager of that business;

(4) A list of any crimes enumerated in Cal. Bus. and Prof. Code Section 26057(b)(4) for

which the applicant or employee has been convicted;

(5) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;

(6) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the city manager or his or her designee(s);

(7) A statement signed under penalty of perjury that the information provided is true and correct;

(8) If applicable, verification that the applicant is a qualified patient or primary caregiver;

(9) A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) (1) The applicable city department head or his or her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(a) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in Cal. Penal Code Sections 186.11, 470, 484, and 504a; or

(b) Has committed a felony or misdemeanor involving fraud, deceit, or embezzlement; or

(c) Was convicted of a violent felony, a crime of moral turpitude; or

(d) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(2) Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis employee work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (D)(1)(d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Cal. Penal Code, Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, or (ii) a conviction that was subsequently dismissed pursuant to Cal. Penal Code Sections 1203.4, 1203.4a, or 1203.41 or any other provision of state law allowing for dismissal of a conviction.

(E) The applicable department head or his or her designee(s) shall issue the commercial cannabis employee permit or a written denial to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis employee work permit cannot be issued within this time period, then the city manager or his or her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the city manager or his or her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or his or her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) An employee work permit shall be valid for a 12-month period and must be renewed on an annual basis. Renewal applications shall contain all the information required in subsection (C)

above including the payment of a renewal application fee in an amount to be set by resolution of the city council.

(G) In the event a person changes employment from one Commercial Cannabis Business in the city to another, the work permit holder shall notify the applicable department head or his or her designee(s) in writing of the change within ten days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business in the city.

(H) The city may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in subsection (D) above or if facts become known to the city that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

(I) The city manager or his or her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the city clerk within ten days of the date the applicant received the notice of denial. The city manager or his/her designee shall hear such appeal and his/her decision shall be final and not subject to further appeals.

(K) The applicable city department head or his or her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SEC. 11-456. MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED.

(A) The number of each type of Commercial Cannabis Business that shall be permitted to operate in the city at any one time shall be as follows:

(1) Cannabis manufacturing - Maximum of eight at any one time, with up to three permits issued to Local Equity Applicants.

(2) Cannabis testing lab - Maximum of one at any one time.

(3) Cannabis distributor - Maximum of three at any one time, with up to one permit issued to a Local Equity Applicant.

(4) Cannabis retail - Maximum of 16 at any one time, with up to three permits issued to Local Equity Applicants.

(B) This section is only intended to create a maximum number of Commercial Cannabis Businesses that may be issued permits to operate in the city under each category. Nothing in this article creates a mandate that the city council must issue any or all of the Commercial Cannabis Business Permits.

(C) Each year following the city manager's initial award of Commercial Cannabis Business Permits, if any, or at any time at the city council's discretion, the city council may reassess the number of Commercial Cannabis Business Permits which are authorized for issuance. The city council, at its discretion, may determine that the number of Commercial Cannabis Business Permits should remain the same or be expanded.

SEC. 11-457. COMMERCIAL CANNABIS BUSINESS PERMIT; APPLICATION PROCEDURE.

(A) The city manager or his or her designee shall adopt procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any Commercial Cannabis Business Permit(s), which shall include or require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("review criteria"). The city manager or his or her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the city manager or his or her designee(s) will make a final determination in accordance with this section and shall either deny or approve the final candidates and shall select the top candidates in each category of the Commercial Cannabis Businesses. Notwithstanding anything in this article to the contrary, the city manager's decision as to the selection of the prevailing candidates shall be final and shall not be subject to appeal.

(D) Official issuance of the Commercial Cannabis Business Permit(s) is conditioned upon the prevailing candidate(s) obtaining all required land use approvals. Following the city manager's selection of the Person who shall be issued a Commercial Cannabis Business Permit, the prevailing candidate(s) shall apply to the city's Community Development Department to obtain required land use approvals or entitlements for the permittee's location and use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act. The community development director shall formally issue the Commercial Cannabis Business Permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.

(E) Issuance of a Commercial Cannabis Business Permit does not create a land use entitlement. The Commercial Cannabis Business Permit shall only be for a term of 12 months and shall expire at the end of the 12-month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a Commercial Cannabis Business Permit, unless all of the state and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.

(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a Commercial Cannabis Business Permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each person granted a Commercial Cannabis Business Permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the Commercial Cannabis Business Permit program created in this article.

(I) *Preservation of rights.* The city reserves the right to reject any or all applications. Prior to permit issuance by the City Council, the city may also modify, postpone, or cancel any request

for applications, or the entire program under this article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under state law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this article, may be cancelled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to possible reject for failure to comply with other requirements in this article, an applicant also risks being rejected for any of the following reasons:

(1) Proposal received after designated time and date.

(2) Proposal not containing the required elements, exhibits, nor organized in the required format.

(3) Proposal considered not fully responsive to the request for permit application.

SEC. 11-458. PERSONS PROHIBITED FROM HOLDING A LICENSE OR EMPLOYEE WORK PERMIT.

Any Person who has been issued any of the following actions or notices for non-compliance, shall be prohibited from holding a Commercial Cannabis Business Permit in the city, with such actions or notices also grounds for denial of a Commercial Cannabis Business Permit:

(A) The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other state cannabis licensing authority;

(B) The applicant was notified that they were conducting Commercial Cannabis Activity in non-compliance with this chapter 11 or other city ordinances, codes or requirements in which they failed to discontinued operating in a timely manner;

(C) Evidence that the applicant was in non-compliance of properly paying federal, state or local taxes and/or fees when notified by the appropriate agencies;

(D) The applicant was conducting Commercial Cannabis Activity in the city in violation of local and state law;

SEC. 11-459. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS.

Each Commercial Cannabis Business Permit issued pursuant to this article shall expire 12 months after the date of its issuance. Commercial Cannabis Business Permits may be renewed as provided in section 11-461.

SEC. 11-460. REVOCATION OF PERMITS.

Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to any policy, procedure or regulation in this article.

SEC. 11-461. RENEWAL APPLICATIONS.

(A) An application for renewal of a Commercial Cannabis Business Permit shall be filed at least 60 calendar days prior to the expiration date of the current permit.

(B) The renewal application shall contain all the information required for new applications.

(C) The applicant shall pay a fee in an amount to be set by the city council to cover the costs of processing the renewal permit application, together with any costs incurred by the city to administer the program created under this article.

(D) An application for renewal of a Commercial Cannabis Business Permit may be rejected if any of the following exists:

(1) The application is filed less than 60 days before its expiration.

(2) The Commercial Cannabis Business permit is suspended or revoked at the time of the application.

(3) The Commercial Cannabis Business has not been in regular and continuous operation in the four months prior to the renewal application.

(4) The Commercial Cannabis Business has failed to conform to the requirements of this article, or of any regulations adopted pursuant to this article.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the city or state has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this article, of the city ordinance, or of the state rules and regulations, and the city or state has determined that the violation is grounds for termination or revocation of the Commercial Cannabis Business Permit.

(E) The city manager or his/her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or his or her designee(s) is authorized to impose additional conditions to a renewal permit if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or his or her designee(s) shall be handled pursuant to Sections 11-464 to 11-465.

(F) If a renewal application is rejected, a person may file a new application pursuant to this article no sooner than one year from the date of the rejection.

SEC. 11-462. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

Suspension of a license issued by the state, or by any of its departments or divisions, shall immediately suspend the ability of a Commercial Cannabis Business to operate within the city, until the state, or its respective department or division, reinstates or reissues the state license. Should the state, or any of its departments or divisions, revoke or terminate the license of a Commercial Cannabis Business, such revocation or termination shall also revoke or terminate the ability of a Commercial Cannabis Business to operate within the city.

SEC. 11-463. APPEALS.

Unless specifically provided elsewhere to the contrary, whenever an appeal is specifically provided for in this article, the appeal shall be conducted as prescribed in this article.

SEC. 11-464. WRITTEN REQUEST FOR APPEAL.

(A) Within ten calendar days after the date of a decision of the city manager or his or her designee(s) to revoke, or suspend, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the

decision was not proper.

(B) Within ten calendar days after the date of a decision of the Planning Commission pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(C) At the time of filing, the appellant shall pay the designated appeal fee in an amount, established by resolution of the city council.

SEC. 11-465. APPEAL HEARING.

(A) Upon receipt of the written appeal pursuant to Section 11-464, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.

(B) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the city council shall be final.

SEC. 11-466. APPEAL FROM DECISION OF COMMUNITY DEVELOPMENT DIRECTOR

(A) Within ten calendar days after the date of a decision of the community developer director pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. At the time of filing, the appellant shall pay the designated appeal fee, established by resolution of the city council.

(B) Upon receipt of the written appeal pursuant to subsection (A), the city clerk shall set the matter for a hearing before the Planning Commission. The Planning Commission shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city. The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the Planning Commission shall be final.

SEC. 11-467. CHANGE IN LOCATION; UPDATED REGISTRATION FORM.

Any time the location of the Commercial Cannabis Business or retailer specified in the regulatory permit is proposed to be changed, the applicant shall be required to first secure a new Commercial Cannabis Business Permit, and discretionary land use permit for the new location before moving to that location, with such approvals subject to terminating the Commercial Cannabis Business Permit at the existing location so there is no net increase in the number of Cannabis Business Permits issued within the City. The process and the fees shall be the same as for a new facility and in accordance with the regulations specified in this article. No proposed change in location shall be considered until such time as the original location has first been

opened for business for a minimum of one (1) year consistent with the requirement of the city's regulations.

SEC. 11-468. TRANSFER OF CANNABIS BUSINESS PERMIT.

(A) The holder of a Cannabis Business Permit shall not transfer ownership or control of the permit to another Person unless and until the transferee obtains an amendment to the permit from the city manager or his or her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or his or her designee in accordance with all provisions of this article (as though the transferee were applying for an original Cannabis Business Permit) accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee), and the city manager or his or her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this article. The decision of the city manager is final.

(B) Commercial Cannabis Business Permits issued through the grant of a transfer by the city manager or his or her designee shall be valid for a period of one year beginning on the day the city manager or his or her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this article.

(C) Changes in ownership of a permittee business structure or a substantial change in the ownership of a permittee business entity (i.e., changes that result in a cumulative change of more than 51% of the original ownership) must be approved by the city manager or his or her designee through the transfer process contained in subsection (A). Failure to comply with this provision is grounds for permit revocation.

(D) (1) A permittee may change the form of business entity without applying to the city manager or his or her designee for a transfer of permit, provided that either:

(a) The membership of the new business entity is substantially similar to original permit holder business entity (at least 51% of the membership is identical), or

(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA provided that the Board of Directors (or in the case of an unincorporated association, the individual(s) listed on the City permit application) of the original permittee entity are the same as the new business entity.

(2) Although a transfer is not required in these two circumstances, the permit holder is required to notify the city manager in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No Commercial Cannabis Business Permit may be transferred when the city manager or his or her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a Commercial Cannabis Business Permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(G) Notwithstanding any language in this section to the contrary, no transfer of a local equity ownership interest in a business that obtained its Commercial Cannabis Business Permit as a Local Equity Applicant shall be allowed if such proposed transfer would reduce the local equity

interest in the Commercial Cannabis Business to a level below that required for a Local Equity Applicant.

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

Prior to commencing operations, a Commercial Cannabis Business shall obtain a City of Oxnard business tax certificate, pursuant to Article I.

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

Prior to commencing operations, a Commercial Cannabis Business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the fire department approvals, health department approvals and other zoning and discretionary land use permit(s) and approvals.

SEC. 11-471. CERTIFICATION FROM THE COMMUNITY DEVELOPMENT DIRECTOR.

Prior to submittal of a Commercial Cannabis Business Permit application, a certification from the community development director or his or her designee(s) certifying that the business is located on a site that meets all of the requirements of chapter 16 and this article shall be obtained. A fee shall be established by city council resolution for submittal and processing of this certification.

SEC. 11-472. RIGHT TO OCCUPY AND TO USE PROPERTY.

(A) As a condition precedent to the city's issuance of a Commercial Cannabis Business Permit pursuant to this article, any person intending to open and to operate a Commercial Cannabis Business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner has read this article and consents to the operation of the Commercial Cannabis Business on the owner's property.

(B) The lease, sublease or other agreement to occupy the property must be at fair market value and not have any terms or conditions for the permitee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

SEC. 11-473. LOCATION AND DESIGN OF CANNABIS BUSINESSES.

Specific types of Commercial Cannabis Businesses are subject to the following zoning and locational requirements:

(A) All Cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this article. Manufacturing, testing, and distribution facilities are conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP), as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements: Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(B) All Cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this subsection (B). Retailers are conceptually permitted in property zoned neighborhood shopping center (C-l), neighborhood shopping center planned development (C-l-PD), general commercial (C-2), general commercial planned development (C-2-PD), Coastal Neighborhood Commercial (CNC),, and commercial planned development (CPD), business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements: RiverPark - commercial office, commercial convention, and commercial regional; Sakioka Farms; and Camino Real Business Park.

(C) Compliance with any specific plan requirements.

(D) The property on which any Commercial Cannabis Business is located must also meet all of the following distance requirements:

(1) It shall be no closer than 600 feet of any of the following:

(a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(2) The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(E) Each proposed Commercial Cannabis Business use shall:

(1) Conform with the city's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection

(sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.

SEC. 11-474. LIMITATIONS ON CITY'S LIABILITY.

To the fullest extent permitted by law, the city shall not assume any liability whatsoever with respect to having issued a Commercial Cannabis Business Permit pursuant to this article or otherwise approving the operation of any Commercial Cannabis Business. As a condition to the approval of any Commercial Cannabis Business Permit, the applicant shall be required to meet all of the following conditions before they can receive the Commercial Cannabis Business Permit:

(A) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the city and its officers, officials, employees, representatives, and agents harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the city's issuance of the Commercial Cannabis Business Permit, the city's decision to approve the operation of the Commercial Cannabis Business or activity, the process used by the city in making its decision, or the alleged violation of any federal, state or local laws by the Commercial Cannabis Business or any of its officers, employees or agents.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager.

(C) Reimburse the city for all costs and expenses, including but not limited to legal fees and costs and court costs, which the city may be required to pay as a result of any legal challenge related to the city's approval of the applicant's Commercial Cannabis Business Permit, or related to the city's approval of a Commercial Cannabis Activity. The city may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

SEC. 11-475. [RESERVED]

SEC. 11-476. RECORDS AND RECORDKEEPING.

(A) Each owner and operator of a Commercial Cannabis Business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business Permit issued pursuant to this article), or at any time upon reasonable request of the city, each Commercial Cannabis Business shall file a sworn statement detailing the number of sales by the Commercial Cannabis Business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or his or her designee(s).

(B) Each owner and operator of a Commercial Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone

number) of anyone owning or holding an interest in the Commercial Cannabis Business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the Commercial Cannabis Business. The register required by this paragraph shall be provided to the city manager or his or her designee(s) upon a reasonable request.

(C) All Commercial Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

(D) Each Commercial Cannabis Business shall allow the city to have access to the businesses books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than 24 hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SEC. 11-477. OPERATIONAL STANDARDS.

(A) A permitted Commercial Cannabis Business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business Except as may otherwise be determined by the city manager or his or her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the best practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the discretionary land use permit approval:

(1) Alarm system (perimeter, fire, and panic buttons).

(2) Remote monitoring of alarm systems by licensed security professionals and first responders (Knox box, etc.).

(3) Perimeter lighting systems (including motion sensors) for after-hours security.

(4) Perimeter security and lighting as approved by the police chief, community development department or his or her designee.

(5) Preventing individuals from remaining on the premises of the Commercial Cannabis Business if they are not engaging in an activity directly related to the permitted operations of the Commercial Cannabis Business.

(6) Establishing limited access areas accessible only to authorized Commercial Cannabis Business personnel.

(7) Plan for cash handling as relevant to manufacturing, testing, and distribution operations.

(8) Except for live growing plants which are being cultivated at a cultivation facility, all Cannabis and Cannabis Products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(9) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the Commercial Cannabis

Business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weatherproof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The Commercial Cannabis Business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the city manager or his or her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the city manager or his or her designee(s). Video recordings shall be maintained for a minimum of 90 days and shall be made available to the city manager or his or her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the Commercial Cannabis Business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Oxnard police department by the Commercial Cannabis Business, to facilitate remote monitoring of security cameras by the department or its designee.

(10) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(11) Panic buttons shall be installed in all Commercial Cannabis Businesses with direct notification to Oxnard police department dispatch, and shall be configured to immediately alert dispatch for the Oxnard police department.

(12) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(13) Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.

(14) Security personnel shall monitor premises in accordance with a security plan as authorized by the city manager or his or her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his or her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the police chief.

(15) Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(16) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the Commercial Cannabis Business; or (b) a licensed security professional.

(17) Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(18) Each Commercial Cannabis Business shall demonstrate to the police chief, city manager or their designees compliance with the state's track and trace system for Cannabis and Cannabis Products, as soon as it is operational.

(19) Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

(20) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(B) Each Commercial Cannabis Business shall identify a designated security representative/liaison to the city, who shall be reasonably available to meet with the city manager or his or her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or his or her designee upon request that meets the following requirements:

(1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

(2) Identifies all managers of the Commercial Cannabis Business and their contact phone numbers.

(3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

(4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(5) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business's control.

(6) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

(C) As part of the application and permitting process, each Commercial Cannabis Business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(D) The Commercial Cannabis Business shall cooperate with the city whenever the city manager or his or her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this article. Prevention fire inspectors shall be allowed access to audit buildings for fire life safety concerns on a yearly basis or as determined necessary per the fire marshal.

(E) A Commercial Cannabis Business shall notify the city manager or his or her designee(s) within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or his or her designee(s).

(2) Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.

(3) The loss or unauthorized alteration of records related to Cannabis, customers or employees or agents of the Commercial Cannabis Business.

(4) Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the city manager or his or her designee prior to commencing business operations. The city manager or his or her designee may supplement these security requirements once operations begin, subject to review by the city manager if requested by the business owner.

SEC. 11-478. RESTRICTION ON ALCOHOL AND TOBACCO SALES.

(A) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.

(B) No person shall cause or permit the sale of tobacco products on or about the premises of the Commercial Cannabis Business.

SEC. 11-479. FEES AND CHARGES.

(A) No person may commence or continue any Commercial Cannabis Activity in the city without timely paying in full all fees and charges required for the operation of a Commercial Cannabis Activity. Fees and charges associated with the operation of a Commercial Cannabis Activity shall be established by resolution of the city council which may be amended from time to time.

(B) All Commercial Cannabis Businesses authorized to operate under this article shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each Commercial Cannabis Business shall cooperate with the city with respect to any reasonable request to audit the Commercial Cannabis Business's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the city and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational agreement with the city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this article, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

(A) Commercial Cannabis Businesses may operate only during the hours specified in the Commercial Cannabis Business Permit issued by the city and/or as determined within the discretionary land use permit.

(B) Restriction on consumption - Cannabis shall not be consumed by any employee on the premises of any Commercial Cannabis Business.

(C) No Cannabis or Cannabis Products or graphics depicting Cannabis or Cannabis Products shall be visible from the exterior of any property issued a Commercial Cannabis Business Permit, or on any of the vehicles owned or used as part of the Commercial Cannabis Business. No outdoor storage of Cannabis or Cannabis Products is permitted at any time.

(D) Reporting and tracking of product and of gross sales - Each Commercial Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the Commercial Cannabis Business including, but not limited to, such matters as Cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The Commercial Cannabis Business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review.

Furthermore, any system selected must be approved and authorized by the city manager or his or her designee(s) prior to being used by the permittee.

(E) All Cannabis and Cannabis Products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the state and local regulations.

(F) Emergency contact and emergency response plan - Each Commercial Cannabis Business shall provide the city manager or his or her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each Commercial Cannabis Business must have a fire evacuation plans, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved by the fire and police chiefs or designee.

(G) Signage and notices -

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a Commercial Cannabis Business shall conform to the requirements of the city regulations, including, but not limited to, seeking the issuance of a city sign permit.

(2) No signs placed on the premises of a Commercial Cannabis Business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a Commercial Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the Commercial Cannabis Business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No Commercial Cannabis Business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the Commercial Cannabis Business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.

(H) Minors -

(1) Persons under the age of 21 years shall not be allowed on the premises of a Commercial Cannabis Business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this article for any person to employ any person at a Commercial Cannabis Business who is not at least 21 years of age.

(2) The entrance to the Commercial Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the Commercial Cannabis Business.

(I) Odor control - Odor control devices and techniques shall be incorporated in all Commercial Cannabis Businesses to ensure that odors from Cannabis are not detectable off-site. Commercial Cannabis Businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Commercial Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Commercial Cannabis Business. As such, Commercial Cannabis Businesses must install and maintain the following equipment, or any other equipment which the community development director or his

or her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the Commercial Cannabis Businesses interior and exterior, so that the odors generated inside the Commercial Cannabis Business are not detectable on the outside of the Commercial Cannabis Business.

(J) Display of permit and city business tax certificate - The original copy of the Commercial Cannabis Business Permit issued by the city pursuant to this article and the city issued business license shall be posted inside the Commercial Cannabis Business in a location readily-visible to the public.

(K) Background check - Pursuant to Cal. Penal Code Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a Commercial Cannabis Business must submit fingerprints and other information deemed necessary by the police chief or his or her designee(s) for a background check by the City of Oxnard police department. Pursuant to Cal. Penal Code Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no person shall be issued a permit to operate a Commercial Cannabis Business or a related work permit unless they have first cleared the background check, as determined by the police chief or his or her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the city to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a Commercial Cannabis Business Permit is submitted.

(L) Loitering - The Owner and/or operator of a Commercial Cannabis Business shall prohibit loitering by persons outside the facility both on the premises and within 50 feet of the premises.

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

The city manager or his or her designee may develop other Commercial Cannabis Business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare.

SEC. 11-482. OPERATING REQUIREMENTS FOR TESTING LABS.

(A) Testing Laboratories shall be required to conduct all testing in a manner pursuant to Cal. Bus. and Prof. Code Section 26100 and shall be subject to state and local law. Each Testing Laboratory shall be subject to additional regulations as determined from time to time as more regulations are developed under this article and any subsequent state legislation regarding the same.

(B) Testing Laboratories shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using

verified methods.

(C) All Cannabis Testing Laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Bureau of Cannabis Control.

(D) Testing Laboratories shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Bureau of Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Bureau of Cannabis Control.

(E) Each operator shall ensure that a Testing Laboratory employee takes the sample of Cannabis or Cannabis Products from the distributor's premises for testing required by state law and that the Testing Laboratory employee transports the sample to the Testing Laboratory.

(F) Except as provided by state law, a Testing Laboratory shall not acquire or receive Cannabis or Cannabis Products except from a licensee in accordance with state law, and shall not distribute, sell, or dispense Cannabis, or Cannabis Products, from the licensed premises from which the Cannabis or Cannabis Products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A Testing Laboratory may receive and test samples of Cannabis or Cannabis Products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for Cannabis for medicinal purpose. A Testing Laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the Cannabis or Cannabis Products received.

(H) Approval of Testing Laboratories shall be through approval of a development design review (DDR) permit to be issued by the community development director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

(A) A Distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a Distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Title 16, Cal. Code of Regulations, Section 5000.

(B) After taking physical possession of a Cannabis goods batch, the Distributor shall contact a Testing Laboratory and arrange for a laboratory employee to come to the Distributor's licensed premises to select a representative sample for laboratory testing.

(C) A Distributor shall ensure that all Cannabis goods batches are stored separately and distinctly from other Cannabis goods batches on the Distributor's premises.

(D) The Distributor shall ensure that the batch size from which the sample is taken meets the requirements of state law, specifically the testing provisions within the California Code of Regulations.

(E) A Distributor or an employee of the Distributor shall be physically present to observe the laboratory employee obtain the sample of Cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the

recording kept available to state and local authorities for a minimum of 180 days, pursuant to Title 16, Cal. Code of Regulations, Section 5305.

(F) A Distributor shall not transport Cannabis or Cannabis Products to a licensed retail facility until and unless it has verified that the Cannabis or Cannabis Products have been tested and certified by a Testing Laboratory as being in compliance with state health and safety requirements pursuant to Title 16, Cal. Code of Regulations, Sections 5705, 5710 and 5714.

(G) Approving of Distributor shall be through the approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-484. OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING: EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS.

(A) Cannabis manufacturing facilities requiring a type-6, type-7, type S, or any subsequent created Manufacturing state license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in the city code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the city in containers that exceeds the amount which is approved by the Oxnard fire department and authorized by the regulatory permit. Each site or parcel subject to a Commercial Cannabis Business Permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard fire department.

(C) Cannabis Manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least 99% purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) If an extraction process uses a professional grade closed loop CO_2 gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO_2 must be of at least 99% purity.

(E) Closed loop systems for compressed gas extraction systems must be used and must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the state, or from a state certified professional engineer or state certified industrial hygienist from another state, must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

(1) The American Society of Mechanical Engineers (ASME);
(2) American National Standards Institute (ANSI);
(3) Underwriters Laboratories (UL); or
(4) The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional

engineer and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Oxnard fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

(I) Cannabis Manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(J) Cannabis Manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(K) Cannabis Manufacturing facilities creating Cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(L) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(M) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(N) Approval of manufacturing facilities shall be through approval of a development design review (DDR) permit to be issued by the community development director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

SEC. 11-485. OPERATING REQUIREMENTS FOR STORE FRONT/RETAIL FACILITIES.

(A) No more than the number of cannabis retailers authorized by section 11-456 shall operate within the city at any one time.

(B) Approval of retail dispensaries shall be through approval of a special use permit to be issued by the Planning Commission. The appeal of the approval or denial of such special use permit shall be to the City Council pursuant to Sections 14-464 and 11-465.

(C) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer's possession of a valid doctor's recommendation and state-issued medical marijuana card. Persons 18 to 20 years old who are unable to produce either form of medical documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of Cannabis or Cannabis Products.

(D) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification, and, in the case of medical cannabis facilities, their physician's recommendation, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point of sale

station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the police chief.

(F) Retailers may have only that quantity of Cannabis and Cannabis Products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(G) All restroom facilities shall remain locked and under the control of management.

(H) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this subsection.

(1) The sale and delivery of Cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which Cannabis goods are sold to persons within or about a motor vehicle.

(3) No Cannabis shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All Cannabis goods sold by a Retailer shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where Cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling Cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Cal. Bus. and Prof. Code Chapters 11.4 and 11.5 of Division 3.

(I) Access to retailer premises -

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding subsection (I)(1) above, individuals who are at least 18 years of age and in possession of a valid physician's recommendation or state-issued medical marijuana card shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis consistent with the physician's recommendation.

(J) Authorized sales - A retailer shall only sell adult-use Cannabis and adult-use Cannabis Products to individuals who are at least 21 years of age. A retailer shall only sell medicinal Cannabis or medicinal Cannabis Products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid physician's recommendation. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(K) Limited access areas - A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer

shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the police chief or the development services director upon request.

(L) Operating hours of the store front retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(M) Parking requirements shall be in accordance with the Oxnard City Code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study.

(N) *Store front/retail security requirements.* All security measures required by section 11-477 (operational standards) are directly applicable to and binding on all Commercial Cannabis Businesses, including all Retailers.

SEC. 11-486. OPERATING REQUIREMENTS FOR RETAILERS (A) Retailers that provide delivery are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of 18 years, and to verify that the potential customer has a valid doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

(B) Operating hours of the non-store front Retailer shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(C) The non-store front Retailer shall only sell cannabis or cannabis products to a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses a physician's recommendation for cannabis medical use only, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71.

(D) The non-store front Retailer may only have on-site that quantity of Cannabis and Cannabis Products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.

SEC. 11-487. NON-STORE FRONT RETAILER VEHICLE REQUIREMENTS.

Prior to commencing operations, a non-store front Retailer shall provide the following information to the city.

(A) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver Cannabis or Cannabis Products.

(B) The year, make, model, color, license plate number, and vehicle identification number (VIN) for any and all vehicles that will be used to deliver Cannabis or Cannabis Products.

(C) Proof of insurance as required in section 11-474(B) for any and all vehicles being used to deliver Cannabis or Cannabis Products.

(D) The licensee shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver Cannabis and/or Cannabis Products prior to using the vehicle to deliver Cannabis and/or Cannabis Products.

(E) The Commercial Cannabis Business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

SEC. 11-488. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(A) In addition to any regulations adopted by the city council, the city manager or his or her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of Commercial Cannabis Business Permits, the ongoing operation of Commercial Cannabis Businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this article.

(B) Regulations shall be published on the city's website.

(C) Regulations promulgated by the city manager shall become effective upon date of publication. Commercial Cannabis Businesses shall be required to comply with all state and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or his or her designee.

(D) Testing Laboratories, distribution facilities and special events shall be subject to state law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent state legislation regarding the same.

SEC. 11-489. COMMUNITY RELATIONS.

(A) Each Commercial Cannabis Business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the Commercial Cannabis Business can be provided. Each Commercial Cannabis Business shall also provide the above information to all businesses and residences located within 600 feet of the Commercial Cannabis Business.

(B) During the first year of operation pursuant to this article, the Owner, manager, and community relations representative from each Commercial Cannabis Business holding a permit issued pursuant to this article shall attend quarterly meetings with the city manager or his or her designee(s), and other interested parties as deemed appropriate by the city manager or his or her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this article. After the first year of operation, the Owner, manager, and community relations representative from each such Commercial Cannabis Business shall meet with the city manager or his or her designee(s) when and as requested by the city manager or his or her designee(s).

(C) Commercial Cannabis Businesses to which a permit is issued pursuant to this article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives.

SEC. 11-490. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS.

The person to whom a Commercial Cannabis Business Permit is issued pursuant to this article shall be responsible for all violations of the laws of the state or of the regulations and/or the ordinances of the city whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the Commercial Cannabis Business whether or not said violations occur within the permit holder's presence.

SEC. 11-491. INSPECTION AND ENFORCEMENT.

(A) The city manager, or his or her designee(s) charged with enforcing the provisions of the city code, or any provision thereof, may enter the location of a Commercial Cannabis Business at any time, without notice, and inspect the location of any Commercial Cannabis Business as well as any recordings and records required to be maintained pursuant to this article or under applicable provisions of state law.

(B) It is unlawful for any person having responsibility over the operation of a Commercial Cannabis Business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a Commercial Cannabis Business under this article or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a Commercial Cannabis Business under this article or under state or local law.

(C) The city manager, or his or her designee(s) charged with enforcing the provisions of this article may enter the location of a Commercial Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard city manager or these regulations.

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

It is the stated intent of this article to regulate commercial cannabis activity in the city in compliance with all provisions MAUCRSA and any subsequent state legislation.

SEC. 11-493. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

SEC. 11-494. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the city. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, any permit issued pursuant to this article being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The city may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the Commercial Cannabis Business or persons related to, or associated with, the Commercial Cannabis Activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or his or her designee(s), may take immediate action to temporarily suspend a Commercial Cannabis Business Permit issued by the city, pending a hearing before the city manager, or his or her designee(s).

SEC. 11-495. CRIMINAL PENALTIES.

Each and every violation of the provisions of this article may at the discretion of the district attorney or city attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. Each Commercial Cannabis Business may be cited for any violation of any law and/or any rule, regulation and/or standard adoption pursuant to this article. A fine not to exceed $10,000 for the first violation, $15,000 for the second violation and revocation of the permit for a period of two years after which time the business operator would have to reapply. The fine for operating an unlicensed and/or unpermitted Commercial Cannabis Business shall be $30,000 per day and the issuance of a notice to appear in court. Each day a violation is committed or permitted to continue shall constitute a separate offense. At the discretion of the city manager or his or her designee, higher or lower fines or penalties may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances. Aggravating factors may include, but are not limited to: prior disciplinary history, nature and severity of the act(s), violations, offenses, or crime(s) under consideration, actual or potential harm to the public, actual or potential harm to any consumer, prior warning letters, licensee involvement, premises in high crime area, lack of cooperation by licensee in investigation, appearance and actual age of minor, continuing course or pattern of conduct. Mitigating factors may include, but are not limited to: length of licensure at subject location without prior discipline problems, positive action by licensee to correct problem, documented training of licensee and employees and cooperation by licensee in investigation.

SEC. 11-496. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law."

Section 2. Article XVI of Chapter 7 of the Oxnard City Code (Oxnard City Code Section 7-280 to 7-284) is hereby repealed.

Section 3. Article XV of Chapter 11 of the Oxnard City Code regarding Medical Cannabis Delivery (Oxnard City Code Section 11-390 to 11-403) is hereby repealed.

Section 4. If any section, subsection, phrase, or clause of this Ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrases, or clauses be declared unconstitutional.

Section 5. Within 15 days after passage, the City Clerk shall cause a summary of this ordinance to be published one time in a newspaper of general circulation published and circulated in the City. Ordinance No. 2994 was first read on December 1, 2020, and was adopted on 15 December, 2020, to become effective thirty (30) days thereafter.

The foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Oxnard, State of California, held on the 15th day of December, 2020, by the following vote:

AYES: Councilmembers Basua, Lopez, MacDonald, Madrigal, Perello, Ramirez, and Zaragoza.

NOES: None.

ABSTAIN: None.

ABSENT: None.

Mayor

ATTEST:

R. Chaparro 12/15/2020
City Clerk

APPROVED AS TO FORM:

12/8/2020
Stephen M. Fischer, City Attorney

Attachment

D. TD Enterprise LLC dba Oxnard Holistics Conditional Commercial Cannabis Business Permit

Kathleen Mallory
Planning and Sustainability Manager
Community Development Department
214 South C Street
Oxnard, CA 93030
(805) 385-8370
kathleen.mallory@oxnard.org

TD Enterprise, LLC dba Torrey Holistics
Tony Hall
10671 Roselle Street, Suite 202
San Diego, CA 92121
(Via Email and First Class Mail)

March 1, 2021

Subject: City of Oxnard - Selection of Top Thirteen (13) Retail Cannabis Applicants

Dear Selected Retail Cannabis Applicant:

Congratulations! The City has concluded Phases 2 and 3 of the retail cannabis application review process and you have been selected as one of the thirteen (13) retail applicants to apply for a Special Use Permit. The final rankings are attached.

In accordance with the Retail Cannabis Application Procedures Guideline and Oxnard City Code Section 11-457, the City Manager has reviewed the City Selection Committee's evaluation and accepted the final determination.

The City will be issuing thirteen (13) retail cannabis permits once the process outlined below is completed. Based upon the approved rankings, the top retail applicants are:

1. SGI Oxnard, LLC - 2343 North Oxnard Boulevard
2. TAT OXN LLC dba The Artist Tree - 600 North A Street
3. Haven #8, LLC dba Haven - 220 South A Street
4. TD Enterprises LLC dba Oxnard Holistics - 1013-1015 Harbor Boulevard
5. Blue Enterprises Oxnard LLC dba Cookies Oxnard - 2655 North Vineyard Avenue
6. EEL Oxnard LLC dba Catalyst-Oxnard - 4749 South Rose Avenue
7. Harbor Management Group LLC dba Safeport - 2150 Trabajo Drive
8. Blooming Organics LLC dba Elevate Oxnard - 2731 East Vineyard Avenue
9. Boxnard, LLC - 1970 North Ventura Road
10. Blooming Organics dba Elevate Downtown Oxnard - 156 South A Street
11. Kind Lifestyle Market LLC - dba Kind Lifestyle Market - 911 South Oxnard Boulevard
12. Yuma Way CA, LLC dba Releaf On Vine - 2544 East Vineyard Avenue
13. HPC of Oxnard LLC - 360 West Esplanade Drive

The next step in the retail cannabis application process is for the selected applicants to submit an application for a Special Use Permit (SUP). Retail cannabis applicants will be required to secure approval of an SUP within 12 months of receiving notification that they have been selected to apply for an SUP. Please note that the Commercial Cannabis Business Permit (retail) will not be issued until you obtain an SUP.

To obtain information on how to apply for the SUP and the process to advance your retail permit, please contact Jose Coyotl (805) 385-7863 or Jose.Coyotl@oxnard.org who will instruct you through the next steps in the permitting process.

Congratulations on your successful advancement.

Kathleen Mallory

Kathleen M. Mallory
Planning & Sustainability Manager

c: Alexander Nguyen, City Manager
Ashley Golden, Assistant City Manager
Kenneth Rozell, Chief Assistant City Attorney
Matt Eaton, HdL
Vyto Adomaitis, Director, Community Development
Jose Coyotl, Associate Planner
Project file

Attachment: Final Retail Cannabis Ranking - February 26, 2021

Attachment

E. Notice of Exemption

COMMUNITY DEVELOPMENT DEPARTMENT
OXNARD PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

NOTICE OF EXEMPTION

TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP); PLANNING AND ZONING PERMIT NO. 21-516-024 (Retail): A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site located at 1015 Harbor Boulevard (APN: 191-0-075-015) within the Commercial Neighborhood Commercial (CNC) 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 Kristine Byers on behalf of TD Enterprise LLC dba Oxnard Holistics.

Finding:
The Planning Commission of the City of Oxnard has reviewed the above proposed project and found it to be exempt from the provisions of the California Environmental Quality Act (CEQA).

☐ Ministerial Project
☒ Categorical Exemption
☐ Statutory Exemption
☐ Emergency Project
☐ Quick Disapproval [CEQA Guidelines, 14 Cal. Code of Regs. 15270]
☐ No Possibility of Significant Effect [CEQA Guidelines, 14 Cal. Code of Regs. 15061(b)(3)]

Supporting Reasons:
In accordance with Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, qualifies as a Class 1 Categorical Exemption. This section applies to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination." The Project involves a request to retail cannabis products within an existing industrial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the project may have a significant effect on the environment, the project is categorically exempt from the provisions of CEQA, there is no requirement to prepare an environmental document, and the Planning Commission hereby authorizes and directs the Planning and Environmental Services Manager to file a Notice of Exemption with the Ventura County Clerk.

(Date)	Scott Kolwitz Planning and Environmental Services Manager

Attachment

F. 2030 General Plan Consistency Chart

Attachment F
General Plan Consistency Chart

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

2030 General Plan		**Level I**	**Level II**	**Rationale**
Policy CD-4.1	***Mitigate Land Use Conflicts*** Mitigate conflicts between commercial and other land uses, especially residential and recreational uses.	X		The Project proposes to locate within an established commercial shopping center which allows for retailing of cannabis products. The proposed site would operate with other businesses that engage in similar retail business practices therefore the Project would be compatible. Furthermore, the Project was reviewed for neighborhood compatibility, architectural design compatibility, security, and overall community benefits.
Policy CD-4.2	***Commercial Revitalization and Redevelopment*** Encourage upgrading, beautification, revitalization, and appropriate reuse of existing commercial areas and shopping centers and, especially within redevelopment project areas, continue to develop and implement programs that link commercial areas with their adjoining neighborhoods and increase overall jobs, cales and property valuation.	X		
Policy CD-4.4	***Commercial Area Aesthetics*** Require that older commercial development upgrade/improve landscaping and architecture, if warranted, during discretionary review opportunities.	X		
Policy CD-15.5	***Share of Regional Taxable Sales*** Increase Oxnard's share of tax base and enhance the fiscal health of the City.	X		Cannabis business taxes will be required to be paid as a condition of approval further strengthening the fiscal health of the City.
Policy CD- 17.1	***Retain Local Talent*** Provide opportunities for a variety of local jobs and actively support efforts to retain residents		X	The Project will provide an opportunity for new careers in cannabis retail.

	who have completed higher education.			
Policy CD-18.1	***Attract New Businesses*** Identify and attract a range of commercial, retail and industrial businesses that are compatible with the community's business climate and not detrimental to the existing local economy and environment.		X	The Project will help attract further cannabis related industries which currently are new and have the possibility of improving other local businesses and improving the local economy.
Policy CD-16.5	***Industrial and Commercial Development Standards*** Require high quality development standards that increase the efficient use of existing industrial and commercial development areas so as to preserve agricultural land and minimize adverse environmental impacts.	X		The Project is conditioned to be consistent with the requirements of the Coastal Neighborhood Commercial zone which includes architectural and landscape standards suitable for commercial development.
Policy ICS-19.2	***Police Review of Development Projects*** Continue to require the Police Department to review proposed development project and provide recommendation that enhance public safety	X		The Project's security plan was reviewed and conditionally approved by the Oxnard Police Department to ensure crime prevention through preventive security measures and environmental design.
Policy ICS-19.4	***Crime Prevention Device Requirements*** Require crime prevention devices (e.g. deadbolt locks, peepholes, etc.) in all new development.	X		
Policy ICS-19.5	***Incorporating Security Design Principles*** Encourage crime prevention and defensible space through design principles such as those employed though the National Crime Prevention Through Environmental Design program, Neighborhood Watch Program, and/or other appropriate methods to enhance public safety.	X		
Policy SH-7.2	***Handling of Hazardous Materials*** Require that hazardous materials are used, stored, transported and disposed of within the City in a safe manner and in compliance with local, state, and federal standards.	X		The Project has been reviewed and will be conditioned to maintain and store hazardous material in compliance to local, state and federal standards.

Attachment

G. Zoning Consistency Chart

ATTACHMENT G
Zoning Consistency with
The Coastal Neighborhood Commercial Sub-Zone.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Maximum Building Height OCC Sec. 17-17 (D)(1)	Two stories or 35 feet feet	23.3 feet No Change	YES
Front Yard Setback OCC Sec. 17-17 (D)(3)	10 Feet	65 feet No Change	YES
Side Yard Setback OCC 17-17 (D)(5)	Interior side yard: none required. Street side yard: 10 feet.	10 feet No Change	YES
Rear Yard Setback OCC Sec. 17-17 (D)(4)	For lots abutting a public way or alley: 10 feet. No setback is otherwise required.	90 feet No Change	YES
Vehicle Parking Requirements for Commercial Uses OCC Sec. 16-622	<u>Shopping Center - Neighborhood</u> One space per 250 square feet of gross floor area. Total Required: 64 Parking Spaces <u>Cannabis Retail</u> One parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study. Total Required: 7 Parking Space Total Parking Required: 71	108 Parking Spaces	YES
Bicycle Parking Requirements Commercial OCC Sec. 16-623	Five spaces at each entrance.	A minimum of 10 spaces	YES, as conditioned
Motorcycle Parking Requirements Commercial OCC Sec. 16-624	Uses with more than 25 automobile parking spaces shall provide one designated space for use by motorcycle Required Motorcycle Parking: 1	4 spaces	YES

Outdoor Loading and Storage Areas OCC Sec. 16-644	2 loading spaces per 15,001 - 40,000 square feet of commercial gross floor area Shall be placed in the side or rear yards only and shall be screened. A minimum 12-foot high wall shall be provided adjacent to unloading areas to provide for proper screening. Required Loading Spaces: 2	Legal non conforming loading areas will be utilized along the west side of the building. The loading zone is accessible through a service door from the tenant space rear floor area.	YES, AS CONDITIONED

Attachment

H. Location and Design of Cannabis Business Consistency Chart

Attachment H
Location and Design of Cannabis Business Requirements Consistency Chart

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Cannabis Manufacturing, Testing and Distribution Businesses Siting Criteria and Buffer Requirements Sec. 11-473(A)	Manufacturing, testing, and distribution facilities are conceptually permitted on property that must be located on property zoned M-L, M-1, M-2, and BRP, as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.	N/A	N/A
Cannabis Retail Dispensary Businesses Siting Criteria and Buffer Requirements Sec. 11-473(B)	Retail dispensaries are conceptually permitted in property zoned DT-C, DT-G, C-l, C-l-PD, C-2, C-2-PD, CNC, CPD, and business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements, and input from the business park association (if operational): RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.	The location is within the Coastal Neighborhood Commercial (CNC) zone.	YES
Letter of Support from the Specific Plan Management Company or Association	Compliance with any specific plan requirements, including a letter of support from the specific plan management	The project is in compliance with the CNC zone (see Attachment G). The	YES

Sec. 11-473(C)	company or association	property is not located within a specific plan management company or association area.	
Distance Requirements Sec. 11-473(D)	(1) It shall be no closer than 600 feet of any of the following: (a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12. (b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius. (c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius. (2) The distance specified in this section shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.	The nearest youth center (Neptune Square Park) is approximately 1,309 feet away from the project site.	YES
Findings Sec. 11-473(E)(1)	Conform with the city's General Plan, any applicable specific plans, master plans, and design requirements.	The project is in compliance with the General Plan, Local Coastal Plan, and CNC zone (see Attachment F and G).	YES
Findings Sec. 11-473(E)(2)	Comply with all applicable zoning, and specific plan requirements, and related development standards.	The project is in compliance with the CNC zone district and other pertinent sections of the OCC (see Attachment F and G).	YES
Findings Sec. 11-473(E)(3)	Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and	The project includes Odor Control devices	YES, AS CONDITIONED

	consistency with the surrounding properties.		
Findings Sec. 11-473(E)(4)	Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.	The project is in compliance with the requirements for development (see Attachment G).	YES
Findings Sec. 11-473(E)(5)	Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.	The project is indirectly served by and connected to Highway 101. The proposed use is anticipated to generate traffic in quantities that are consistent with the original commercial uses which were intended to occupy the building.	YES
Findings Sec. 11-473(E)(6)	Be provided with adequate electricity, sewerage, disposal, water, fire protection (sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.	The project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is anticipated to generate traffic in quantities that are consistent with the original commercial uses which were intended to occupy the building. The project has been conditioned to comply with Fire Marshal requirements.	YES, AS CONDITIONED
Cannabis Retail Operating Requirement - Limited Access Areas Sec. 11-485(K)	A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas.	The project is designed with a check in lobby area and a staff click to enter feature to enter the cannabis retail sale floor area. The project has been conditioned to comply with limited access area requirements.	YES, AS CONDITIONED
Cannabis Retail Operating Hour Requirements Sec. 11-485(L)	Operating hours of the storefront retailer license shall be limited to the hours of 9:00 a.m. though 9:00 p.m., seven days a week or reduced as stipulated through the discretionary land use permit.	The project will operate within the hours of 9:00 a.m. and 9:00 p.m. The project has been conditioned to restrict store retail hours based on the operating hour requirements.	YES, AS CONDITIONED

Cannabis Retail Parking Requirements Sec. 11-485(M)	Parking requirements shall be in accordance with chapter 16, article X of the Oxnard City Code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved sparking study.	The project meets the parking requirements.	YES, AS CONDITIONED
Cannabis Retail Storefront/ Retail Security Requirements Sec. 11-485(N)	All security measures required by section 11-477 (operating standards) are directly applicable to and binding on all commercial cannabis businesses, including all retailers.	The project is conditioned to provide security as specified by the Security Plan approved by the Chief of Police.	YES, AS CONDITIONED

Attachment

I. Draft Resolution of Approval for Commercial Cannabis Retail

RESOLUTION NO. XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-516-24 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A COMMERCIAL CANNABIS RETAIL FACILITY WITHIN AN EXISTING 1,740 SQUARE-FOOT COMMERCIAL SUITE OF A 17,615 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 2.39-ACRE SITE LOCATED AT 1015 HARBOR BOULEVARD (APN: 191-0-075-015), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on January 13, 2022, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing and considered an application for Planning and Zoning Permit No. 21-516-24 filed by Kristine Byers on behalf of TD Enterprise LLC dba Oxnard Holistics in accordance with Section 16-530 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan/Local Coastal Plan land use designation of Visitor Serving Center (VSC) and a Coastal Zoning designation of Coastal Neighborhood Commercial (CNC). The Project is surrounded by commercial and residential buildings. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed cannabis retail facility is consistent with the 2030 General Plan, Local Coastal Plan, and the Oxnard City Code and is compatible with the scale and character of other commercial development in the project area. Any projects

requiring discretionary approval would be analyzed with the 2030 General Plan, Local Coastal Program, and the Oxnard City Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed cannabis retail facility will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the commercial uses of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by an established commercial and residential development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a State designated scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code as confirmed by staff on December 22, 2021.

(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the proposed project is consistent with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan, Local Coastal Program, and other adopted policies of the City of Oxnard.**

As described in the Staff Report, the proposed cannabis retail facility is an allowable use within the Coastal Neighborhood Commercial (CNC) zone , subject to approval of a Special Use Permit. As documented in the attachments to the staff report, the Project is in compliance with General Plan, Local Coastal Program, zoning and cannabis regulations. This Resolution includes 188 conditions of approval which were crafted for compliance with the requirements set forth pursuant to OCC Article XVII (Commercial Cannabis Activity) to ensure operational standards were met. Therefore, the proposed cannabis retail use is in conformance with the 2030 General Plan, Local Coastal Plan, Oxnard City Code, and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.**

As described in the Staff Report, the Project will allow cannabis retail within an existing building within an existing commercial shopping center. General and retail uses, and other more intense uses such as restaurants and specialty retail, are allowed uses within the CNC zone which do not require a Special Use Permit. The proposed retail cannabis use requires a Special Use Permit to ensure operational characteristics of the business will be both compatible with and not adversely affect or be materially detrimental to the other uses, buildings or structures within the shopping center.

As the Project will be located more than 600 feet from established commercial cannabis sensitive uses, the Project is consistent with public health, safety and general welfare by City standards. This Resolution includes 188 conditions of approval which were crafted for compliance with the requirements set forth pursuant to OCC Article XVII (Commercial Cannabis Activity) to ensure operational standards were met. After considering extensive testimony about the enhancements the proposal would bring to the tenant space, the Planning Commission finds the increase is customers to the shopping center and the decrease in crime rates experienced at other cannabis facilities with enhanced security, the Planning Commission also finds the Project will not aggravate policing issues when properly

regulated through the imposition of and compliance with the conditions of approval. Based on these factors, the Planning Commission finds this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. Conversely, the Planning Commission finds the proposed use would be a beneficial addition to the shopping center by bringing in new customers, making enhancements to the building and parking areas, and would introduce a private security component which would benefit all tenants within the shopping center. Furthermore, Port Hueneme Chief of Police Andrew Salina has made public comments outlining the reduction in crime Port Hueneme has experienced in areas adjacent to commercial cannabis retailers as a direct result of their operational characteristics including the use of upgraded security systems, private security, and other site specific security plans. As such, this Project meets this finding.

3. **The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

As described in the Staff Report, the Project will be located within an existing development within the Coastal Neighborhood Commercial (CNC) zone which has previously been reviewed and approved to ensure the development is adequately proportional to the size of the property and served by public infrastructure. The existing project site is a developed 2.39-acre lot. Pursuant to the CNC zone, the Project will be located within an existing building designed to be consistent with the development and design standards included within the CNC zone, including, but not limited to, maximum building height, front, side and rear setbacks, landscaping, and equipment screening standards. The existing development is not consistent with the City's parking standards for bicycle parking (10 required). The parking lot will provide parking for a minimum of 108 vehicles, including 4 accessible parking spaces, 34 standard parking spaces, and 66 compact parking spaces, 4 motorcycle spaces, and the project has been conditioned to provide a total of 10 bicycle spaces within the whole of the shopping center's shared parking lot. The project site has a frontage and vehicular access on West Wooley Road, Harbor Boulevard, and Outrigger Way public alleyway. Proposed interior tenant improvements to the site will be reviewed for compliance with CNC zoning and Local Coastal Plan requirements. Given these circumstances, the site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards. Therefore, this Project meets this finding.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

As described in the Staff Report, the project is currently served by existing infrastructure and will continue to be accessed directly from West Wooley Road, Harbor Boulevard, and Outrigger Way public alleyway, which indirectly connects to

Highway 101. The proposed cannabis retailer is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed retail of cannabis products will be served by highways adequate in width and improved as necessary to carry project-generated traffic.

The existing development is not consistent with the City's parking standards for bicycle parking (10 required). The parking lot as designed will provide parking for a minimum of 108 vehicles, including 4 accessible parking spaces, 34 standard parking spaces, 66 compact parking spaces, and 4 motorcycle parking spaces. Based on the configuration of the proposed cannabis retail facility the entire project site requires 2 loading spaces. The project will utilize an existing legal nonconforming loading zone at the souteast side of the building accessed by a service door entrance to the tenant space. The project is consistent with City parking requirements. The project has been conditioned to include a total of 10 bicycle parking spaces within the whole of the shopping center's shared parking lot, to design bicycle space during the building permit process, and provide these spaces prior to a Certificate of Occupancy being issued. The project also includes short and long term parking to support bicycle use. Therefore, the site will be served by streets, highways, transit and bike facilities adequate to provide access to the proposed building and its anticipated uses. As such, this Project meets this finding.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

As described in the Staff Report, the proposed Project will operate within an existing development with minor tenant improvements proposed. The Project has been reviewed by City Departments and divisions who have determined that the project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is not anticipated to generate utility demands in quantities that are different from other commercial uses which have previously occupied the building. Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determined that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to retail cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Manager is

hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 21-516-24 (Commercial Cannabis Business Retail Special Use Permit), subject to the attached conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning and Zoning Permit No. 21-516-24 (Commercial Cannabis Business Retail Special Use Permit), subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of §16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated January 13, 2022 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or

size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

4. By commencing any activity related to the project or using any structure authorized by this permit, the Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

7. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

8. Applicant 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. (PL/B, *G-9*)

9. Before placing or constructing any signs on the project property, Applicantshall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property. (PL/B, *G-10*)

10. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

11. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property, except as provided in a permit issued by the Fire Chief.

12. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

13. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

14. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

State Law and Regulations Compliance

15. The permittee shall comply with all relevant law, ordinance, or regulation of the State of California, City of Oxnard, and any other governmental entity Laws and Regulations at all times during the life of the permit.

16. Wherever a condition requires that something be initially "built," "constructed," "equipped," "installed," "provided" or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be "maintained" in accordance with the condition, requirement or approval.

PLANNING DIVISION STANDARD CONDITIONS

17. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

18. Before the City issues building permits, the Applicant shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director / Planning Commission in all sets of construction documents and specifications for the project. (PL, *PL-3*)

19. Before the City issues building permits, the Applicant shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. The Applicant may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

20. The Applicant may not modify any use approved by this permit unless the Planning Manager determines that the Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

21. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

22. Prior to issuance of building permits, the Applicant shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. The Applicant shall submit a plan showing both the lighting and landscape on the same sheet.

23. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. The Applicant shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. The applicant shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

24. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)

25. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)

26. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)

27. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

28. Applicant shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. *(*PL*, PL-50)*

COMMERCIAL

29. Applicant shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)

30. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)

31. For any exterior utility meter panels, Applicant shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)

32. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

33. Applicant shall restripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)

Special Conditions of Approval

34. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.

35. In accordance with the proposed plans, parking facilities for 10 bicycles shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. The project plans shall be revised to identify bicycle racks, with a minimum of 10 bicycle spaces, to be provided on site near the main front entrance of the building located at 1001-1035 Harbor Boulevard. Bicycle parking area dimensions and location shall be a paved area at least 6’ x 1’6” for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the bicycle rack has been provided and is not in conflict with the applicable

development standards for building in the Coastal Neighborhood Commercial zone district.

The applicant shall submit a bicycle parking plan to be reviewed and approved by the Community Development Director or his/her designee(s). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space and shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.

36. In accordance with Oxnard City Code Section 16-638, parking facilities for 1 motorcycle space shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. Staff shall review all construction documents prior to building permit issuance to assure that the motorcycle space has been provided and is not in conflict with the applicable development standards for building in the Coastal Neighborhood Commercial zone district.

37. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.

38. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

<u>Automatic Expiration</u>

39. The Commercial Cannabis Business Permits shall expire, and be subject to the renewal process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the Certificate of Occupancy pursuant to the Oxnard City Code Section 11-459.

<u>Renewal</u>

40. All Commercial Cannabis Business Permits shall be renewed in accordance with Chapter 11, Article XVII of the Oxnard City Code.

Appeals

41. The permittee shall within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggravated party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. At the time of filing, the permitee shall pay the designated appeal fee, established by Resolution of the City Council from time to time.

Revocations of Commercial Cannabis Business Permits

42. Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to Sections 11-461, 11-462, 11-468, or 11-477 pursuant to any policy, procedure or regulation adopted by the City. The City Manager or his/her designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit's conditions and/or a license issued by the State of California, or by any of its departments or divisions, or if there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which is detrimental to the public safety or health. The City Manager or his/her designee shall immediately inform the Community Development Director and Planning Manager of the suspension and the Planning Manager shall schedule a hearing on the revocation of the permit by the Community Development Director or other competent hearing officer to be held no more than 30-days after the beginning of the suspension. In the hearing, notice will be provided establishing the causal factors that caused the suspension and determination shall be made with the below options:
    a. End the suspension of the permit;
    b. Continue the suspension of the permit pending other legal action;
    c. Amend the permit conditions;
    d. Direct the permittee to change operations or business practices that precipitated the suspension of the permit;
    e. Or, any combination of the above;
    f. And, provide benchmarks and timeline for corrective action to take place.

43. The Applicant agrees suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

Enforcement and Compliance

44. For the life of the permit, the Applicant shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the Applicant or any employee or agent of the Applicant, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

45. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently $134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-24. Additional funds will be required as deposits are depleted to less than the equivalent of 10 hours of the Planning Hourly Fee or as additional funds are needed as determined by the Community Development Director.

46. All operators are subject to all penalties as outlined in Oxnard City Code.

Property Owner Authorization

47. Prior to the issuance of a zone clearance or business license, whichever comes first, the Applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner agrees to use of the property for a Commercial Cannabis Business Permits subject to Chapter 11, Article XVI, Section 11-475 of the Oxnard City Code.

Business Location Transfers

48. Commercial Cannabis Business Permits represent a land use entitlement and cannot be transferred from one location to another unless they comply with the transfer provisions outlined in Chapter 11, Article XVII of the Oxnard City Code.

Business Notification

49. The Applicant shall provide to the City, the name, telephone number, and email address of a community relations contact (community relations officer) designated by Applicant. The community relations contact shall be responsible for responding to complaints, should they arise between the hours of 10:00 p.m. and 7:01 a.m. Complaints shall be addressed within fifteen minutes of receiving the initial complaint

50. The Applicant shall provide the name/phone number/email address for the business community relations officer to all businesses and residences located within six hundred

(600) feet of the commercial cannabis business before operation of the business. The contact name and number shall be prominently posted outside of the facility

51. During the first year of operation, the owner, manager, and community relations officer shall attend quarterly meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss conditions of approval, operations, and overall cannabis activities in the subject location.

52. After the first year of operation should no permit condition(s) violations be identified, the owner, manager, and community relations officer shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Inventory Tracking

53. Prior to issuance of a certificate of occupancy, the Applicant shall have in place a State of California approved point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review at the request of the City. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.

54. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

Onsite Restrictions

55. Sales of cannabis may only occur between the hours of 9:00 A.M. and 9:00 P.M. daily.

56. The Applicant shall conform with the following requirements to prevent minors from having access to cannabis products:
    a. Persons under the age of twenty-one (21) years, or eighteen (18) years with a medical marijuana card, shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Article for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
    b. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

57. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.

58. No outdoor storage of cannabis or cannabis products is permitted at any time.

Operational Requirements for Retailers

59. Sales and service of cannabis or cannabis products is limited to only the customer service area, which consists of approximately 1,740 square feet inside the building as identified on PZ No. 21-516-24 floor plans presented at the Planning Commission public hearing on January 13, 2022 and incorporated herein.

60. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.

61. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

62. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:
    a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
    b. An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Signage and Notices

63. The permittee shall conform with the following Signage Specifications:
    a. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a City sign permit.
    b. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
    c. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
    d. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
    e. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
    f. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business.

Community Benefits Agreement

64. Prior to issuance of a certification of occupancy, Applicant shall enter into a signed and recorded Community Benefits Agreement with the City. Said agreement shall include the following:

65. Retail
    a. One time payment of $250,000
    b. Donation of 1% of gross revenues to the City of Oxnard required to be paid with the associated yearly business license fee. This amount is in addition to the license fee and the City cannabis taxes.
    c. Requirement to hire 75% of the businesses employees from the City of Oxnard, as defined in Chapter 11 of the Oxnard City Code.

BILLING AND LICENSING CONDITIONS

Cannabis Business Tax Certificate

66. Prior to commencing operations, any business engaged in a Commercial Cannabis Business shall obtain a Commercial Cannabis Business tax certificate, pursuant to Article I. The Commercial Cannabis Business taxes imposed by Chapter 11, Article XVI of the Oxnard City Code shall be paid, in arrears, on a quarterly basis to the City Licensing Department.

67. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.

68. On applying for a Commercial Cannabis Business tax certificate, the applicant shall furnish to the tax administrator a sworn statement, on a form provided by the tax administrator setting forth the following:
    a. The exact nature of the Commercial Cannabis Business for which the Commercial Cannabis Business tax certificate is applied;
    b. The street address where such business is to be conducted, the street addresses of the residences of the owners of the business or names and street addresses of the officers or partners if a corporation or partnership;
    c. If the amount of the Commercial Cannabis business tax is measured by gross receipts, the applicant shall estimate the gross receipts for a period of one full calendar quarter. Such an estimate, if accepted by the tax administrator as reasonable, shall be used in determining the amount of the Commercial Cannabis Business tax. However, the amount is only provisional.
    d. At the end of the tax period, the tax administrator may request the certificate to verify gross receipts. Within 30 days of the request, the certificate shall report to the tax administrator the gross receipts during the Commercial Cannabis Business tax period, and the Commercial Cannabis Business tax will be redetermined. If the certificant underpaid the redetermined Commercial Cannabis Business tax, the certificant shall immediately pay the amount due.

Reporting and remittance of quarterly tax payments

69. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.

70. Each person owing Commercial Cannabis Business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating the tax.

71. For the purpose of ascertaining the amount of Commercial Cannabis Business tax owed or verify any representations made by any taxpayer to the city in support of his or her calculation, proof of gross revenues (including but not limited to bookkeeping records,

State and Federal income tax returns, and other records relating to the gross receipts of the business) must be provided prior to obtaining or renewing a Commercial Cannabis Business tax certificate.

72. Quarterly after commencing operations, Applicant shall allow the City of Oxnard officials or their designees to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

73. At all times during the life of the permit, Applicant shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City with respect to any reasonable request to audit the Commercial Cannabis Business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

74. The Applicant shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business permit issued pursuant to Chapter 11, Article XVI, Section 11-476 of the Oxnard City Code), or at any time upon reasonable request of the City, each Commercial Cannabis Business shall file a sworn statement detailing the fiscal value of sales by the Commercial Cannabis Business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s)

<u>Employee Work Permit</u>

75. Prior to issuance of a certificate of occupancy for the Commercial Cannabis Business, all employees are required to comply with Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code which specifies the requirements for employees of cannabis operators; the Cannabis Employee Work Permit is required to be obtained from the City Licensing Department.

76. Cannabis Employee Permit Requirements shall comply with Chapter 11:
    a. Cannabis Employee Work Permit Application;
    b. Cannabis Employee Work Permit Fee $125.00, or as update by the City;
    c. Age and verification of applicant, copy of government ID required (must be at least 21 years of age);
    d. Investigation Questionnaire;
    e. Live Scan (fingerprinting and a recent photograph of the applicant); and
    f. A statement signed under penalty of perjury that the information is true and correct.

77. A Cannabis Employee Work Permit shall be valid for up to twelve (12) months from the date of certificate of occupancy and shall be renewed on an annual basis by the permittee/employer and all applicable employees. If a permit is issued for less than a 12-month basis, then the cost of such permit shall be adjusted on a pro-rata basis.

78. The Applicant and Commercial Cannabis Business employees will be issued a permit in the form of a personal identification card that shall be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Employment Transfers

79. In the event a person changes employment from one Commercial Cannabis Business in the City to another, the work permit holder shall notify the applicable Department Head or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business within the City.

Revocation of Employee Work Permit

80. The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code or if facts become known to the City that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

Appeal of Employee Work Permit Revocation

81. The Applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial/ revocation. Revocation shall follow the provisions contained in Oxnard City Code Chapter 11.

POLICE CONDITIONS

Security Measures

82. The Applicant shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the Best Practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the land use permit approval.

83. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider. The burglar alarm system shall utilize dual technology sensors and be able to differentiate between human and non-human motion. These sensors shall be mounted throughout the premises and specifically include: Secured Lobby, Retail Area, Service Counter, Secured Storage Vault, Intake Area, Employee Break Area, Manager's Office, Corridor and the Roof.

84. An access control system and security personnel shall restrict access to the site to persons engaged directly with the permitted operations of the Commercial Cannabis Business.

85. Security personnel shall remove any person on or about the Commercial Cannabis Business who is not engaged directly with the permitted operations of the business.

86. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

87. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.

88. A security plan shall be approved by the Police Chief or his/her designee(s). The security plan shall include all elements of the alarm system, security camera system, and

access control system. The plan shall also include security policies, cash handling policies, security personnel post orders, and requirements for security patrols during hours the business is closed. The security plan is subject to review on the annual anniversary of the issuance of the permit. Should a deficiency in the plan be discovered through findings during an inspection, a theft event, an audit or other significant event where a flaw in the security plan failed to sufficiently capture or deter a theft, loss of product, or an injury the plan may be amended by the Police Chief or his/her designee(s).

89. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.

90. Security personnel shall monitor premises in accordance with a security plan as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Police Chief.

91. Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

92. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either:
    a. An employee of the Commercial Cannabis Business; or
    b. A licensed security professional

93. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

94. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

95. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

96. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

97. The Applicant shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the City Manager or his/her

designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or his/her designee(s) upon request that meets the following requirements:

a. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
b. Identifies all Managers of the Commercial Cannabis Business and their contact phone numbers.
c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
e. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business' control.
f. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (i) free of individuals loitering or causing a disturbance; (ii) are cleared of employees and their vehicles one-half hour after closing.

98. The Applicant shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. The storage and transportation plan shall be a confidential document that is intended to be reviewed and approved by the City Manager and his/her designee(s) and not available for public consumption.

99. The Applicant shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article. Prevention Fire Inspectors shall be allowed access to audit buildings for Fire Life Safety concerns on a yearly basis or as determined necessary per the Fire Marshal.

100. The Applicant shall notify the Police Chief within twenty-four (24) hours after discovering any of the following:(Section 11.437 (E))

a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the Commercial Cannabis Business.
d. Any other breach of security.

101. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

102. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.

103. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.

104. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the employer intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Commercial Cannabis Business intends to establish and to operate.

105. The Applicant acknowledges no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.

106. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.

107. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

108. Inbound and outbound shipping of product and/or cash shall only occur during daylight hours. Deliveries and departure times of product and/or cash shall be irregular and maintained as a confidential matter known only to those persons who have a need to know.

109. No signage, graphic or symbol displayed visible outside the building shall show that the site is a cannabis business unless the specific sign, graphic or symbol is jointly approved by the Planning Manager and the Chief of Police or their designees.

Exterior Lighting

110. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    a. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
    b. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
    c. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    d. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

111. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes.

112. All exterior lighting shall operate from dusk to dawn.

113. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

114. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.

115. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.

116. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility.

This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above any walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.

117. Safe Room construction shall consist of the below minimum features:
   a. Concrete or CMU wall or walls and/or
   b. Wood or steel stud constructed walls and ceiling wrapped with a metal mesh enveloped under drywall surfacing. Metal mesh shall have a minimum weight of .45 lbs. per sq. ft. and be opened spaced no more than 76%.
   c. Other than doors, openings in the metal mesh walls shall not be larger than 12-inches square to provide HVAC ventilation and similar mechanical access.
   d. Each door and window shall have callouts on plans identifying their size and design features.
   e. Any service windows shall be constructed with a securable metal door or plate and have a vertical opening no taller than 12-inches.

118. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

Operations and Inspections

119. The permittee is authorized to operate the commercial cannabis retail business license between the hours of 9:00 a.m. to 9:00 p.m, subject to lighting requirements of these conditions.

120. Cash handling procedures shall be approved by the police chief or his/her designee.

121. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

122. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.

123. The business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

124. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

125. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

126. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

127. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

128. Scheduled and unscheduled inspections of the site may occur during the business' authorized hours of operation, or under the below listed circumstances:
    a. At a time while the business is closed that is mutually agreed to by the business' management and the Police Department
    b. During any criminal investigation at the business.

129. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

130. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.

131. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

<u>Retail Cannabis Conditions</u>

132. Each customer entering the business shall present a valid form of government issued photo identification. A staff member or licensed security professional shall use an approved "identification card scanner" which verifies the age of the customer. The

security officer will also visually confirm that the person presenting the identification card by matching the person with the card's photo and confirming other data on the card.

133. The permittee shall acquire an "identification card scanner" for use by security officers to screen all customers as they enter the business. These scanners shall have these features:
   a. Determine that the person is legal age to enter the premises.
   b. Records the data from the presented identification including name, address, and date of birth and the time and date of the scan.

Security Camera System

134. A security camera system shall be installed and operated 24-hours a day to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:
   a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
   b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
   c. Cameras shall have low light capability to facilitate the later identify persons involved in criminal or problem activities.
   d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
   e. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
   f. Recorded images shall bear a date and time stamp that cannot be altered.
   g. All entry doorways to the premises shall be monitored by a camera or cameras that are strategically mounted to capture quality images of the heads and shoulders of persons who enter. Such cameras shall be mounted no higher than 7-feet above the floor/ground.
   h. At least one camera shall be dedicated to the point of sale, or equivalent as determined by the Police Chief, to monitor the exchange of money and identification checks for age.
   i. A monitor shall be placed near the primary entrance to the business to show patrons their image has been captured.
   j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
   k. Site management shall provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.
   l. The video system shall be made available to the Chief of Police or his/her designee at all times by means of a secure Internet connection.
   m. Height gauges are required on the interior frame of each exterior door

n. A high definition cloud based-video security system shall be used with a required 90 day tamper proof hard drive or software system pursuant to BCC 5044. System will be remotely accessible by the Chief of Police or his designee at all times. Prior to 90 days, no video will be erased without prior approval from the Chief of Police. At no time shall the business be open if the security system is down regardless of the presence of armed security guards.
o. Cameras shall be mounted outside the business to monitor pedestrian and vehicular traffic around the business. Where possible and practical, cameras will be positioned to capture the faces of persons approaching the business and the license plates of vehicles driving on parking area drive aisles.

Access Control Systems

135. The site shall be equipped with an access control system that shall restrict access throughout the site.
   a. The access control system shall have the capability to add, subtract or modify a cardholder's access.
   b. Access to various areas or rooms within the site will be restricted based on the cardholder's need for access according to the business plan and the security plan.
   c. The primary entry to the site shall be controlled by a card or similar instrument coupled with a keypad to provide entry. A keypad entry will be required for the first access of each business day. Each employee authorized for "opening" entry shall have their own access and their own emergency code.
   d. Access to interior "safe rooms" where product and cash are stored shall require keypad and pass card to enter.
   e. Those persons authorized to utilize keypad entry locations will have two passcodes unique for their use. One passcode for normal entry and one for "distress" entry. The "distress" entry shall be used if the cardholder is entering under distress such as a robbery, kidnap or threat of harm. Permittee shall coordinate with the alarm service provider for this function.
   f. An access card providing universal access to the site shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

136. Intrusion/burglar alarms shall be "dual" technology and have the capability to differentiate between human and non-human motion. Sensor placement shall be in accordance with the business' approved Security Plan.

137. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery. Alarm button placement shall be in accordance with the business' approved Security Plan.

Security Site Plan

138. A Security Site Plan in a pdf format shall be submitted to the Chief of Police or his or her designee and approved prior to the issuance of building permits. The plan shall include:
    a. The plan shall identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.
    b. The plan shall include a chart shall identify each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).
    c. The plan shall identify any area which is served by an intrusion/burglary alarm system.
    d. The plan shall identify the location of each panic alarm installation.
    e. The Security Site Plan shall identify all the components of the access control system, their location and a chart that identifies each instrument with an alpha-numeric with the device name, make and model.

139. The Security Plan includes all matters relating to the security camera system, access control system, alarm system, security officer post orders, security site plan and other documents related to the safe and secure operation regulated under this permit. An updated Security Plan in a pdf format shall be submitted to the Police Department to specialprojects@oxnardpd.org under any of the below circumstances:
    a. Any modification to the site that changes the location of walls, doors or windows.
    b. Any system upgrades or significant changes to the security camera or access control systems.
    c. Or, when deemed appropriate by the Chief of Police or his or her designee based on security deficiencies discovered during any inspection of the site or any violation of the conditions of this permit.

140. Any component of the security system including all elements of the alarm, camera and access control systems are subject to replacement, upgrades, adjustments or additions should any of these circumstances occur:
    a. Equipment is outdated and not up to current industry standards or formats.
    b. Or, through the oversight process exercised by the City of Oxnard or the State of California, deficiencies are discovered in the security and monitoring equipment which can be addressed through the adjustment or addition of security equipment.

141. The permittee shall create and maintain Post Orders for security officers working at the site. Post Orders shall be a "living document" and shall be subject to change based on operational experiences, noted deficiencies, and recommendations by the Oxnard Police Department. These orders shall outline the following:
    a. Specific duties and responsibilities for each security officer.

b. Procedures security officers shall follow during normal operations, emergency circumstances and when a crime is discovered.
c. Post orders shall delineate activities that security officers shall not perform as they distract or interfere from their security role.
d. Post Orders shall be identified by the last approved revision date and shall include the approval of the permittee and a designee from the Oxnard Police Department. Each updated revision shall be reviewed and acknowledged by each security officer working the site.
e. The Post Orders shall be reviewed and approved by the Oxnard Police Department prior to the issuance of the permit and shall be subject to revision as part of any inspection.
f. A copy of the current approved version of the Post Orders shall be available on-site for review by any security officer assigned at the site or any representative of the City of Oxnard visiting the site.

Notifications

142. The permittee shall establish and maintain the following to facilitate communication and notifications between the permittee and the Oxnard Police Department:
a. Identify two management level employees as points of contact 24-hours a day, 7-days a week available to respond to the site in the event of an emergency or unlawful entry at the site.
b. A designated email address for the Oxnard Police Department to use for notifications pertaining to the business.
c. The management "points of contact" and the email address for notifications shall be provided by an email to: specialprojects@oxnardpd.org and shall include the names of the point of contact managers, their positions within the business and their phone numbers.
d. The Oxnard Police Department may establish additional staff members as points of contact for the permittee.

143. The Police Chief may temporarily suspend this permit pending a hearing as outlined in Article V of the Oxnard City Ordinance under any of the below circumstances:
a. Discovery of any controlled substance or product classified in Schedules I, II, III and IV of the Uniform Controlled Substances Act of the Health and Safety Code and not identified as being permitted at the site within the scope of this permit or an authorizing permit issued by the State of California.
b. Failure to maintain security features at or above industry standards, failure to correct security deficiencies required in these conditions in a timely manner, and/or failure to accurately or timely report a loss or theft of product as required under this permit.
c. Any sales or transfer of cannabis products outside the restrictions, regulations and tracking mechanisms established through this permit or related cannabis permits issued by the State of California.

144. Bollards or similar barriers shall be placed in front of all windows that the bottom sill is lower than 30-inches above grade and the windows are in close proximity to a vehicle driving surface. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.

145. All applications of window tinting shall be identified on submitted security site plans. "Black-out" tinting will not be allowed. Tinting that provides for clear outward viewing but blocks viewing from the outside is allowable.

146. Windows shall be protected by either of the following technologies:
   a. Interior mounted security screens that are 50% see through which allows the interior of the business to be seen during hours where the screen is secured.
   b. A transparent material that can withstand the impact of a sledge hammer or similar impact tool without breaching the window sufficiently to create a puncture hole of any size.

147. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

<u>Cannabis Deliveries</u>

148. All deliveries of cannabis shall require the following:
   a. The persons making the delivery shall be a minimum of 21-years of age.
   b. Cannabis products for delivery shall be locked in the truck of the vehicle or secured in a non-portable box or storage unit in the passenger compartment during transport.
   c. Each driver making a cannabis delivery shall check the identification of the person depicted on the identification is of age and is the person receiving the delivery. The driver shall ensure the recipient of the cannabis product is 21-years of age, or 18 years of age and possess a cannabis medical card. The driver shall photograph or scan the identification using an identification scanner to record and verify the age of the person taking record of the delivery.
   d. The permittee shall provide information on any website menu that clearly states that all deliveries that include cannabis will require the recipient of the cannabis products to present their government photo identification as proof of age. Recommended language for on-line menus: " The City of Oxnard required the delivery driver to photograph and scan a government issued photo identification of the recipient of all deliveries of cannabis products.
   e. The permittee shall require that staff members taking phone orders for delivery of cannabis products shall advise customers of the requirements under subsection "(c)" of this condition.
   f. On-line orders for delivery which include cannabis products shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.

Police Special Conditions

149. The unit's address "1015" shall be painted on the exterior of each rear door of the business in numerals that are 3-inches in height.

150. The unit's address "1015" Shall be painted on the roof of the business in numerals that are 3-feet in height.

151. The property shall have and maintain at each vehicle entrance signs posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.

152. One parking stall at the rear of the business shall be dedicated to applicant's use for delivery vehicle parking only. The stall shall be in close proximity to the rear door of the business and shall be clearly marked with a sign posted on the wall. The sign shall be no less than 17-inches by 22-inches and the lettering shall be not less than one inch in height. The sign shall state: "Authorized Delivery Vehicle Parking Only All Others Subject To Tow Away. 22658(a) CVC.

153. Cannabis retailers shall participate in Police Department and Community drug awareness and educational programs. This participation may include but not be limited to the circulation of informational flyers, staff training opportunities, and DUI educational materials.

FIRE DEPARTMENT STANDARD CONDITIONS

154. Applicant shall construct all vehicle access driveways on the project property to be at least 26 feet wide. The Applicant shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. The Applicant shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)

155. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)

156. Before the City issues building permits, the Applicant shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)

157. At the Applicant's expense, Applicant shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. The Applicant shall obtain permits for the tests from the Engineering Division.

Applicant shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)

158. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)

159. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)

160. At all times during construction, the Applicant shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)

161. The Applicant shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

162. The Applicant shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, F-9)

163. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)

164. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, F-11)

165. The Applicant shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)

166. The Applicant shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)

167. The Applicant shall install in each structure in the project where automatic fire sprinklers are installed a system that automatically opens the skylights in areas affected by fire before the fire sprinklers are activated. (FD, F-14)

168. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)

169. The Applicant shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Applicant shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

170. Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other projections that are 48" or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

171. Before the city issues a certificate of occupancy, the Applicant shall install a Knox key vault at a location to be determined by the Fire Department.

172. The Applicant shall allow installation of public safety radio equipment in the tower, steeple, roof or other elevated portion of the building. Such equipment shall not conflict with the architectural design of the building and shall comply with zoning and planning requirements and conditions.

173. The Applicant shall provide the City Manager or his/her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each commercial cannabis business must have a fire evacuation plan, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved annually by the Fire Department.

ENVIRONMENTAL RESOURCES DIVISION

174. Applicant shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Applicant shall arrange for self-hauling.

175. FOR COMMERCIAL/INDUSTRIAL PROJECTS: To be in compliance with state law, Applicant shall make provisions to divert a minimum of 50%, with an aim of diverting 75% to achieve the new state diversion goal, of the waste material generated during occupancy through source reduction, recycling, reuse, and organics collection programs. Applicant shall submit an " Environmental Resources Division Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. The Occupancy Plan must clearly state how recyclable and organic material will be managed on site to be in compliance with applicable state law, including what service provider(s) will manage/transport materials to appropriate facilities. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

176. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

177. Developer shall install on-site and off-site electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)

178. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

179. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

180. Developer shall pay the cost of all inspections of on site and off site improvements. (DS-22)

181. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

182. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

183. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

184. Developer shall verify that the existing sanitary sewer and water services are adequately sized to serve the proposed improvements and provide the information on the improvement plans. (DS)

185. Show all applicable existing and proposed utilities (sewer, water, storm, gas, electrical) affected by the proposed improvement on the site engineering plan. (DS)

186. The project shall comply with the latest California Building Code disabled access requirements. (DS)

187. Developer to verify that the running slope of each curb ramp at the existing driveway approaches on West Wooley Road and South Harbor Service Road not exceed 8.33 percent running slope. Unless directed otherwise by City Engineer, the Developer to installed surface-applied Americans with Disabilities Act (ADA) tiles by Armor-Tile Tactile Systems or approved equal at these curb existing ramps. (DS)

188. Developer shall remove the newspaper stand/rack located at the curb ramp landing at the south-west corner of the project site. (DS)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 13th day of January 2022.

_____
Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 13th day of January 2022, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____
Scott Kolwitz, Secretary

Attachment

J. Public Comment Letters

Lai, Dee <dee.lai@oxnard.org>

[Ask Planning Action] Mandalay/Oxnard Shores

1 message

Dan Nicholas <dannichola@gmail.com> Sat, Nov 20, 2021 at 1:24 PM
To: bert.perello@oxnard.org, Planning@oxnard.org

Greeting Mr. Perello and others as required,

My name is Dan Nicholas and I am a resident on Terramar Way in Oxnard Shores. I would like to address some issues we currently face in our small beach community.

Pot Shop:

As you know, there is a proposal to have a "Pot Shop" operation at the small strip mall on Harbor and Wooley. This location serves as the communities main-street with a liquor/convenience store, a restaurant (with a full bar), and a local brewery. These businesses coexist nicely with the pizza company, surf shop, bakery and other service vendors. It is currently a nice mix of businesses that we support as members of this community.

Adding a Pot Shop to this mix is not stuff made of a caring and responsible Chamber of Commerce. It will house the largest centralized store front and square footage making it the cornerstone of the mall, not to mention it will be open a staggering 7 days a week from 9am to 9pm. In a meeting with the owners last week, they exclaimed that they will have security....What? So you're telling me we now need a security guard? For what? What do we need protection from? What can go wrong? We certainly do not need security now.

This shop needs to be moved to a larger mall or a location consistent with "medical treatment" as they state, not in a small family community that has few local options for entertainment we can walk to..

Oxnard Airport:

This issue is unbelievable to me. We have been here over eight years and we are still fighting with the airport for over-flying our homes. I have called repeatedly for them to turn over the fields instead of our homes. It makes sense, right? But with the thousands of complaints and committees meeting with airport authorities, nothing has been resolved. They have thumbed their noses at us and the city as this is still unresolved. Now there is a runway expansion and no one will tell us why.

Mr. Perello, these are serious community issues facing our district and we need serious city officials to fight for the welfare of our tranquil beach community.

Please feel free to call me to discuss any of the aforementioned issues.

Regards,
Dan Nicholas
Veteran, USAF
818.631.6103

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: Why here? Marijuana store Oxnard Shores

---------- Forwarded message ---------
From: **David Runyan** <derunyan@earthlink.net>
Date: Sun, Nov 7, 2021 at 1:49 PM
Subject: Why here? Marijuana store Oxnard Shores
To: <john.zaragoza@oxnard.org>, <bryan.macdonald@oxnard.org>, <gabe.teran@oxnard.org>, <oscar.madrigal@oxnard.org>, <gabriela.basua@oxnard.org>, <vianeyforoxnard@gmail.com>

Dear Oxnard City Council:

It has come to our attention that you are approving a Marijuana store for our Oxnard Shores Shopping Center. Our home of over 25 years is located in the Shores neighborhood about 600 feet from this strip mall. We are a small close knit community at the Shores. As you may or may not be aware of there are many homeless living in the dunes near our neighborhood as well as many homeless in the Ventura camp not far away. These folks frequently ride bikes or walk through our neighborhood, even camping between houses and even forcing homeowners to lock their water faucets.

The majority of our neighbors are in their retirement ages and enjoy walking in the neighborhood, it is inconsiderate for our City Council to burden our tax paying residents so that they feel uncomfortable being approached or even mugged by people who have no stake in our community.

There have been numerous break ins to cars and property in the Shores and Silver Strand neighborhoods according to Oxnard police department records. We have always been a community oriented neighborhood and appreciate the help from our police department

For these reasons we rightfully DO NOT want any business that might be a reason for increasing crime in our neighborhood in order to get money to buy marijuana in our close, easy in and out, neighborhood shopping mall.

We realize that revenue from these businesses might be helpful to raise revenue however our tax dollars support the police, fire and all support for our wonderful city of Oxnard. Any revenue that the City of Oxnard would receive from this type of business is selling our neighborhood short. Therefore we ask that you refuse this type of business in our Oxnard Shores community.

Respectfully,

Debra Kelly

Dlkelly1@earthlink.net

David Runyan

derunyan@earthlink.net

Oxnard Shores resident for over 25 years.

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] New Pot Shot

1 message

Lai, Dee <dee.lai@oxnard.org> Fri, Nov 19, 2021 at 11:24 AM
To: Judith Greenstate <greenstatej@yahoo.com>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>

Hi Judith,
Thank you for your email. I am copying the planner Jose Coyotl to follow up with you.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

We welcome you back to the Service Center!

Our doors are opened to the public from 8:00 a.m. to NOON, Monday through Thursday and on our open Fridays. Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

When visiting the Service Center, please wear a mask and observe social distancing guidelines until further notice.

On Fri, Nov 19, 2021 at 11:15 AM 'Judith Greenstate' via Planning <planning@oxnard.org> wrote:

> Please consider our Neighborhood objection to granting
> a permit to the Pot Shop.
> It doesn't belong in our small neighborhood shopping area !
> Thank you for your consideration!
> Judith Greenstate
> 5141 Neptune Square
> Oxnard , 93035
> 805-9851786
> Sent from my iPad

JOSE COYOL
CITY OF OXNARD
214 S. E STREET
OXNARD, CA 93030

RE: 1015 HARBOR BLVD.

I AM 100% OPPOSED TO THE CANNABIS RETAIL STORE PROPOSED AT THE NEIGHBORHOOD SHOPPING CENTER.

NEVER SAW OR READ PUBLIC HEARING NOTICE OF PROPOSED ORDINANCE AMENDMENT, I AM DISAPPOINTED THE CANNABIS ORDINANCE WAS PASSED DURING THE PANDEMIC. I WOULD HAVE BEEN 100% OPPOSED TO MODIFYING THE CITY CODE TO ALLOW POT SHOPS.

I VOTED FOR MEASURE E. NEVER BEFORE HAVE I SUPPORTED TAXING MYSELF. I DID SO TO PREVENT THE CITY FROM GOING AFTER TAX REVENUE THAT HURTS IT'S CITIZENS. I FEEL BETRAYED. NEVER, EVER, WILL I VOTE FOR A CITY TAX, AGAIN.

THE CITY IS BROKE, DUE TO INEPT PAST LEADERS AND COUNCIL, DUE TO THEIR INCOMPETENCE, THE CITIZENS OF OXNARD MUST PAY, BY ALLOWING HARMFUL USES INTO RESIDENTIAL ZONES (25' AWAY), AND INCOMPATIBLE USES.

I HAVE CONCERNS REGARDING: POT ADVERTISEMENT. CURRENTLY, PROP 64 WAS APPROVED TO SHIELD KIDS FROM POT ADVERTISEMENT. VOTER APPROVED 2016, BAN ADS AIMED AT KIDS. THE CANNABIS INDUSTRY FOUND A LOOPHOLE TO PLACE BILLBOARDS ALONG FREEWAYS. WITH POT ADS. CURRENTLY, THE ADS LINE HIGHWAY 101 AND HARBOR AND OXNARD BOULEVARD. CITY STAFF CONDITION PROJECT TO REMOVE ADS BEFORE ANY APPROVAL. IF THE BILLBOARDS ARE IN COUNTY, GET WITH COUNTY. DO YOUR JOBS!

SECURITY- ARMED GUARDS, LA TIME, LA WEEKLY, FORBES ARTICLES DETAIL ARMED ROBBERIES AND BURGLARIES OF POT STORES. SMASH AND GRABS. I PREDICT A SHOOTOUT BETWEEN ARMED GUARD AND ROBBERS, WITH AN INNOCENT BYSTANDER SHOT.

I WATCHED/READ WITH GREAT CONCERN THE APPROVAL OF POT SHOP AT THE ROSE. THE CITY WOULD RATHER HURT ITS KIDS, WITH WEED SHOPS, RATHER BURLINGTON COATS. IT SURE APPEARED TO ME, CITY STAFF + ATTORNEY, BIAS PROPONENTS FOR POT SHOP. IN CHINA THEIR KIDS LEARN STEM. OUR KIDS' INUNDATED WITH BAD CHOICES.

THEME- POT SHOPS ARE CONCENTRATED, SMALL TOWN. OUR WEED SHOPS SPREAD OUT. SLOW POLICE RESPONSE. POLICE SUPPORT POT SHOPS = JOB SECURITY. REASONS TO HIRE MORE POLICE OFFICERS. I SUPPORT MORE POLICE, NO to POT.

HOLISTIC- BULL. RUB CBD LOTION AND OIL. POT IS HARMFUL SMOKE. MY NEXT DOOR NEIGHBOR SMOKES WEED. SECOND HAND SMOKE IS TOXIC. SMELLS LIKE SKUNK. YOUNG AND OLD PARK AT BEACH, (5TH + MANDALAY BEACH) SMOKE WEED FOR HOURS. THEN DRIVE OUR SMALL RESIDENTIAL STREETS, FILLED WITH DOG WALKERS, KIDS, BICYCLISTS, RUNNERS) UNDER THE INFLUENCE OF DRUGS + BEER. WEED COULD LEAD TO HARDER DRUGS, FENTANAL DEATHS.

OUR KIDS - WE HAVE 5 KIDS THAT ARE HOME SCHOOLED WITHIN 100 FEET OF THE PROPOSED SHOP/SHOPPING CENTER. THE KIDS AND PARENTS, TAKE RECESS AND WALK TO STORES IN SHOPPING CENTER FOR A TREAT. DONUTS, DRINKS AND ICE CREAM. NOW, THEY'LL HAVE TO NAVIGATE AROUND A WEED SHOP.

CURRENT SHOPPING CENTER CONCERNS - HOMELESS LIVE IN SURROUNDING DUNES ALONG 5TH, HARBOR AND WOOLEY. THEY FREQUENT OUR LITTLE SHOPPING CENTER. CAMP AT LAUNDROMAT, PANHANDLE FOR BEER MONEY AT LIQUOR STORE. SLEEP IN ANY SPOT THEY FIND ON SHOPPING CENTER GROUNDS. THEY ALSO CAMP ON NICE BENCHES, TO EAT + VISIT, TAKEN OVER RIGHT IN FRONT OF PROPOSED HOLISTIC CENTER (HX) CONDITION - REMOVE BENCH/NO LOITER!

THE CITY IS BROKE. ONCE AGAIN, OXNARD CITIZENS BAILED THE CITY OUT. ONLY TO BE STABBED IN BACK BY POLITICIANS AND LEADERSHIP. I URGE DISTRICT 1 BERT PERILLO, VOTE NO, AND THE OTHER COUNCIL. DON'T SHOW OUR YOUTH POT IS OKAY MAKE IT INVISIBLE TO KIDS NO ADVERTISING. PLANNING COMMISSION PLEASE VOTE NO.

THE POT INDUSTRY IS NOT THE CITY'S FRIEND. THEY ARE GETTING FOOT IN DOOR. IGNORE AND LOOK FOR LOOPHOLES ON RULES MADE FOR THEM. POT INDUSTRY AGREED TO A CALIFORNIA TAX, OF COURSE, THEY AGREED TO ALL RULES TO GET IN, NOW, THEY'LL FIGHT ALL RULES AND IGNORE OTHERS. FIGHTING THE TAXES THEY OWE, THEY AGREED TO.

DON'T SELL OUT YOUR CITIZENS, YOU'LL HAVE TO LIVE WITH RESULTS, THE HEADLINES YOU'LL BE RESPONSIBLE FOR, ON YOUR HANDS, VOTE NO, COUNCIL, ON POT SHOPS IN RESIDENTIAL NEIGHBORHOODS.

Michael Smith

MICHAEL SMITH -
5105 BREAKWATER WAY
OXNARD, CA 93035
(805) 444.6904

Coyotl, Jose <jose.coyotl@oxnard.org>

Planning Commission

1 message

Depietro, T J <t.j.depietro@lmco.com> Mon, Nov 22, 2021 at 6:41 AM
To: "jose.coyotl@oxnard.org" <jose.coyotl@oxnard.org>

Jose,

Can you please add me to the interest list or the Planning Commission meeting to discuss the dispensary planned to be located in the shores off harbor blvd?

A couple of points for consideration;

1. Of the ~12000 housing units in the shores, ~9900 are occupied at any time. Of those ~5800 are owner-occupied with 4100 renter occupied. The avg household size is 3. Based on that;
    a. A significant number of owners are not in residence, using the properties part-time. Many live part-time out of state. When the City sends out meeting notices to discuss this development, such as the workshop that took place this month, many of us did not get the notice until AFTER the meeting was complete and as such could not express our opinion in the open forum
    b. Most us the owner HAD NO IDEA of the plans to build a dispensary. The only reason I even knew about it is that a neighbor put up signs advising us.
    c. The applicant, at the workshop, stated that they had spoken to “90 residents” and that the response was “positive” to their development. Regardless of the fact they had no evidence of this, looking at the numbers above (9900 residences occupied by 3 people ea. Or 29700 people), they “canvassed” only 0.3% of residences. This appears to be a half-hearted attempt at being able to say that they did due diligence. They did not and frankly neither did the city in attempting to advise owners
2. Ordinance 2994 Sec 11-457(f) states that the City Manager reserves the right to reject an application if it is determined that it would be in the best interests of the city taking into account the “health, safety, and welfare impacts on the community”
    a. I would like to suggest, as an owner on Outrigger Way, that it is NOT supportive of the health and welfare of the community to have this establishment in the location proposed. This is a spot where every morning, elderly people walk their dogs and meet at the bakery for coffee. It is a place where mothers walk their kids to get donuts and where kids wait to take the bus to school. It is not in any way typical of the areas where a prudent city manager would consider a dispensary.
    b. In addition, it is an area where neighbors are incredibly vigilant of what goes on in the area. I guarantee a dispensary in this area will lead to MANY calls to the city and to the police at all hour of the night as neighbors keep an eye on the goings on. Heck, if I forget to put out my trash someone comes to tell me!
    c. This is now one of the most expensive areas in Oxnard. One would think the city would like to see that growth continue without negatively impacting property values and angering the voters with the means and time to support campaigns of their choice. For one, my choice will be a complete overhaul of the current administration should they support this.
3. Ordinance 2944, Sec 11-473 states that the location must be served by highways of adequate width and improved as necessary to carry the kind of traffic that such use shall generate. That location as you know if fronted not by Harbor blvd., but by S. Harbor Service Blvd. A very narrow road that can barely handle 2 cars at once. West Wolley Road, the other road adjacent to the property will already be overwhelmed by the population of the new condo development on that corner.

In nay case. Id like an invitation to the Planning meeting to discuss. Email is preferred as snail-mail is not getting these notices to us in time to participate.

Thanks

T.J. De Pietro

IT Director – Aero Engineering, Business, & Advanced Development

Lockheed-Martin Aeronautics Company

Lai, Dee <dee.lai@oxnard.org>

[Ask Planning Action] Permit # 21-516-24 Oxnard Shores commercial cannabis retail at Harbor and Woolley rd

1 message

'yc bagnay' via Planning <planning@oxnard.org> Wed, Dec 8, 2021 at 1:13 PM
Reply-To: bagnay@yahoo.com
To: bert.perello@oxnard.org, planning@oxnard.org

I'm a concerned homeowner of the Oxnard Shores community. I am against the opening of a Cannabis Retail Permit # 21-516-24 in my residential neighborhood.

We already have a liquor store, a brewery, a bakery (mainly doughnuts) and pizza place in the approx 7 storefront shopping center. As is, I am hesitant to walk my dog there in the evening, due to the boisterous people hanging out outside, the storefronts and smoking. I have to walk around quite a few people laying on the sidewalk, early in the morning, and have to walk around angrily shouting people (they seem homeless, and not in their right mind. I see people walking around drunkenly, and have also noticed parked cars at the beach areas where the smell of cannabis smoke wafts through the open window. Or sitting at a beach/ oxnard park bench. These people are using illegally, and will be driving home under the influence. Harbor Boulevard has become so busy, also the harbor blvd/wooley intersecition is dangerous, due to the parallel service road. Nobody seems to know what the rules are, for pedestrians, nor cars coming from the service road. I can just imagine with more traffic coming.

I voted for Cannibis, however the storefronts need to be in large shopping centers, where people go to shop, get in the car, and take their purchases home. This area is just a small community, with plenty of cannibis retail stores just within 3-5 miles in Port Hueneme. I understand we are considered Oxnard, however I think it needs to be taken in consideration how many of these shops there need to be within a certain radius.

I am also disappointed that you would allow this TD Enterprise, a corporation who is not even a local resident. It would be nice if we could get local business owners. When I saw the sign for a Tacos selling sign up at that address, I thought a little mexican food place would be good, since they've been parking mexican food trucks near there. Was I surprised with that deceiving advertisement to realize it was going to be a Cannabis retail!!

Please do not allow this type of Retail here in this small neighborhood shopping center, there are already enough mind altering stores there.

Sincerely,
Yolanda Bagnay
5103 Terramar Way,
805-814-2244

Attachment

K. Staff Presentation

PZ 21-516-24
TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP)
1015 Harbor Boulevard
(APN: 191-0-075-015)

Planning Commission Hearing
By: Jose Coyotl, Associate Planner

January 13, 2022

CITY OF OXNARD CALIFORNIA

Project Description

- A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre.

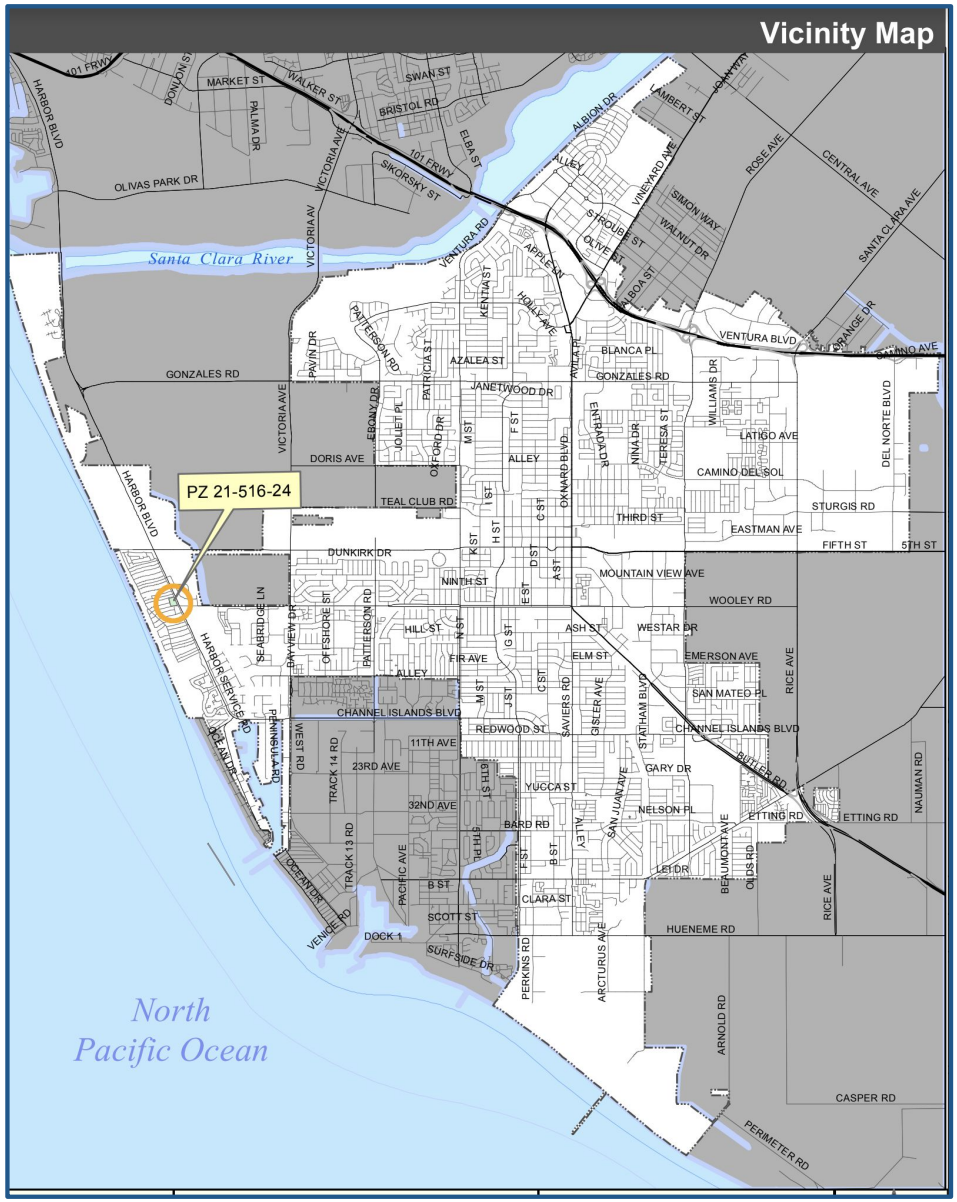
- As part of the project there will be a tenant improvement consisting of
  - the installation of new partition walls
  - security upgrades to the existing building
  - minor plumbing upgrades
  - upgrades to an existing fire alarm system
  - installation of secure doors/windows

- Cannabis retail operations will be conducted between 9:00 AM to 9:00 PM daily.

- Application filed by Kristine Byers

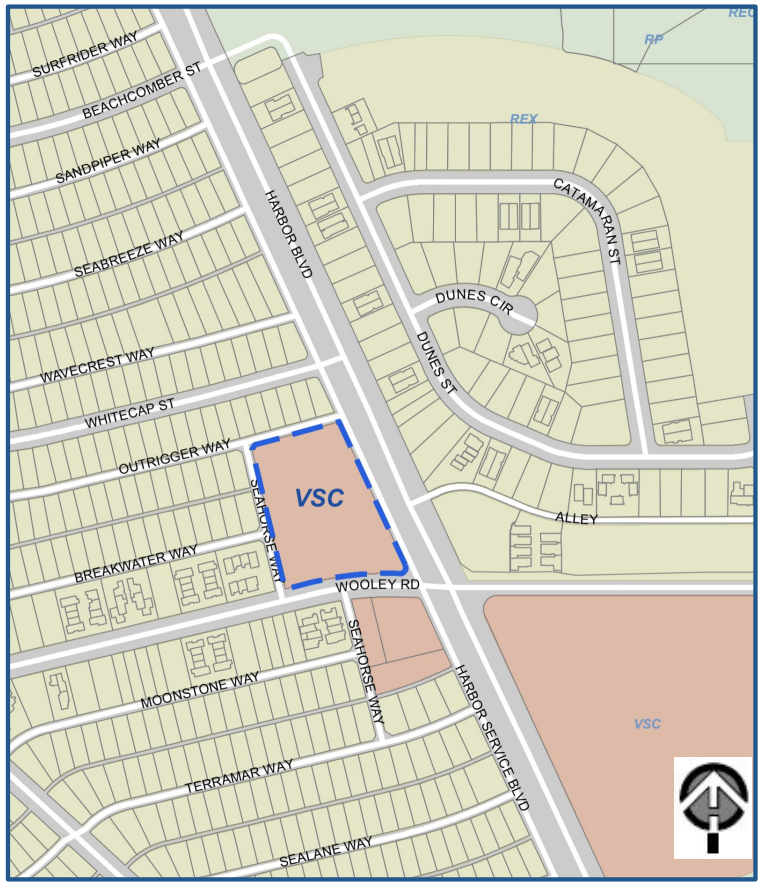
Project Location

Subject Site: 1015 Harbor Boulevard



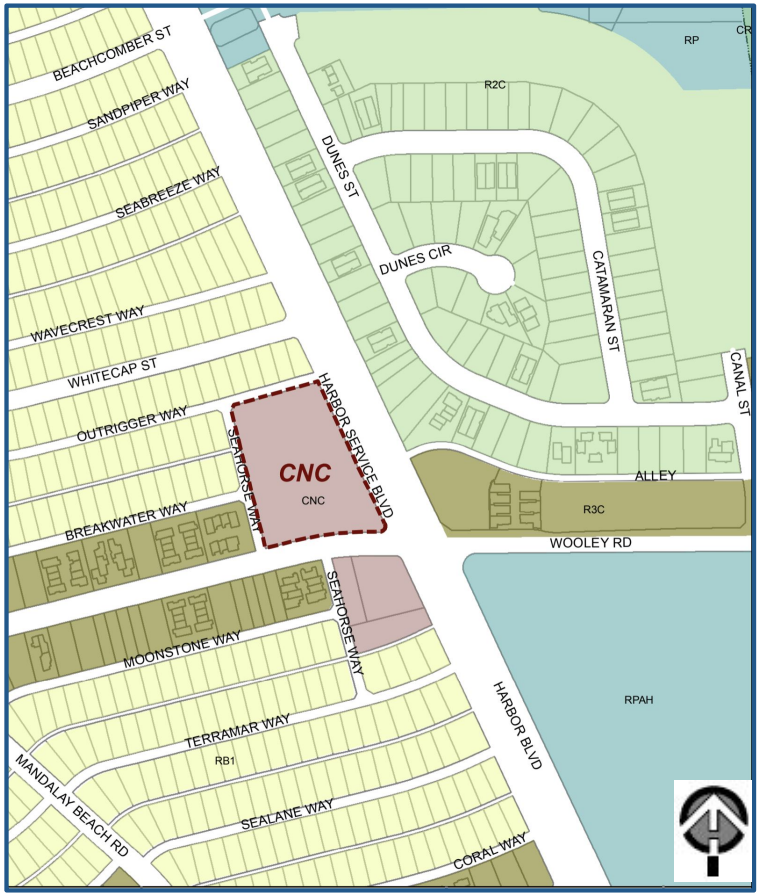
General Plan & Zoning Maps

General Plan Land Use Designation



Visitor Serving Center
(VSC)

Zoning Designation



Coastal Neighborhood Commercial (CNC)

Existing Site

Subject Site: 1015 Harbor Boulevard
Surrounding Uses:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Visitor Serving Center (VSC)	Coastal Neighborhood Commercial (CNC)	Multi-tenant commercial shopping center.
North	Residential Exiting (REX)	Single-Family Beach (R-B-1)	Single-family homes.
South	REX and VSC	Garden Apartment Coastal (R-3-C) and CNC	Multi-family homes and vacant commercial lot.
East	REX	Coastal Low-Density Multiple Family) R-2-C and R-3-C	Multi-family homes.
West	REX	R-B-1 and R-3-C	Single-family and multi-family homes.

Existing Conditions

Street view looking southwest.

Background: Development History

- Mid-1960s: original site development.
- Mid-1960s to current: various tenant improvements to accommodate the turnover of retail and restaurant establishments.

Background: Cannabis Regulations

- On April 2018, the City Council adopted a cannabis delivery ordinance including permit fees (Ord. No. 2937 - Chapter 11, Article XV).

- In January 2019, the State legalized cannabis delivery by state-licensed firms and eliminated the City's ability to regulate cannabis delivery.

- On June 18, 2019, City Council adopted Ord. No. 2960 establishing regulations pertaining to manufacturing, testing, and distribution of cannabis.

- On October, 1, 2019, City Council then adopted Ord. No. 2965, modifying the discretionary permitting process along with other non-substantive ordinance adjustments pertaining to manufacturing, testing, and distribution of cannabis.

- On September 15, 2020, City Council adopted Ord. No. 2985 to update the cannabis regulations in the City's newly adopted Industrial Code (Chapter 16 of the Oxnard City Code (OCC)).

Background: Cannabis Regulations (cont.)

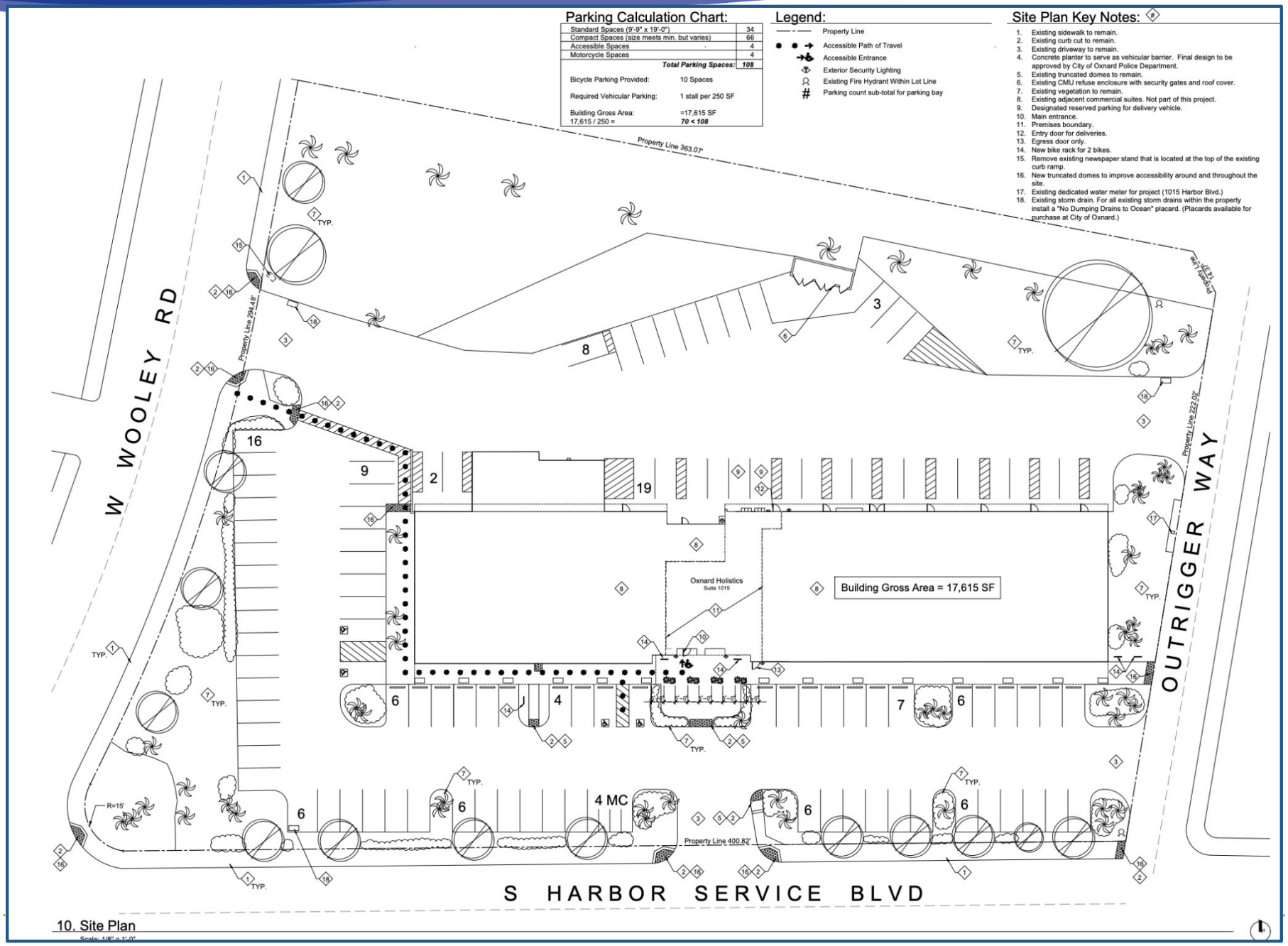
- On December 1, 2020, City Council adopted Ord. No. 2994 establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII ("Code").

Commercial Cannabis License Selection

- On January 7, 2021, TD Enterprise LLC dba Oxnard Holistics filed for a request to obtain a Commercial Cannabis Business Permit for a 1,740 square foot cannabis retail facility.

- On March 1, 2021, D Enterprise LLC dba Oxnard Holistics was awarded a conditional Commercial Cannabis Business Permit for cannabis retail. In order to successfully commence and inaugurate the Commercial Cannabis Business Permit D Enterprise LLC dba Oxnard Holistics is required to receive approval of a SUP as specified within OCC Section 11-457.

Site Plan

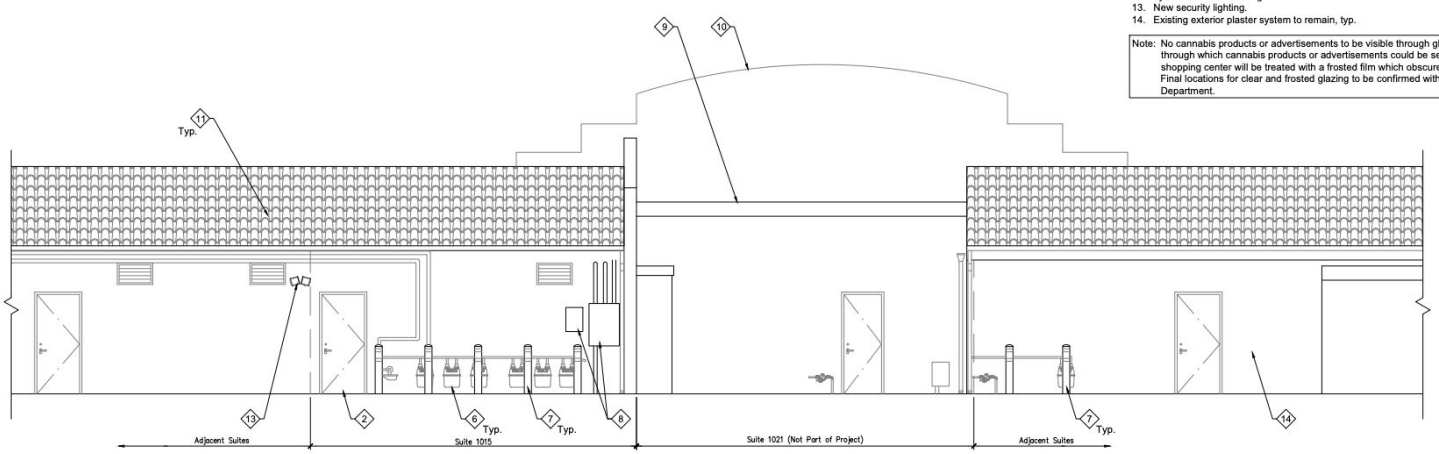

Parking Calculation Chart:
Standard Spaces (9'-9" x 19'-0") 34
Compact Spaces (size meets min. but varies) 66
Accessible Spaces 4
Motorcycle Spaces 4
Total Parking Spaces: 108
Bicycle Parking Provided: 10 Spaces
Required Vehicular Parking: 1 stall per 250 SF
Building Gross Area: =17,615 SF
17,615 / 250 = 70 < 108
Legend:
Property Line
Accessible Path of Travel
Accessible Entrance
Exterior Security Lighting
Existing Fire Hydrant Within Lot Line
Parking count sub-total for parking bay
Site Plan Key Notes:
1. Existing sidewalk to remain.
2. Existing curb cut to remain.
3. Existing driveway to remain.
4. Concrete planter to serve as vehicular barrier. Final design to be approved by City of Oxnard Police Department.
5. Existing truncated domes to remain.
6. Existing CMU refuse enclosure with security gates and roof cover.
7. Existing vegetation to remain.
8. Existing adjacent commercial suites. Not part of this project.
9. Designated reserved parking for delivery vehicle.
10. Main entrance.
11. Premises boundary.
12. Entry door for deliveries.
13. Egress door only.
14. New bike rack for 2 bikes.
15. Remove existing newspaper stand that is located at the top of the existing curb ramp.
16. New truncated domes to improve accessibility around and throughout the site.
17. Existing dedicated water meter for project (1015 Harbor Blvd.)
18. Existing storm drain. For all existing storm drains within the property install a "No Dumping Drains to Ocean" placard. (Placards available for purchase at City of Oxnard.)
Property Line 363.07'
Property Line 294.48'
Property Line 222.02'
Property Line 400.82'
W WOOLEY RD
OUTRIGGER WAY
S HARBOR SERVICE BLVD
Oxnard Holistics
Suite 1015
Building Gross Area = 17,615 SF
R=15'
4 MC
TYP.
10. Site Plan

Elevations

Partial Exterior Elevation Key Notes: ◇#

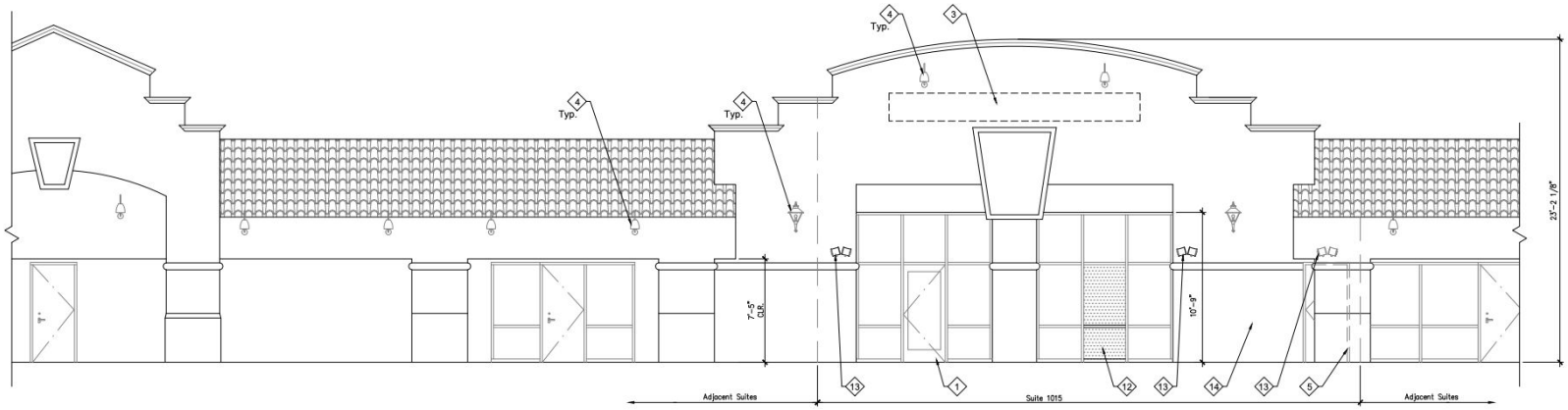
1. Existing door to become main entry to cannabis retail shop.
2. Existing dedicated secured product delivery door (restricted to delivery personnel and employees only.)
3. New cannabis retail shop signage over main entry.
4. Existing building lighting to remain.
5. Dashed line represents egress door beyond.
6. Existing natural gas meter bank to remain.
7. Existing bollards for gas meter equipment protection.
8. Existing telephone panels.
9. Existing parapet with flat roof beyond.
10. Existing parapet at front of building, beyond.
11. Existing roofing to remain.
12. Existing exterior storefront door to be removed and replaced with new storefront glazin system to match existing.
13. New security lighting.
14. Existing exterior plaster system to remain, typ.

Note: No cannabis products or advertisements to be visible through glazing. Any glazing through which cannabis products or advertisements could be seen by passers-by in t shopping center will be treated with a frosted film which obscures the view to the inte Final locations for clear and frosted glazing to be confirmed with the Oxnard Police Department.



11. Partial West Exterior Elevation

Scale: 1/4" = 1'-0"



10. Partial West Exterior Elevation

Floor Plan / Security Plan

- The applicant provided a security plan with a detailed floor plan which was reviewed and conditionally approved by the Police Department.

- Security measures include:
  - Private Security is required at the property.
  - Security cameras will be installed.
  - Adequate lighting will be provided onsite.
  - Cannabis products will be monitored, tracked, and placed in secure storage.

Public Comments

- The project site is located within the Oxnard Shores.
- On November 4, 2021, the site was posted with Project details and Community Workshop information and the Developer mailed out 3,330 meeting agenda notices to the residents of the Oxnard Shores and Oxnard Dunes Neighborhoods.
- On November 15, 2021, the project was presented to the public during a Community Workshop meeting.
- The meeting was attended by approximately 28 members of the public and persons had an opportunity to ask questions.

Public Comments

- Staff received twelve comments during the Community Workshop. Eleven of the comments received received highlighted the following 7 categories:
  - Increased crime and security issues within the existing shopping center and the possible issues for the neighboring residents.
  - The cannabis process did not conduct enough public outreach with the residents of Oxnard Shores and Dunes until the project was submitted for a Special Use Permit.
  - The cannabis retailer does not provide a benefit to the neighboring residents.
  - There is a concentration of adult uses within the existing shopping center which include alcohol sales.
  - The project should be reviewed for compliance with CEQA based on the retail and delivery component of cannabis retail uses.
  - Cannabis retail is not a suitable use for the shopping center and residential coastal area.
  - The City should reevaluate applying a 600 foot minimum distance to residential properties.

Public Comments

- One comment outlined support for the project based on the applicant meeting all the City requirements, likely being a positive business, and possibly reducing crime in the immediate shopping center.

- Following the Community Workshop Staff has received an additional five (5) comment letters from the general public in opposition of the project.

Key Conditions of Approval

- **Conditions # 14, 42, 43:** Abide by City of Oxnard and State of California rules and regulations related to this business.

- **Conditions # 39:** The commercial cannabis business permit shall expire, and be subject to the renewable process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the SUP pursuant to the Oxnard City Code Section 11-459.

Retail Operating Conditions

- **Conditions # 59-61, 132-133:** Provide regulatory action of cannabis retail procedures to allow only eligible members of the community to purchase product and allow for a secure selling environment.

Police Conditions

- **Conditions # 82-153:** Security features will be implemented as required by adopted cannabis Ordinance.

Key Conditions of Approval (Cont.)

Fire Department Conditions

- **Conditions #154-173:** This broad range of numbers indicates that the system is to be designed to be a safe facility.

Community Benefits / Community Relations

- **Condition #49-52, 64-65:** The project is conditioned to be a good neighbor / member of the community.

Taxes and Inventory Tracking

- **Condition #53-54, 66-74:** These set of conditions help the operator be responsible corporate citizen.

Environmental Review

- In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The project includes:
  - A request for to operate a cannabis retail facility within an existing individual building.
  - The Project will not increase the square footage of the existing building
- No substantial evidence the project will have a significant effect on environment.
- A Notice of Exemption will be filed.

Staff 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 2022-XX approving Planning and Zoning Permit No. 21-516-24 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

End of Presentation

CITY OF OXNARD CALIFORNIA

Planning Commission Hearing: January 13, 2022

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

MEMORANDUM

Agenda Item No.: F.4

Date: January 10, 2022

To: **Planning Commission**

From: **Jose Coyotl, Associate Planner (805) 385-7863**
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 1 – TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP) -** PLANNING AND ZONING PERMIT No. 21-516-24 (Retail): Located at 1015 Harbor Boulevard (APN: 191-0-075-015). A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site within the Commercial Neighborhood Convenience (CNC) 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 Kristine Byers ("**Applicant**"), 2801 B Street Unit 161, San Diego, CA 92101, on behalf of TD Enterprise, LLC. dba Oxnard Holistics.

Subsequent to the release of the Staff Report, staff has received additional public correspondence regarding the subject project (attached).

Attachments

A. Letter dated January 6. 2022, sent by Linnea Von Wissmann
B. Email dated January 8, 2022, sent by Audrey Martinez-Keller
C. Email dated January 10, 2022, sent by Mary Susan Kyropoulos
D. Email dated January 10, 2022, sent by Robert Murphy
E. Email dated January 10, 2022, sent by Wayne & Eva Pihlgren
F. Letter dated January 13. 2022 sent by Clement and Katherine Alberts

LINNEA VON WISSMANN
5020 ISLAND VIEW STREET
OXNARD SHORES, CA 93035
(805) 832-4287- HOME (310) 562-3806 - CELL
linneavonwissmann@gmail.com

VIA EMAIL jose.coyotl@oxnard.org

January 6, 2022

Mr. Jose Coyotl
City of Oxnard Planning Commission
305 West Third Street
Oxnard, CA 93030

RE: Proposed Cannabis Retail Facility at 1015 Harbor Blvd., Oxnard, CA 93035

TO THE COMMISSION:

This letter is written to request, in the interests of public safety, that the City of Oxnard Planning Commission *deny* the proposal for TD Enterprises' cannabis retail facility. I am a homeowner in Oxnard Shores and I have concerns about the impact a cannabis retail store will have on the area. This shopping center has three intoxicant providers; a liquor store, a sports bar and a brewery. Adding another intoxicant provider creates a potentially dangerous environment where customers can purchase and/or consume alcohol can also purchase and/or consume cannabis products in the same location. This will result in more impaired drivers in the area and on heavily-trafficked Harbor Boulevard.

Another compelling reason to deny the proposal is that cannabis retail operations are targets for crime due to the presence of cash and cannabis products. In Los Angeles, the past nine years have seen an increase in reported crimes at dispensaries. (Kate Ly Johnston, "Pot May Be Legal, But Crime at Dispensaries is Rising." *Crosstown,* December 10, 2019. [1] Cannabis retail stores have lines of waiting patrons that other shopping center visitors must maneuver through which puts them in a vulnerable position of ending up in harm's way. The required presence of armed security guards for this store will impair the friendly beach-side ambiance of this small shopping that attracts tourists and visitors.

Additionally, this shopping center already has difficulties related to parking, deliveries and traffic especially on weekends and when the weather attracts beach goers. The cannabis retail store will result in more traffic, decreased parking for other customers and added congestion in the area. My suggestion to the property owner is that a more family-friendly business should open in the available space. The neighborhood would welcome a new dining operation such as a snack bar, taqueria, ice-cream vendor, etc.

I respectfully request that the Commission consider the above issues and deny the request to permit a cannabis retail operation at the above location at the next meeting to be held on January 13, 2022.

Sincerely,

Linnea von Wissmann

1. http://xtown.la/2019/12/10/pot-may-be-legal-but-crime-at-dispensaries-is-rising.

Fwd: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics

Kolwitz, Scott <scott.kolwitz@oxnard.org> Sat, Jan 8, 2022 at 3:54 PM
Draft

---------- Forwarded message ---------
From: **Audrey Martinez-Keller** <audrey@swissfamilykeller.com>
Date: Fri, Jan 7, 2022 at 2:42 PM
Subject: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics
To: Bert Perello (bert.perello@oxnard.org) <bert.perello@oxnard.org>, <cityclerk@oxnard.org>

Dear Bert,

Please submit my personal letter for entry as an objection to item **F4 Cannabis store on Harbor Blvd. Please distribute my comments in color to the commission, so the graphics are easy to view.**

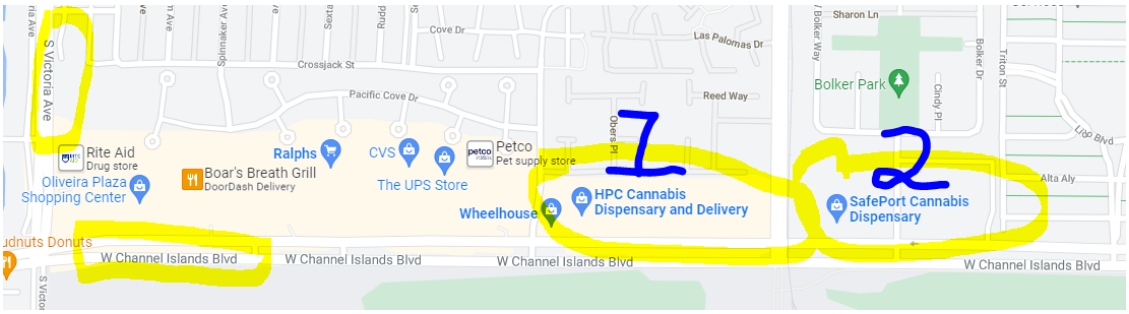
I am not in favor of the Cannabis store on Harbor Blvd. I believe that this location is not appropriate, given the fact it is part of the neighborhood where families go for donuts, pizza and milk or eggs (and booze) at the local liquor store. Yes there is a liquor store, but it serves Oxnard Shores/Dunes and Channel Islands neighbors as a little quaint destination to walk or run-in.

My point is that it is a relatively safe place to stop in or walk to for our local families. Once a cannabis store moves in, that safe place perception is OVER. This type of business impacts the entire circle of residents that are serviced by these wonderful businesses.

- It is not family friendly, not good for real estate values and not good for a healthy lifestyle.

Personally it is a shameful move by the City Planners to suggest this location. I attended the initial meeting where the City planners promised the future cannabis businesses would be limited to commercial/industrial areas. Just because there is an existing liquor store doesn't mean that this neighborhood should be further exploited or blighted, because of City sales tax greed. Take a look at the maps I've enclosed. There are already TWO cannabis retail stores a mile or so away from the proposed Oxnard City site. Make Oxnard the safe haven for your residents. If residents want to buy cannabis, they already know they can drive to Port Hueneme in less than 5 minutes.

Please vote against this development.



Kind Regards,
Audrey Keller
(818) 292-0447
Resident Mandalay Bay, Channel Islands Harbor

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: [Ask Planning Action] Cannabis retail application

1 message

Lai, Dee <dee.lai@oxnard.org> Mon, Jan 10, 2022 at 10:50 AM
To: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

---------- Forwarded message ---------
From: **'Mary Susan Kyropoulos' via Planning** <planning@oxnard.org>
Date: Mon, Jan 10, 2022 at 10:48 AM
Subject: [Ask Planning Action] Cannabis retail application
To: <Planning@oxnard.org>

Dear Mr. Coyotl,

The idea of a cannabis retail center at 1015 Harbor Blvd. has already been reviewed in the past by the citizens of Oxnard Shores. We objected to the idea at that time.

Here are some reasons:

1.This type of retail business is attractive to a large number of people. There are established shops here which would feel the impact of crowded parking.

2. Hours of 9am to 9pm invite noise to an area close to residential housing.

3. It would be more appropriate for a store of this type to locate in a large shopping complex where parking, crowds and noise are allowed.

Oxnard Shores considers itself as a reasonable, quiet neighborhood. Our local shops are small and fit the needs and interests of the neighborhood without additions.,

Thank you in advance for your consideration.

Mary Kyropoulos
5251 Wavecrest Way
Oxnard, CA

Sent from my iPad

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: [Ask Planning Action] Oxnard Holistics

1 message

Lai, Dee <dee.lai@oxnard.org> Mon, Jan 10, 2022 at 9:23 AM
To: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

---------- Forwarded message ---------
From: **Robert Murphy** <murph1198@gmail.com>
Date: Mon, Jan 10, 2022 at 8:59 AM
Subject: [Ask Planning Action] Oxnard Holistics
To: Planning <Planning@oxnard.org>

I oppose locating the Oxnard Holistics pot store in the Oxnard Shores shopping center.

Robert Murphy
Resident and Voter
5247 Whitecap Street
805 5095398
www.maritime-opinions.com

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: [Ask Planning Action] Vote NO Pot Store Oxnard Shores

1 message

Lai, Dee <dee.lai@oxnard.org> Mon, Jan 10, 2022 at 4:47 PM
To: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

---------- Forwarded message ---------
From: **WAYNE PIHLGREN** <wpihlgren@msn.com>
Date: Mon, Jan 10, 2022 at 4:42 PM
Subject: [Ask Planning Action] Vote NO Pot Store Oxnard Shores
To: Planning@oxnard.org <Planning@oxnard.org>
Cc: OSNC@cirs.com <OSNC@cirs.com>

This email is in reference to Item 4 (Pot Store in Oxnard Shores) on your meeting agenda January 13,2022. We are extremely concerned that the city would even consider such an establishment in a residential area. Homes in our neighborhood sell for $1,000,000+. We pay high taxes to live here and do not expect to see a Pot Store around the corner of our home. There are many cannabis (Pot Stores) on Channel Islands Blvd already. Do your due diligence that we expect of you and examine the location of where the store will go. Pot Stores DO NOT belong in residential areas like ours. It will substantially increase the risk of illicit behavior and illegal actions in our neighborhood. We have children and families living here and expect the City Council not to degregate the quality of life that we currently have.

VOTE NO FOR LOCATING A POT STORE IN OXNARD SHORES!!

Wayne & Eva Pihlgren

5237 Whitecap St

Oxnard 93035

Sent from Mail for Windows

Planning Commission Meeting
Thursday, January 13, 2022
PROJECT NAME: TD Enterprises, LLC dba Oxnard Holistics
PLANNING AND ZONING PERMIT NO. 21-516-24

Case # PZ 21-516-24

SPECIAL USE PERMIT – CANNABIS RETAIL; OXNARD SHORES and OXNARD DUNES

The proposed business is referred to as a "dispensary". This is a sham. It is a marijuana store; a pot for cash business that is constrained to operate on a strictly cash basis because no FDIC banking institution may dare to dirty its hands by dealing with it.

The City of Oxnard stands to unethically profit from a dubious cash influx harvested from a specifically targeted ostensibly addicted segment of the local population. It should be noted that a polled cross section of local *tenants* generally favor a "pot shop" while in contrast, the overwhelmingly majority of property taxed *homeowners* are positively opposed to their property values being undermined by a proposed intentional degradation of community prestige.

A Oxnard Union High School Bus Stop is within 200 feet of the proposed pot shop; meaning school aged children are subjected to an adverse presence.

The proposed marijuana storefront logo bears suspicious resemblance to the City of Oxnard's own municipal Logo; with the obvious intent to afford a fallacious association with the City's authority.

There are already no less than three Port Hueneme marijuana selling storefronts within a less than two mile radius of the proposed Oxnard Shores pot shop. It should be noted that in local social circles, Port Hueneme is already sarcastically referred to called "Pot Hueneme". Is Oxnard Shores destined to be referred to "Potnard Shores"?

What density of pot shops is considered to be beyond a maximum threshold? One on each corner? Has any study been conducted? Apparently not. Oxnard Shores homeowners feel that pot buyers should travel another mile down the road to Pot Hueneme where they can "hook up" their drug of choice in a totally commercial zoned area.

Unlike the Port Hueneme/Channel Islands Blvd pot shops; the Oxnard Shores commercially zoned strip mall is <u>totally circumscribed by residential zoning</u>. As already abundantly demonstrated within the city of Pot Hueneme's Channel Islands Blvd pot shop vicinity, drug users typically consume their purchases within a mere few blocks of the point of purchase. Oxnard Shores residents do not want to see users using in their neighborhood. Would members of the City Planning Commission countenance such activity in *their* respective neighborhoods?

The Harbor Blvd/Wooley Road intersection has historically shown itself to be subject to a greater than average number of traffic collisions. Moreover, traffic density is fully expected to increase due to the recent and still in progress so called "Shoreline" extreme high density locally characterized "hamster habitat" residential building project. The presence of a greater population density in conjunction with a pot shop will further exacerbate existing hazardous vehicular and pedestrian traffic risk factors and thus the likelihood of vehicular and pedestrian accidents. Attendant traffic considerations are well documented as demonstrated by broadly published statements of concern as made by the California Association of Police Chiefs as well as the Commissioner of the California State Highway Patrol

concerning increased percentages of drivers operating motor vehicles under the influence of Federal Class A Narcotics, e.g. Cocaine, Heroin *and Marijuana*.

Oxnard Shore residents typically and frequently take small children and toddlers out in strollers and/or take their dogs for a walk. Contextually, the presence of a pot storefront is not conducive to the values of a family community-oriented neighborhood. The California State Department of Consumer Affairs mandate and the City of Port Hueneme and the Port Hueneme Police Department maintain regulatory conditional permitting of pot shops with one condition being that the pot shop be manned by armed, firearm carrying guards during all hours of operation. This requirement will be also required for the presently proposed pot shop and as such would inject a demonstratively negative neighborhood and community atmosphere via the alarming presence of multiple openly exposed, gun wielding guards.

The subject strip mall location already houses a liquor store and two alcohol selling businesses. Is this not enough of a concentration of vice in an already aging, out of place strip mall? The addition of a marijuana storefront will only serve to further degrade the area in much the same manner as would the addition of a casino or bordello.

Business proprietors in the subject strip mall are categorically opposed to the proposed marijuana pot shop storefront but are incapable or unwilling to openly voice their opposition for fear of retaliation from an already too mercenary strip mall property owner.

The proposed pot shop is not an existing facility as defined under CEQA. Its ostensible goal is to sell an untold and potentially vast quantity of material to be immediately combusted and hence released into the atmosphere in close proximity to environmentally sensitive coastline areas with an attendant uncontrolled release of ROC's, VOC's, CO and PM sans EPA and Ventura County APCD regulatory oversight.

For the Commission to simplistically maintain that a marijuana site is an "existing facility" and therefore CEQA exempt is to say that this same proposed business could likewise sell for example, an unlimited quantity of elemental Mercury to the populace with no adverse environmental effect.

The Public Notice as published by the City of Oxnard references a virtual meeting to held at 6:00pm on November 15, 2021 via "Google Hangouts" but fails to provide any guidance or instruction to the public as the location or use the Google application; this mysteriously assuming the that the public at large possesses some magical comprehension of exactly what "Google Hangouts" is and how to utilize it. This blatantly obvious omission is clearly more in defiance of than in accordance with the spirit of Assembly Bill 361.

In conclusion; It would appear that this hearing is meant to serve as a permitting rubberstamp. Is this proposed permit a *fait accompli* ? The concerned residents of Oxnard Shores and the Dunes hope such is not the case and hereby urge that that the proposed permit be unanimously, if not heartily denied.

Clement and Katherine Alberts
Oxnard Shores

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

MEMORANDUM

Agenda Item No.: F.4

Date: January 11, 2022

To: **Planning Commission**

From: **Jose Coyotl, Associate Planner (805) 385-7863**
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 2 – TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP) -** PLANNING AND ZONING PERMIT No. 21-516-24 (Retail): Located at 1015 Harbor Boulevard (APN: 191-0-075-015). A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site within the Commercial Neighborhood Convenience (CNC) 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 Kristine Byers ("**Applicant**"), 2801 B Street Unit 161, San Diego, CA 92101, on behalf of TD Enterprise, LLC. dba Oxnard Holistics.

Subsequent to the release of the staff report, the City has received inquiries about the crime rate in this area. The Police Department has provided the attached document which illustrates the area has a low crime rate.

Additionally, subsequent to the release of the Staff Report, staff has received additional public correspondence regarding the subject project (attached).

<u>Attachments</u>

A. Letter dated January 11, 2022, prepared by the Police Department
B. Email dated January 11. 2022, sent by John Fisher
C. Email dated January 11, 2022, sent by Deirdre Frank
D. Email dated January 11, 2022, sent by Gary Ross
E. Email dated January 11, 2022, sent by Edward McSpedon
F. Email dated January 11, 2022, sent by Adry Ezcurra
G. Email dated January 11, 2022, sent by Bonnie Mercadante

H. Email dated January 11, 2022, sent by Audrey Martinez-Keller
I. Email dated January 11, 2022, sent by Lawrence and Magretan Howie

CITY OF OXNARD CALIFORNIA

Police Department

Jason Benites, Chief of Police

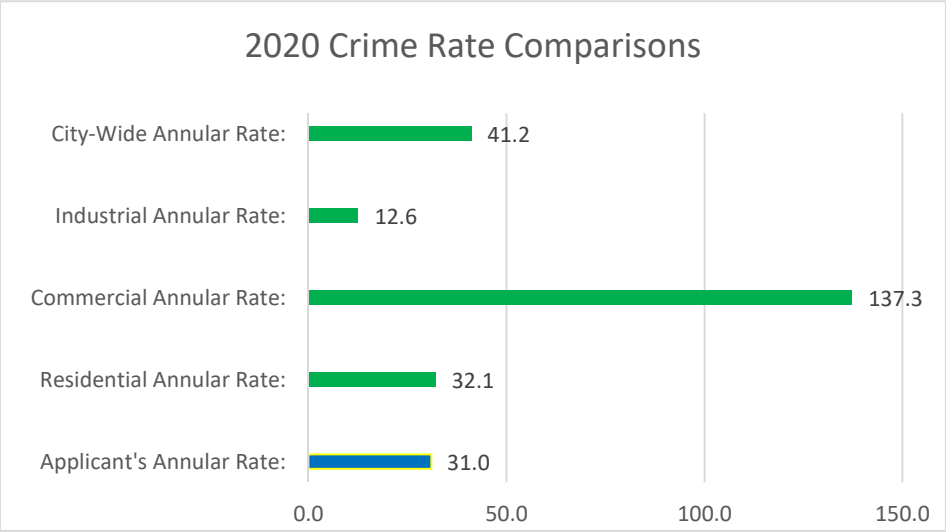
January 11, 2022

To: Jose Coyotl, Associate Planner
Scott Kolwitz, Planning & Environmental Services Manager

From: Alex Arnett, Patrol Support Division Commander
Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist

Subject: TD Enterprise LLC dba Oxnard Holistics, 1015 Harbor Boulevard
PZ 21-516-24, Commercial Cannabis Business Retail SUP

After the staff report for this project was submitted to the Planning Commission, the Police Department received a request for crime statistics for the area around the applicant's site. This chart utilizes the same data collection process as that used for our Alcohol Special Use Permit Reviews.



For comparison purposes the Police Department calculates the average number of Part I[1] and II[2] crimes that occurred during a selected 12-month period. In the case of this

[1] *Part I crimes include: murder, rape, robbery, theft, burglary, auto theft, assault, and arson.*
[2] *Part II crime include: other assaults, forgery & counterfeiting, fraud, embezzlement, stolen property, vandalism, weapons, prostitution & commercialized vice, sex offenses, drug abuse violations, gambling,*

report, all calculations are based on statistics from 2020. The average city-wide, annular average of Part I and II crimes is 41.2.

The average number of Part I and II crimes in the applicant's 1000 feet annular area is 31. This is 23.6% of the average for commercial properties citywide and can be best illustrated in the attached graph.

---

offenses against family and children, driving under the influence, liquor laws, drunkenness, disorderly conduct, vagrancy, all other offenses not specifically identified as Part I or Part II, except traffic violations.

Coyotl, Jose <jose.coyotl@oxnard.org>

Feedback

1 message

John Fisher <johnrfisher55@gmail.com> Tue, Jan 11, 2022 at 10:19 AM
To: jose.coyotl@oxnard.org

I cannot attend the video conference but my wife and I fully support the opening of a new cannabis store in the plaza on harbor Blvd next to the bottle shop liquor store. If this positive support matters please forward it on as necessary. Thanks

Sent from my iPhone

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Planning Commission 1/13/21 Oxnard Shores Dispensary. (WITHOUT ATTACHMENTS WHICH WILL FOLLOW) ok to forward

1 message

Deirdre Frank <pilawqueen@aol.com> Tue, Jan 11, 2022 at 2:55 PM
Reply-To: Deirdre Frank <pilawqueen@aol.com>
To: "jose.coyotl@oxnard.org" <jose.coyotl@oxnard.org>

-----Original Message-----
From: Deirdre Frank <pilawqueen@aol.com>
To: jose.coyotl@oxnard.org <jose.coyotl@oxnard.org>
Sent: Tue, Jan 11, 2022 2:16 pm
Subject: PC 1/13/21 Item 4 Cannabis Dispensary Oxnard Shores

WHY THE SUP FOR PROPOSED CANNABIS DISPENSARY IN OXNARD SHORES SHOULD BE DENIED OR CONTINUED TO ALLOW THE CITY MANAGER TO MODIFY THE REQUEST FOR APPLICATION.

Oxnard Ordinance 2994, passed in December, 2020 sets forth the provisions for establishing regulations and procedures for implementing storefront retail cannabis sales, as well as other cannabis related activities. SEC 11-450 states it is the PURPOSE AND INTENT of the Ordinance to "regulate the Cultivation, Processing, manufacturing, testing, SALE . . .of Cannabis and Cannabis Products in a RESPONSIBLE MANNER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY. . ."

The Ordinance grants complete control to the City Manager/Designee to adopt procedures to govern the application process as well as the decision to be made regarding the issuance of any Commercial Cannabis Business Permit. Per SEC 11-457(I) . . ."prior to permit issuance by the City Council, THE CITY MAY ALSO MODIFY, POSTPONE, OR CANCEL any request for applications . . .without liability, obligation, or commitment to any party . . ."

SEC 11-457(F) says . . ."the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, TAKING INTO ACCOUNT ANY HEALTH, SAFETY AND WELFARE IMPACTS on the community."

Residents of Oxnard Shores request that the City request modification of the application as to location or, in the alternative, that the Planning Commission deny the SUP.

This is a total residential environment except for this small strip mall where all storefronts are connected. There are 3 alcohol outlets (1 liquor store, 1 full bar open until 1 a.m. and a brewery). Oxnard Ordinance 2994 states in SEC 11-478 RESTRICTIONS ON ALCOHOL AND TOBACCO SALES (A) No person shall cause or permit the sale, dispensing or consumption of alcoholic beverages on OR ABOUT the premises of the Commercial Cannabis Business. (B) No person shall cause or permit the sale of tobacco products on OR ABOUT the premises of the Commercial Cannabis Business. This location cannot conform to these restrictions.

The parking requirements of 1 space for 250 feet do not address the probable future needs of the existing businesses there to use parking for outdoor service as was done during COVID lockdown, something that should now be considered with all parking requirements as Ventura is doing re: its downtown parking.

This strip mall has 2 vacant spaces now. The potential dispensary space had, as an anticipated tenant, Tacos El Diablo, that thrilled our neighborhood! Signs were posted and then, poof, it was gone, relocated to C & 5th Street in Downtown Oxnard to allow the dispensary to apply for the location. This is not an abandoned center that needs a tenant, activity flows from the neighborhood to pick up pizza, cakes, laundry, vitamins, to use postal services, go for drinks and dinner, get ice cream at the mini market/liquor store. It is a busy place, see attachments for time lapse video showing same. Note from the videos that there is only 1 "street" (Wooley) and 1 "Way" (Outrigger) to access the strip mall. There is no direct access off Harbor Blvd. Note also, the pedestrian/bike/vehicle traffic flow (cars using the parking lot to "pass through" to avoid the intersection at Harbor & Wooley, an intersection rife with accident statistics).

Finally, to the extent that neighborhood involvement is considered, I note that the MAPS were "conceptually identified on land use maps", "conceptually permitted in property zoned" neighborhoods (see SEC 11-473 (B)) without any

specific location identified to the neighborhoods until after the application process began. Council only approved these conceptual maps NOT specific locations.

There was discussion about whether to consider Residential as a "sensitive use" and extending the sensitivity area(s) to 1,000 feet, both were rebuffed by Planning and Council. Many Cities DID include Residential as a sensitive use. It would have been perfect to apply to a neighborhood such as the Shores, given the extreme close proximity of the residential to the strip mall, less than 300 feet. A recommendation could be made by this Commission to have this revisited by the City Manager AND Council as this Ordinance allows for revisions.

Thank you.

Deirdre Frank
5244 Seabreeze Way
Oxnard, CA 93035

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics

Lai, Dee <dee.lai@oxnard.org> Tue, Jan 11, 2022 at 2:31 PM
To: "Seydoux, Simone" <simone.seydoux@oxnard.org>, Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hi Jose,
See below email from Simone.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Tue, Jan 11, 2022 at 2:14 PM Seydoux, Simone <simone.seydoux@oxnard.org> wrote:

> Comment
>
> ---------- Forwarded message ---------
> From: **Gary Ross** <gary@highwave.com>
> Date: Fri, Jan 7, 2022 at 3:04 PM
> Subject: Re: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics
> To: Audrey Martinez-Keller <audrey@swissfamilykeller.com>
> Cc: Bert Perello (bert.perello@oxnard.org) <bert.perello@oxnard.org>, <cityclerk@oxnard.org>
>
> I agree with you.
>
> On Fri, Jan 7, 2022 at 2:42 PM Audrey Martinez-Keller <audrey@swissfamilykeller.com> wrote:
>
> > Dear Bert,
> >
> > Please submit my personal letter for entry as an objection to item **F4 Cannabis store on Harbor Blvd. Please distribute my comments in color to the commission, so the graphics are easy to view.**

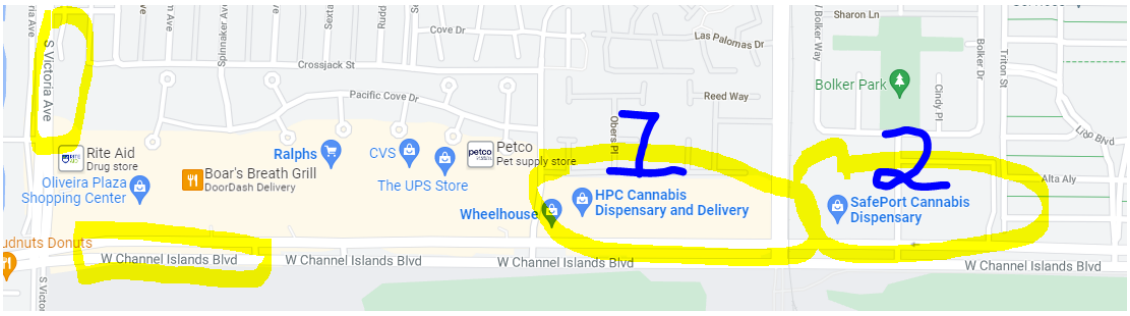
I am not in favor of the Cannabis store on Harbor Blvd. I believe that this location is not appropriate, given the fact it is part of the neighborhood where families go for donuts, pizza and milk or eggs (and booze) at the local liquor store. Yes there is a liquor store, but it serves Oxnard Shores/Dunes and Channel Islands neighbors as a little quaint destination to walk or run-in.

My point is that it is a relatively safe place to stop in or walk to for our local families. Once a cannabis store moves in, that safe place perception is OVER. This type of business impacts the entire circle of residents that are serviced by these wonderful businesses.

- It is not family friendly, not good for real estate values and not good for a healthy lifestyle.

Personally it is a shameful move by the City Planners to suggest this location. I attended the initial meeting where the City planners promised the future cannabis businesses would be limited to commercial/industrial areas. Just because there is an existing liquor store doesn't mean that this neighborhood should be further exploited or blighted, because of City sales tax greed. Take a look at the maps I've enclosed. There are already TWO cannabis retail stores a mile or so away from the proposed Oxnard City site. Make Oxnard the safe haven for your residents. If residents want to buy cannabis, they already know they can drive to Port Hueneme in less than 5 minutes.

Please vote against this development.



Kind Regards,
Audrey Keller
(818) 292-0447
Resident Mandalay Bay, Channel Islands Harbor

--

Gary Ross
CEO & Founder

HIGHWAVE®

e: Gary@highwave.com
p: 805-981-1773 | f: 805-981-1542

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics

Lai, Dee <dee.lai@oxnard.org> Tue, Jan 11, 2022 at 2:32 PM
To: "Seydoux, Simone" <simone.seydoux@oxnard.org>, Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Jose & Scott,
See email from Simone.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Tue, Jan 11, 2022 at 2:15 PM Seydoux, Simone <simone.seydoux@oxnard.org> wrote:

---------- Forwarded message ---------
From: **Edmail** <edmail@dslextreme.com>
Date: Fri, Jan 7, 2022 at 3:52 PM
Subject: Re: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics
To: Audrey Martinez-Keller <audrey@swissfamilykeller.com>
Cc: Bert Perello (bert.perello@oxnard.org) <bert.perello@oxnard.org>, <cityclerk@oxnard.org>

Please count me as a no vote as well. The shores is one of Oxnards best neighborhoods. Homes here are expensive and we pay more than our share of money in real estate taxes, sales taxes etc. That liquor store is not a great asset but is tolerable because it's primarilly a neighborhood convenience store. A Cannabis store would a 100% attractive nuisance and a blight at this location.
Edward McSpedon
965 Mandalay Beach Road

Sent from my iPhone

On Jan 7, 2022, at 2:42 PM, Audrey Martinez-Keller <audrey@swissfamilykeller.com> wrote:

Dear Bert,

Please submit my personal letter for entry as an objection to item **F4 Cannabis store on Harbor Blvd. Please distribute my comments in color to the commission, so the graphics are easy to view.**

I am not in favor of the Cannabis store on Harbor Blvd. I believe that this location is not appropriate, given the fact it is part of the neighborhood where families go for donuts, pizza and milk or eggs (and booze) at the local liquor store. Yes there is a liquor store, but it serves Oxnard Shores/Dunes and Channel Islands neighbors as a little quaint destination to walk or run-in.

My point is that it is a relatively safe place to stop in or walk to for our local families. Once a cannabis store moves in, that safe place perception is OVER. This type of business impacts the entire circle of residents that are serviced by these wonderful businesses.

- It is not family friendly, not good for real estate values and not good for a healthy lifestyle.

Personally it is a shameful move by the City Planners to suggest this location. I attended the initial meeting where the City planners promised the future cannabis businesses would be limited to commercial/industrial areas. Just because there is an existing liquor store doesn't mean that this neighborhood should be further exploited or blighted, because of City sales tax greed. Take a look at the maps I've enclosed. There are already TWO cannabis retail stores a mile or so away from the proposed Oxnard City site. Make Oxnard the safe haven for your residents. If residents want to buy cannabis, they already know they can drive to Port Hueneme in less than 5 minutes.

Please vote against this development.

<image.png>
[Quoted text hidden]

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics

Lai, Dee <dee.lai@oxnard.org> Tue, Jan 11, 2022 at 2:33 PM
To: "Seydoux, Simone" <simone.seydoux@oxnard.org>, Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Jose and Scott,
Here's another one.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Tue, Jan 11, 2022 at 2:15 PM Seydoux, Simone <simone.seydoux@oxnard.org> wrote:

---------- Forwarded message ---------
From: **Adry Ezcurra** <adryezcurra@gmail.com>
Date: Sat, Jan 8, 2022 at 12:55 PM
Subject: Re: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics
To: Audrey Martinez-Keller <audrey@swissfamilykeller.com>
Cc: Bert Perello (bert.perello@oxnard.org) <bert.perello@oxnard.org>, <cityclerk@oxnard.org>

I agree with you. AE

On Fri, Jan 7, 2022 at 2:42 PM Audrey Martinez-Keller <audrey@swissfamilykeller.com> wrote:
Dear Bert,

Please submit my personal letter for entry as an objection to item **F4 Cannabis store on Harbor Blvd. Please distribute my comments in color to the commission, so the graphics are easy to view.**

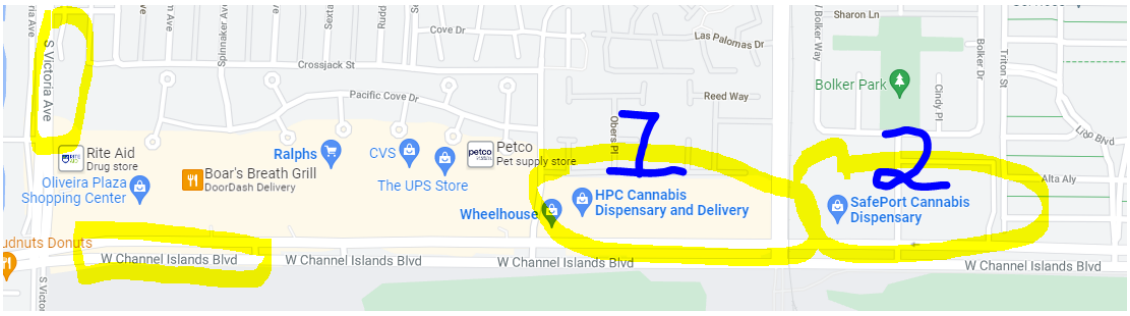
I am not in favor of the Cannabis store on Harbor Blvd. I believe that this location is not appropriate, given the fact it is part of the neighborhood where families go for donuts, pizza and milk or eggs (and booze) at the local liquor store. Yes there is a liquor store, but it serves Oxnard Shores/Dunes and Channel Islands neighbors as a little quaint destination to walk or run-in.

My point is that it is a relatively safe place to stop in or walk to for our local families. Once a cannabis store moves in, that safe place perception is OVER. This type of business impacts the entire circle of residents that are serviced by these wonderful businesses.

- It is not family friendly, not good for real estate values and not good for a healthy lifestyle.

Personally it is a shameful move by the City Planners to suggest this location. I attended the initial meeting where the City planners promised the future cannabis businesses would be limited to commercial/industrial areas. Just because there is an existing liquor store doesn't mean that this neighborhood should be further exploited or blighted, because of City sales tax greed. Take a look at the maps I've enclosed. There are already TWO cannabis retail stores a mile or so away from the proposed Oxnard City site. Make Oxnard the safe haven for your residents. If residents want to buy cannabis, they already know they can drive to Port Hueneme in less than 5 minutes.

Please vote against this development.



[Quoted text hidden]

--
Adry Ezcurra

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics

Lai, Dee <dee.lai@oxnard.org> Tue, Jan 11, 2022 at 2:33 PM
To: "Seydoux, Simone" <simone.seydoux@oxnard.org>, Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Here's another one.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Tue, Jan 11, 2022 at 2:15 PM Seydoux, Simone <simone.seydoux@oxnard.org> wrote:

---------- Forwarded message ---------
From: **Bonnie Mercadante** <bonnie@softouchphoto.com>
Date: Tue, Jan 11, 2022 at 1:41 PM
Subject: Re: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics
To: Audrey Martinez-Keller <audrey@swissfamilykeller.com>
Cc: Bert Perello (bert.perello@oxnard.org) <bert.perello@oxnard.org>, cityclerk@oxnard.org <cityclerk@oxnard.org>, Mike Mercadante <mjmercadante@gmail.com>

Bert

I agreed 100% with Audrey's assessment! I don't want to see any CBD stores in our neighborhood for the reasons she stated!
There are plenty other similar stores in the area within a short drive if someone really wants those products.

Bonnie

Sent from my iPhone

On Jan 7, 2022, at 2:42 PM, Audrey Martinez-Keller <audrey@swissfamilykeller.com> wrote:

Dear Bert,

Please submit my personal letter for entry as an objection to item **F4 Cannabis store on Harbor Blvd. Please distribute my comments in color to the commission, so the graphics are easy to view.**

I am not in favor of the Cannabis store on Harbor Blvd. I believe that this location is not appropriate, given the fact it is part of the neighborhood where families go for donuts, pizza and milk or eggs (and booze) at the local liquor store. Yes there is a liquor store, but it serves Oxnard Shores/Dunes and Channel Islands neighbors as a little quaint destination to walk or run-in.

My point is that it is a relatively safe place to stop in or walk to for our local families. Once a cannabis store moves in, that safe place perception is OVER. This type of business impacts the entire circle of residents that are serviced by these wonderful businesses.

- It is not family friendly, not good for real estate values and not good for a healthy lifestyle.

Personally it is a shameful move by the City Planners to suggest this location. I attended the initial meeting where the City planners promised the future cannabis businesses would be limited to commercial/industrial areas. Just because there is an existing liquor store doesn't mean that this neighborhood should be further exploited or blighted, because of City sales tax greed. Take a look at the maps I've enclosed. There are already TWO cannabis retail stores a mile or so away from the proposed Oxnard City site. Make Oxnard the safe haven for your residents. If residents want to buy cannabis, they already know they can drive to Port Hueneme in less than 5 minutes.

Please vote against this development.

<image.png>
[Quoted text hidden]

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics

Lai, Dee <dee.lai@oxnard.org> Tue, Jan 11, 2022 at 2:34 PM
To: "Seydoux, Simone" <simone.seydoux@oxnard.org>, Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Tue, Jan 11, 2022 at 2:14 PM Seydoux, Simone <simone.seydoux@oxnard.org> wrote:

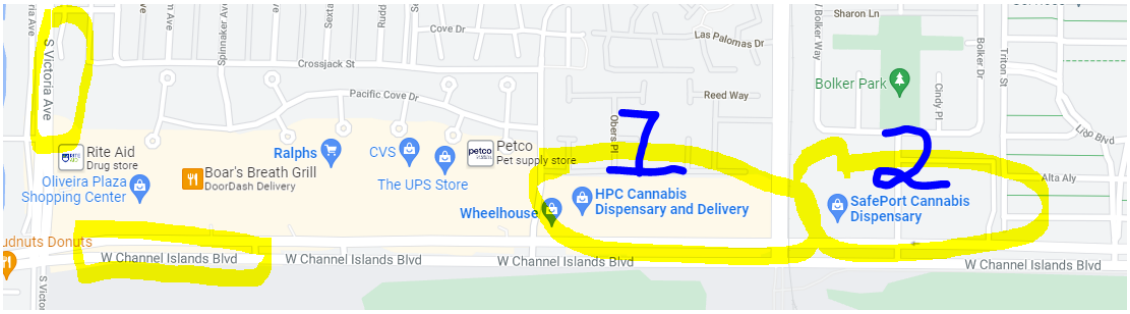
> There are several emails on this thread. I will send them separately.
>
> ---------- Forwarded message ---------
> From: **Audrey Martinez-Keller** <audrey@swissfamilykeller.com>
> Date: Fri, Jan 7, 2022 at 2:42 PM
> Subject: Planning Commission Meeting on Thursday 13th Item F-4: TD Enterprise LLC dba Oxnard Holistics
> To: Bert Perello (bert.perello@oxnard.org) <bert.perello@oxnard.org>, <cityclerk@oxnard.org>
>
> Dear Bert,
>
> Please submit my personal letter for entry as an objection to item **F4 Cannabis store on Harbor Blvd. Please distribute my comments in color to the commission, so the graphics are easy to view.**
>
> I am not in favor of the Cannabis store on Harbor Blvd. I believe that this location is not appropriate, given the fact it is part of the neighborhood where families go for donuts, pizza and milk or eggs (and booze) at the local liquor store. Yes there is a liquor store, but it serves Oxnard Shores/Dunes and Channel Islands neighbors as a little quaint destination to walk or run-in.

My point is that it is a relatively safe place to stop in or walk to for our local families. Once a cannabis store moves in, that safe place perception is OVER. This type of business impacts the entire circle of residents that are serviced by these wonderful businesses.

- It is not family friendly, not good for real estate values and not good for a healthy lifestyle.

Personally it is a shameful move by the City Planners to suggest this location. I attended the initial meeting where the City planners promised the future cannabis businesses would be limited to commercial/industrial areas. Just because there is an existing liquor store doesn't mean that this neighborhood should be further exploited or blighted, because of City sales tax greed. Take a look at the maps I've enclosed. There are already TWO cannabis retail stores a mile or so away from the proposed Oxnard City site. Make Oxnard the safe haven for your residents. If residents want to buy cannabis, they already know they can drive to Port Hueneme in less than 5 minutes.

Please vote against this development.



[Quoted text hidden]

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: [Ask Planning Action] Strong disapproval against TD Enterprise LLC dba Oxnard Holistics Commercial Cannabis Business Retail SUP

1 message

Lai, Dee <dee.lai@oxnard.org> Tue, Jan 11, 2022 at 5:55 PM
To: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

---------- Forwarded message ---------
From: **'Magretan Howie' via Planning** <planning@oxnard.org>
Date: Tue, Jan 11, 2022 at 5:53 PM
Subject: [Ask Planning Action] Strong disapproval against TD Enterprise LLC dba Oxnard Holistics Commercial Cannabis Business Retail SUP
To: <planning@oxnard.org>

Lawrence and Magretan Howie
5101 Breakwater Way
Oxnard, CA 93035
January 11, 2022

RE: Oxnard Planning Commission
Notice of Public Hearing
Thursday January 13, 2022

Project Name and Location: TD Enterprise LLC dba Oxnard Holistics -

Commercial Cannabis Business Retail SUP
1015 Harbor Boulevard (APN: 191-0-075-015)

We live at 5101 Breakwater Way which is a corner lot that has only a small brick fence between our home and the back parking lot of the shopping center that the cannabis shop wants to work out of which is about 500 feet away. That puts our home directly in the vicinity of this shop.

We have noted already that people have stood outside of the liquor store smoking marijuana. What will happen when the cannabis shop is here?

The shop keepers we have talked to do not feel that this business would work in their best interest and we feel the same.

How can customers of the donut shop feel comfortable going there during the day often with children or for families to use the laundromat or the cleaners? How can someone feel safe at the restaurant or the pizza parlor in their outside seating?

It is extremely upsetting to learn that this shop will have armed guards. No shop there needs armed guards now, but might they after the marijuana shop is in? Our concern is, if shooting ever took place, what would we do? We are both over 70 and take care of our 89-year-old mother. How can we feel safe with a shop with armed guards? Other cannabis shops are actually being robbed. This is not a minor matter.

The neighborhood is made up of retired individuals like ourselves and families. These houses are well kept and relatively safe. That will not be the case if the cannabis shop is allowed to move in. Many of these homes are in the million dollar plus category and contribute considerably to the tax base of the City of Oxnard. What will happen to the property values?

Finally, while we sympathize with the person who owns the now empty shop in question and his desire to fill it with a paying tenant, the fact is Oxnard Shores has not needed a cannabis shop and still does not.

If someone thinks they need cannabis, global positioning can help them find an already existing shop with a fifteen minute trip or less.

For the above reasons we strongly urge the counsel not to allow this type of store in this neighborhood.

Sincerely,

Lawrence and Magretan Howie

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

OXNARD
CALIFORNIA

MEMORANDUM

Agenda Item No.: F.4

Date: January 12, 2022

To: **Planning Commission**

From: **Jose Coyotl, Associate Planner (805) 385-7863**
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 3 – TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP) -** PLANNING AND ZONING PERMIT No. 21-516-24 (Retail): Located at 1015 Harbor Boulevard (APN: 191-0-075-015). A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site within the Commercial Neighborhood Convenience (CNC) 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 Kristine Byers ("**Applicant**"), 2801 B Street Unit 161, San Diego, CA 92101, on behalf of TD Enterprise, LLC. dba Oxnard Holistics.

Before the release of the Planning Commission Staff Report and Community Workshop the City received a petition in opposition to the project.

Additionally, subsequent to the release of the Staff Report, staff has received additional public correspondence regarding the subject project (attached).

Attachments

A. Petition received March 1, 2021
B. Letter dated November 2, 2021, sent by Andrew and Theresa Stewart
C. Email dated January 12. 2022, sent by Adrian Arvizo
D. Email dated January 12. 2022, sent by Karen and Dave Brooks
E. Email dated January 12. 2022, sent by Jennifer Ficken
F. Email with Attachments dated January 12. 2022, sent by Deirdre Frank
G. Email dated January 12. 2022, sent by Rick Gutierrez
H. Letter with Attachment dated January 12. 2022, sent by Walter Hagedohm

I. Email dated January 12. 2022, sent by Ted & Cory Kuepper
J. Email dated January 12. 2022, sent by Clifford M. Maurer
K. Email dated January 12. 2022, sent by Erika Murphy
L. Email with Attachment dated January 12. 2022, and petition from March 1, 2021, sent by Robert Murphy (Email Attachment - See Transmittal Memo No. 3 Attachment A)

a

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

Petition summary and background	Neighbors do not want a cannabis dispensary at the Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name	Signature	Address	Comment	Date
ANGELA SLAFF	Angela Slaff	[redacted] Wavecrest Way, OX 93035	This is a residential neighborhood	2/19/2021
SANDRA DELANEY	S. Delaney	[redacted] Seabreeze Way Oxn 93035		2/19/2021
CLIFFORD MAURER	C. M. Maurer	[redacted] WHITECAP ST. OXNARD 93035		2-19-2021
TIM FLYNN	Tim Flynn	[redacted] N F ST. OX 93035		2-19-21
CHUCK McSORLEY	CM	[redacted] WHITECAP ST.		2-28-21
Chase McSorley	Chase McSorley	[redacted] WHITECAP ST.		2-28-21
Betsie Blaznek	Betsie Blaznek	[redacted] WAVECREST WAY		03-1-21
Tom Blaznek	Tom Blaznek	[redacted] Wavecrest Way		03-1-21

Petition to OPPOSE Car[redacted]ispensary in Oxnard Shores

Petition summary and background	Neighbors do not want a cannabis dispensary a[redacted]e Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name	Signature	Address	Comment	Date
WAYNE PIHLGREN	Wayne D. Pihlgren	[redacted] WHITECAP ST. OXNARD, CA 93035		2-18-21
Sheila L Robino	Sheila L Robino	OX. CA. 93035 [redacted] WAVECREST Way		2-19-21
PAUL ROBINO	Paul A Robino	[redacted] WAVECREST WAY OXNARD CA 93035		2-19-21
Janie Day	Janie Day	[redacted] Whitecap St. Oxnard, CA 93035		2-19-21
MARK KIEL	M Kiel	[redacted] WAVECREST OXNARD, CA 93035		2-19-21
Eva Pihlgren	Eva A Pihlgren	[redacted] Whitecap St Oxnard CA 93035		2-19-21
FREDERIC CRAMPE	F Crampe	[redacted] WHITECAP ST OXNARD, CA 93035		2.19.21
Elzilee Murphy	Elzilee Murphy	[redacted] Whitecap St. Oxnard Oxnard 93035		2.19.21
Cindy Maurer	Cindy Maurer	[redacted] Whitecap St 93035		
WAYNE TAUSIG	Wayne Tausig	[redacted] WHITECAP ST. OXNARD		2-19-21
JANET TAUSIG	Janet Tausig	[redacted] WHITECAP ST. OXNARD		02/19/21
HELD BSarn	Held Esarn	[redacted] Whitecap Dr Oxn		

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

Petition summary and background Neighbors do not want a cannabis dispensary at the Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.

Action petitioned for We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name Signature Address Comment Date

Nancy A. Laufer	Nancy A. Laufer	[redacted]	Corbina Way	Oxnard 93035
David Lauter	David Lauter	[redacted]	Corbina Way	Oxnard 93035
Karen Brooks	K Brooks	[redacted]	Corbina Way	Oxnard
DAVE BROOKS	David F. Brooks	[redacted]	CORBINA WAY	OXNARD 93035

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

Petition summary and background	Neighbors do not want a cannabis dispensary at the Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name	Signature	Address	Comment	Date
Kimberly [illegible]	[illegible]	[redacted] Wavecrest Way		2/19/21
Ken Boyd	[illegible]	[redacted] Wavecrest Way	- Residents/ Neighbors	2/19/21
Debra McKeown	[illegible]	[redacted] wavecrest way Ox 93035		2/19/21
Tom McKeown	[illegible]	[redacted] WAVECREST	Resident	2/19/21
RAY MIZE	[illegible]	[redacted] WHITECAP ST	RESIDENT	2/19/21

William [illegible]		[redacted] Terrapin St Oxnard 93035		2-19-21
Helene Leonardo		[redacted] Whitecap St		2-19-21
Mary Ellen Harwood		Ox. Shores [redacted] Reef Way		2-19-21
[illegible]	Robert Murphy	[redacted] Whitecap St		2-19-21

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

Petition summary and background	Neighbors do not want a cannabis dispensary at the Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name	Signature	Address	Comment	Date
Alan Darryl Page	[illegible]	[redacted] Vina del Mar		3/5/21
Leslie Druss	Leslie Druss	[redacted] Vina Del Mar		3/5/21
Jerome Druss	[illegible]	[redacted] " "		3/5/21
Davida Wagner	[illegible]	[redacted] Vina Del Mar Ct		3/5/21
Mary E. Baker	Mary E Baker	[redacted] Cannes Dr		3/5/21
Albert Wade	[illegible] Wade	[redacted] Vina De Mar		3/5/21
James Tiper	[illegible]	[redacted] Vina Del Mar		3/5/21
Mary Ann Smalek	[illegible] Smalek	[redacted] Martinique Lane		3/5/21
Pat Malchuk	Pat Malchuk	[redacted] Martinique		3/5/21
Alex Ruzmaikin	A Ruz	[redacted] Martinique		3/5/21
Mary Woolever	Mary Woolever	[redacted] Mayorca		3/5/21
Jeff Woolever	Jeff Woolever	[redacted] Majorca Dr		3/5/21

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

Petition summary and background	Neighbors do not want a cannabis dispensary at the Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name	Signature	Address	Comment	Date
Marie Mack	Marie Mack	[redacted] Ocean Dr 93035		3/6/21
JANET CARR	Janet Carr	[redacted] SAN SEBASTIAN D		3/4/21
~~TAMARA HUBBARD~~	Tamara Hubbard	[redacted] Cannes Sq.		3/6/21
Leigh Palmer	L Palmer	[redacted] Vina del Mar		3/6/21
Coleen Silverman	C Silverman	[redacted] Vina Del Mar		3/7/21

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

Petition summary and background	Neighbors do not want a cannabis dispensary at the Shores Shops. Already have a liquor store, a bar and a brewery. Better places in Oxnard for this kind of business.
Action petitioned for	We, the undersigned, are concerned citizens who urge our leaders to act now to oppose placing a cannabis dispensary in Oxnard Shores (corner of Wooley and Harbor).

Printed Name	Signature	Address	Comment	Date
Frank Brown	[illegible]	[redacted] Corbina Way	To many within 3 miles	2/25
Stephanie Brown	Stephanie Brown	[redacted] Corbina Way	There are already 6 within 3 miles of Oxnard Shores	2/25
F. Winkleblack	[illegible]	[redacted] Mandalay Beach Rd	Don't add but trouble	2/6
B. WINKLEBLACK	Barbara Winkleblack	[redacted] Mandalay Beach Rd	Enough already	2/26
Virginia Banister	Virginia Banister	[redacted] Corbina Avenue	[illegible]	2/26
Ralph Armstrong	[illegible]	[redacted] Corbina Way		2/27
William Wellbacher	[illegible]	[redacted] Island Winds Street Oxnard		2/27
Virginia Wellbacher	Virginia Wellbacher	[redacted] Island Winds Street Oxnard		2/27
Cornelia Kuepper	Cornelia Kuepper	[redacted] Corbina Wy, Oxnard		2/27/2021
THEODORE KUEPPER	Theodore Kuepper	[redacted] CORBINA WAY, OXNARD	WE ALREADY HAVE A LOCAL LIQUOR STORE, BREWERY AND BAR. GIVE US A BREAK!	
SALLY STEVENS YOUNT	Sally Stevens Yount	[redacted] Mandalay Beach Rd. Oxnard	Too many cannabis stores in Oxnard	2/27/2021
ROBERT W. YOUNT	Robert W. Yount	[redacted] Mandalay Beach Rd	NO THANKS	

Printed Name	Signature	Address	Comment	Date
NANCY CHASE	Nancy Chase	[redacted] Corbina Way Oxnard 93035	NO DISPENSARY IN OXNARD, CA	2/27/2021
NANCY B HILL	Nancy B Hill	[redacted] Sealane Way Oxnard 93035	NO Dispensary in Oxnard shores	2/27/2021
Reneé Hill	Renee Hill	[redacted] W 5th St. #159 Oxnard, CA 93035		2/27/21
Robert Blake Hill	R Hill	[redacted] w5th st #159 oxnard CA 93035		2/27/21
PATTY HAYES	P.A. Hayes	[redacted] W. 5th #160 Oxnard CA 93035		2/27/21
Charlotte McGee	Charlee	[redacted] Sealane Way	TOO SMALL OF COMPLEX - NO!!!	
Cathy Caplan	Cathy Caplan	[redacted] Corbina Way	NO DISPENSARY IN OUR neighborhood	3/1/21
Mark Caplan	[illegible]	[redacted] Corbina Way	TOO MANY DISPESARIES already IN A SMALL AREA	3/1/21
Vikki Diaz	Vikki Diaz	[redacted] Corbina Way	liquor Store & Brewery is enough	3/2/21
David Diaz	[illegible]	[redacted] Corbina Way	in that small complex.	

Petition to OPPOSE Cannabis Dispensary in Oxnard Shores

2-21-21

SHARON S. SWAN Sharon S. Swan [redacted] CORBINA WAY, OXNARD 93035

RICHARD A. SWAN Richard A. Swan [redacted] CORBINA WAY, OXNARD, 93035 2/21/2021

BRETT BEDNARZ Brett [redacted] CORBINA WAY OX, CA 93035 2/21/2021

Bret Allen Johnson [redacted] Corbina Way, 93035 2/21/2021

BRIAN LEE HILLER [redacted] CORBINA WAY, OX 93035

Cathy Van C. Van [redacted] Marlin Way, Oxnard 93035

DOUGLAS CARR [redacted] MARLIN WAY OXNARD 93035

Debra L. Carr Debra L Carr [redacted] Marlin Way Oxnard CA 93035

B

Andrew W. and Theresa M. Stewart

5054 Moonstone Way
Oxnard, CA 93035
andystewart90029@yahoo.com
theresa@tmstewartcpa.com

November 2, 2021

Jose Coyoti – Planning Department
214 South C Street
Oxnard, CA 93030

Re: Planning Zone No. 210516-24

Dear Sir or Madam:

We are homeowners in Oxnard Shores and against this location for a cannabis dispensary. This is a quiet community. We would like the area to retain its quiet nature. There is also evidence of increased crime in areas that have 1 or more dispensaries. See the article from the Denver Times attached and can also be found online at: https://news.ucdenver.edu/do-marijuana-dispensaries-increase-neighborhood-crime/ . Here is a quote from the article stating 26% to 1452% higher:

"We found that neighborhoods with one or more medical or recreational dispensary saw increased crime rates that were between 26 and 1,452 percent higher than in neighborhoods without any commercial marijuana activity," notes Lorine A. Hughes, PhD, associate professor in the School of Public Affairs at the University of Colorado Denver, who led the study. "But we also found that the strongest associations between dispensaries and crime weakened significantly over time."

We believe that this dispensary and the community of "Oxnard Shores" would be better served if it were located in a more commercial area i.e. Seabridge or 5th and Victoria.

Please contact us if you need further information.

Thank you for your service.

Sincerely,

Andrew W. Stewart

Theresa M. Stewart

City Stories

Do marijuana dispensaries increase neighborhood crime?

Researchers study Denver neighborhoods post 2014 legalization

February 20, 2019

Ten states and the District of Columbia now allow the sale, possession and use of marijuana for recreational purposes, and 33 states and the District of Columbia allow medical marijuana. Critics argue that marijuana dispensaries are magnets for crime. A new study found an association between marijuana dispensaries and increases in rates of crime and disorder in neighborhoods in Denver, Colo., shortly after Colorado commenced legal retail sales of marijuana.

The study, by researchers at the University of Colorado Denver, appears in *Justice Quarterly*, a publication of the Academy of Criminal Justice Sciences.

"We found that neighborhoods with one or more medical or recreational dispensary saw increased crime rates that were between 26 and 1,452 percent higher than in neighborhoods without any commercial marijuana activity," notes Lorine A. Hughes, PhD, associate professor in the School of Public Affairs at the University of Colorado Denver, who led the study. "But we also found that the strongest associations between dispensaries and crime weakened significantly over time."

A study by School of Public Affairs researchers found a relatively strong association between medical marijuana dispensaries and drug and alcohol offenses.

Dispensaries associated with increase in crime

In their study, the researchers looked at both medical and recreational dispensaries from 2012 to 2015 (Colorado legalized marijuana in 2014). They examined the extent to which dispensaries were associated with neighborhood crime and disorder independently of other characteristics of the neighborhoods (e.g., socioeconomic disadvantage, concentration of high-risk commercial establishments such as check-cashing stores and tattoo shops).

Measures of crime and disorder were drawn from the Denver Police Department and included aggravated assault, auto theft, burglary, drug and alcohol offenses, murder, public disorder, robbery and theft from a car. Measures of other neighborhood characteristics were based on 2013 estimates of characteristics of Census block groups, which researchers applied to 3,981 equally distributed geographic areas in Denver. Information about marijuana dispensaries was obtained from government agencies.

The study found that except for murder, the presence of at least one medical marijuana dispensary was associated with a statistically significant increase in neighborhood crime and disorder, including robbery and aggravated assault. The study also found a relatively strong association between medical marijuana dispensaries and drug and alcohol offenses, with a decline in the strength of the link after recreational marijuana was legalized.

The pattern of results was similar for recreational marijuana dispensaries, though the study found no direct relation to auto theft.

Results of a study by CU Denver criminal justice researchers indicate that both medical and recreational marijuana dispensaries are associated with increases in most major crime types.

How marijuana legalization affects neighborhoods

The authors caution that the results of the study, based only on information from Denver immediately after legalization and before market saturation, may not be appropriate for generalization to other geographic areas. They also note that because the study relied on official police data to measure crime and disorder, it's possible that police targeted neighborhoods with marijuana dispensaries, which would over-estimate the association between these facilities and crime and disorder.

"Our findings have important implications for the marijuana industry in Denver and the liberalization of marijuana laws nationwide," suggests Lonnie M. Schaible, PhD, associate professor in the School of Public Affairs at the University of Colorado Denver, who coauthored the study. "Although our results indicate that both medical and recreational marijuana dispensaries are associated with increases in most major crime types, the weak strength typical of these relationships suggests that, if Denver's experience is representative, major spikes in crime are unlikely to occur in other places following legalization."

The authors suggest that, rather than fighting to oppose legalized marijuana, which has become a multibillion-dollar industry and is expected to create more than a quarter of a million jobs by 2020, it may be more expedient to develop and support secure and legal ways for dispensaries to engage in financial transactions.

Summarized from Justice Quarterly, *Marijuana Dispensaries and Neighborhood Crime and Disorder in Denver, Colo., by Hughes, L, Schaible, LM, and Jimmerson, K (University of Colorado Denver).* *Copyright 2019 The Academy of Criminal Justice Sciences. All rights reserved.*

Reprinted with permission. Originally published by the Crime and Justice Research Alliance.

Written by Guest Contributor, University Communications

© 2021 The Regents of the University of Colorado, a body corporate. All rights reserved.

Accredited by the Higher Learning Commission. All trademarks are registered property of the University. Used by permission only.

C

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] Item F-4: TD Enterprise LLC dba Oxnard Holistics

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 10:15 AM
To: Adrian Arvizo <adrianarvizo@gmail.com>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hello Adrian,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Tue, Jan 11, 2022 at 8:47 PM Adrian Arvizo <adrianarvizo@gmail.com> wrote:

> Dear Planning Commission:
>
> I strongly oppose a marijuana dispensary opening in Oxnard Shores. Next door to residential properties is not an appropriate location for such a business. This will increase crime and traffic in the area. There is no other dispensary in a residential neighborhood and I certainly do NOT want my neighborhood to be the first.
>
> Sincerely,
> Adrian Arvizo

D

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: Cannabis dispensary Harbor Bl., Oxnard Shores

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 11:49 AM
To: "Chaparro, Rose" <rose.chaparro@oxnard.org>
Cc: "Kolwitz, Scott" <scott.kolwitz@oxnard.org>, Vyto Adomaitis <vyto.adomaitis@oxnard.org>, Jose Coyotl <jose.coyotl@oxnard.org>

Hi Rose,
Jose will include this in the transmittal memo and then I will distribute it to the Planning Commission and post online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Wed, Jan 12, 2022 at 11:41 AM Chaparro, Rose <rose.chaparro@oxnard.org> wrote:

Hi Dee,

Please forward to the Planning Commission. Thank you.

Rose Chaparro, City Clerk
City of Oxnard
300 West Third Street
Oxnard, CA 93030
Main Line: (805) 385-7803
rose.chaparro@oxnard.org

CITY OF OXNARD CALIFORNIA

---------- Forwarded message ---------

From: **'Karen' via City Clerk** <cityclerk@oxnard.org>
Date: Wed, Jan 12, 2022 at 11:36 AM
Subject: Cannabis dispensary Harbor Bl., Oxnard Shores
To: <cityclerk@oxnard.org>
Cc: <john.zaragoza@oxnard.org>, <bryan.mcdonald@oxnard.org>, <bert.perello@oxnard.org>, <oscar.madrigal@oxnard.org>, <gabriela.basua@oxnard.org>, <vianeyforoxnard@gmail.com>

City Clerk, please forward to Planning Commissioners, thanks!

Planning Commissioners, Mayor and City Council,

My husband and I are residents of Oxnard Shores; I am an Oxnard native. I am asking you to reconsider the possibility of a cannabis dispensary at the Shores strip mall. I do not have a negative view of legitimate cannabis businesses, and would welcome such a business in another, more appropriate location in Oxnard.

I hope the Commissioners will not approve this location solely as a tax revenue source for the city. I hope you will look at this from the perspective of many of the residents, that we have a small convenient shopping center which already houses a brewery, a liquor-dispensing market and a restaurant that serves alcohol. There are many other locations on the west side of the city, such as much larger retail buildings on Victoria or west Fifth Street.

We already have traffic problems and too many accidents at the Wooley Road and Harbor Blvd intersection, and can see that a pot shop would draw even more traffic. There are no dispensaries in Ventura, so we can anticipate the Harbor location would be a convenient destination for west and midtown Ventura, the Keys and Pierpont, which is a mere ten-minute drive to the Shores.

I would welcome any of you to spend some time at our beach parks where the smell of pot smoke is in the air. Try sunset at the kiddie park on Neptune Square. It will only get worse if there is a dispensary just a few blocks away. As I said, I have no problems with the use of cannabis, but am concerned about stoned drivers traveling on neighborhood streets, traffic congestion at an already bad intersection and the concentration of adult-use businesses in a neighborhood setting.

Thank you for making a careful assessment of this business location based on quality of life in our neighborhood, and not just tax income.

Sincerely,

Karen and Dave Brooks

Sent from my iPad

E

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] Cannabis store in Oxnard Shores

1 message

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 12:53 PM
To: Jennifer Ficken <jficken@sbcglobal.net>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hi Jennifer,
Hi Ted,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Wed, Jan 12, 2022 at 12:47 PM Jennifer Ficken <jficken@sbcglobal.net> wrote:

> As a resident of Oxnard Shores I absolutely OPPOSE the marijuana shop being allowed to open in a residential neighborhood. This is a horrible fit for this neighborhood. It belongs in a commercial or industrial neighborhood.
>
> Jennifer Ficken
> 5218 Whitecap St
> Oxnard Shores
> 805-390-9375
>
> Sent from my iPhone

F

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: cannabis traffic KEYT story 11/21/21.

1 message

Deirdre Frank <pilawqueen@aol.com> Wed, Jan 12, 2022 at 3:37 PM
Reply-To: Deirdre Frank <pilawqueen@aol.com>
To: "jose.coyotl@oxnard.org" <jose.coyotl@oxnard.org>

-----Original Message-----
From: Deirdre Frank <pilawqueen@aol.com>
To: Deirdre Frank <pilawqueen@aol.com>
Sent: Wed, Nov 24, 2021 4:51 pm
Subject: cannabis traffic KEYT story 11/21/21.

ORT HUENEME, Calif.- People who are fed up with fatal traffic accidents near Port Hueneme's "Green Mile" took part in an International World Day of Remembrance ceremony at Bolker Park on Sunday.

The "Green Mile" is the name given to the legal marijuana dispensaries along Channel Islands Blvd.

Tens of thousands of visitors each month have added to traffic and accidents in the city.

ADVERTISING

That is why Cynthia Ross and Martha Mildbrandt invited police and city leaders to the event.

Officers didn't make it, but Mayor Steven Gama and Mayor Pro Tem Richard Rollins did.

They said they are working on safety issues in the city,

Organizers, who held a candle light vigil after dark, said there have been at least a dozen crashes near the park and some have been fatal.

They invited road safety advocate Beverley Shelton, known as Grandma, to speak.

Shelton knows what it is like to lose a loved one.

She is the Co-Founder of Families for Safe Streets.

Ross said their activism has led to four new stop signs, but they are still fighting for speed bumps.

Ventura County

6

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Comments for Planning Commission Meeting 1_13_2022 Item#4

Rick Gutierrez <rick.gutz@gmail.com> Wed, Jan 12, 2022 at 2:11 PM
To: whagedohm@cirs.com
Cc: David Laufer <1davidlaufer@gmail.com>, Deirdre Frank <pilawqueen@aol.com>, Diane Delaney <dedelane@earthlink.net>, Julie Pena <jpena7@verizon.net>, Karen Brooks <square21@verizon.net>, "Perello, Bert" <bert.perello@oxnard.org>, Robert Murphy <murph1198@gmail.com>, dee.lai@oxnard.org, jose.coyotl@oxnard.org

Walt,

I read your letter addressed to the planning department and I feel as you did a complete clarification of our neighborhood concerns and the possible conflict with legal requirements (now, I saying this because I did not read the 41 page legal document from San Diego).

Thank you for professional and submitting In a timely manner.

Job well done sir!

Respectfully,

Rick
[Quoted text hidden]

H

Subject: Cannabis Dispensary at Oxnard Shores

Members of the Oxnard Planning Commission:

The Planning Department stated at the Community Workshop on November 15, 2021 that the next phase of the approval process for the cannabis shop in Oxnard Shores was the environmental review. However, there would be NO public input, other than the workshop, and that the findings would be published seven days before this Planning Commission meeting. It is unfortunate for the applicant and the public that we were given such a brief time to review the findings of the city's environmental review, and with no input whatsoever into the environmental review process itself.

The most important finding is that this project meets the environmental standards of CEQA under (Existing Facilities) Categorical Exemption. To make this determination, the project must pass a series of exemptions found in section 15300.2 of the CEQA manual. However, I do not believe these criteria have been met.

A similar matter has recently been the subject of litigation concerning the city of San Diego that eventually went to the California Supreme Court (see attached Page 34). The issue in the case was whether the issuance of a permit for a Cannabis Retail business required environmental review. The court ruled the following:

".... we conclude the City erred in determining that the adoption of the Ordinance was not a project. Prior to the Ordinance, no medical marijuana dispensaries were legally permitted to operate in the City. The Ordinance therefore amended the City's zoning regulations to permit the establishment of a sizable number of **retail businesses of an entirely new type**. Although inconsistency with prior permissible land uses is not necessary for an activity to constitute a project establishment of these new businesses is capable of causing indirect physical changes in the environment. At a minimum, such a policy change could foreseeably result in new retail construction to accommodate the businesses. In addition, as UMMP suggests, the establishment of new stores could cause a citywide change in patterns of vehicle traffic from the businesses' customers, employees, and suppliers. The necessary causal connection between the Ordinance and these effects is present because adoption of the Ordinance was "an essential step culminating in action [the establishment of new businesses] which may affect the environment." The theoretical effects mentioned above are sufficiently plausible to raise the possibility that the Ordinance "may cause a reasonably foreseeable indirect physical change in the environment," warranting its consideration as a project. "

Although this case concerns the City of San Diego's determination that their ordinance was not a "project" under CEQA, a proposition the court rejected, the ruling that a Cannabis business represents a "retail business of entirely new type" and "may cause a reasonable foreseeable indirect change to the environment" requires that the city prove that no change will occur.

The Shores shopping center is unique in that it is located in a residential neighborhood. More importantly, there is no access to the center from Harbor Blvd. the major thoroughfare in the area. Instead, all traffic must enter the center by first entering the residential neighborhood. I do not recall any centers in the area that has such a traffic pattern. When entering from the south or east, you enter from Wooley Road, and when entering from the north you enter at Whitecap Street, jog onto Little Harbor in front of traffic on Whitecap and turn onto Outrigger before entering the center. These are two

exceedingly difficult intersections in normal times; at rush hour they are extremely dangerous. This is a destination business, the only cannabis shop west of Ventura Road. It will draw customers from the newly developed projects at Wooley and Harbor, the North Shores development, residents around Fifth and Victoria and renters from the new permitted STRs. These new developments have not been considered when it comes to traffic safety. The conclusion that no environmental study is necessary is not warranted either by the facts concerning this center or by the recent court ruling. It is important that the Planning Commission request a more complete environmental study of this project.

Sincerely,

Walter Hagedohm
Oxnard Shores Resident
5300 Whitecap Street

IN THE SUPREME COURT OF CALIFORNIA

UNION OF MEDICAL MARIJUANA PATIENTS, INC.,
Plaintiff and Appellant,
v.
CITY OF SAN DIEGO,
Defendant and Respondent;
CALIFORNIA COASTAL COMMISSION,
Real Party in Interest.

S238563

Fourth Appellate District, Division One
D068185

San Diego County Superior Court
37-2014-00013481-CU-TT-CTL

August 19, 2019

Chief Justice Cantil-Sakauye authored the opinion of the Court, in which Justices Chin, Corrigan, Liu, Cuéllar, Kruger and Groban concurred.

UNION OF MEDICAL MARIJUANA PATIENTS, INC.,
v. CITY OF SAN DIEGO

S238563

Opinion of the Court by Cantil-Sakauye, C. J.

The California Environmental Quality Act, Public Resources Code sections 21000 et seq. (CEQA), applies to "projects," a term defined by statute. In general, a project is an activity that (1) is undertaken or funded by, or subject to the approval of a public agency and (2) may cause "either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment." (Pub. Res. Code, § 21065.)[1] Although section 21065 supplies the definition of a project, another provision of CEQA, section 21080, subdivision (a), can be interpreted to declare specified public agency activities, including the amendment of a zoning ordinance, to be a project as a matter of law, without regard to their potential for causing a physical change in the environment. In this matter, we must decide whether to adopt this interpretation of section 21080, which would prevail over section 21065 with respect to the specific public agency activities listed in section 21080.

In 2014, the City of San Diego (City) adopted an ordinance authorizing the establishment of medical marijuana

---

[1] Unless indicated otherwise, all further statutory references are to the Public Resources Code.

dispensaries and regulating their location and operation. The central provisions of this ordinance amended various City zoning regulations to specify where the newly established dispensaries may be located. Because the City found that adoption of the ordinance did not constitute a project for purposes of CEQA, it did not conduct any environmental review. Petitioner Union of Medical Marijuana Patients (UMMP) challenged the City's failure to conduct CEQA review in a petition for writ of mandate, which was denied by the trial court.

On appeal, UMMP argued (1) the amendment of a zoning ordinance, one of the public agency activities listed in section 21080, is conclusively declared a project by that statute and (2) the City's ordinance, in any event, satisfied the definition of a project under section 21065. The former argument was premised in part on *Rominger v. County of Colusa* (2014) 229 Cal.App.4th 690 (*Rominger*), which relied on section 21080 in concluding that a county's approval of a tentative subdivision map, another activity listed in section 21080, was a project as a matter of law. Here, the Court of Appeal disagreed with *Rominger*, concluding that the amendment of a zoning ordinance is subject to the same statutory test as public agency activities not listed in section 21080. The court proceeded to find no error in the City's conclusion that the ordinance was not a project because it did not have the potential to cause a physical change in the environment. We granted review to resolve the conflict between the two Courts of Appeal regarding the interpretation of section 21080.

We agree with the Court of Appeal below that section 21080 does not override the definition of project found in

section 21065. Accordingly, the various activities listed in section 21080 must satisfy the requirements of section 21065 before they are found to be a project for purposes of CEQA. On the other hand, we conclude that the Court of Appeal misapplied the test for determining whether a proposed activity has the potential to cause environmental change under section 21065, which was established in *Muzzy Ranch Co. v. Solano County Airport Land Use Commission* (2007) 41 Cal.4th 372 (*Muzzy Ranch*), and erred in affirming the City's finding that adoption of the ordinance did not constitute a project. For that reason, we reverse and remand for further proceedings.

I. FACTUAL AND PROCEDURAL BACKGROUND

A. The City's Medical Marijuana Ordinance

Health and Safety Code section 11362.83, a provision of the Medical Marijuana Program (Health & Saf. Code, § 11362.7 et seq.), recognizes the authority of local governments to adopt ordinances regulating the "location, operation, or establishment of a medicinal cannabis cooperative or collective." (Health & Saf. Code, § 11362.83, subd. (a); see *Kirby v. County of Fresno* (2015) 242 Cal.App.4th 940, 956.) In 2014, the City enacted such a regulation, San Diego Ordinance No. O-20356 (Ordinance). The Ordinance amended a variety of City Municipal Code sections to authorize the establishment, and regulate the siting and operation of, "medical marijuana consumer cooperatives" (dispensaries), which were defined as "a facility where marijuana is transferred to qualified patients or primary caregivers in accordance with the Compassionate Use Act of 1996 and the Medical Marijuana Program Act." (Ord., § 1.)

The primary provisions of the Ordinance amended several of the City's zoning regulations to cap the number of dispensaries and specify where in the City they could be located. Dispensaries were added to the list of permitted uses in two of the City's six categories of commercial zones and two of the four categories of industrial zones (Ord., §§ 6, 7, 13, 15), and they were expressly excluded from open space, agricultural, and residential zones. (*Id.*, §§ 3, 4, 5.) Dispensaries were also added to the list of permitted uses in certain planned districts of the City. (*Id.*, §§ 10, 11, 13.) The Ordinance placed an upper limit of four dispensaries in any single city council district and required a dispensary to be located more than 1,000 feet from certain sensitive uses, such as parks and schools, and more than 100 feet from a residential zone. (*Id.*, § 8.) Regardless of location, the Ordinance required the grant of a conditional use permit for a dispensary's operation. (*Id.*, §§ 2, 6, 7, 8.)

In addition to defining the location of dispensaries, the Ordinance imposed basic conditions on their operation, such as prohibiting the provision of medical consultation services, requiring particular lighting and security, defining permissible signage, and limiting hours of operation. (Ord., § 8.)

Because the City contains nine city council districts, the Ordinance's limit of four dispensaries per district permitted, in theory, the establishment of 36 dispensaries. A study commissioned by the City, however, found that the other restrictions placed on the location of dispensaries by the Ordinance, such as the limitation to particular zoning districts and the minimum distance from sensitive uses, precluded the establishment of a dispensary entirely in one city council

district and limited two other districts to three dispensaries each. This left a practical maximum of 30 dispensaries. City planning staff concluded that the actual number of dispensaries to be created "is very likely to be significantly less," since "factors such as available units for rent, rental rates, overall demand for dispensaries, and proximity of potential sites to target markets would rule out some sites."

Because the City found CEQA inapplicable to the Ordinance's enactment, it conducted no environmental review prior to its adoption. The City's finding explained its reasoning: "The . . . Ordinance is not subject to [CEQA] . . . , in that it is not a Project . . . . Adoption of the ordinance does not have the potential for resulting in either a direct physical change in the environment, or reasonably for[e]seeable indirect physical change in the environment. Future projects subject to the ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA."

B. This Litigation

According to its President, UMMP is "a civil rights organization that is devoted to defending and asserting the rights of medical cannabis patients as well as promoting safe access to medical marijuana." Prior to adoption of the Ordinance, UMMP submitted two letters to the City Council objecting to the failure to conduct environmental review under CEQA. The letters argued that the Ordinance should have been found to be a project for purposes of CEQA because it had the potential to cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change. (§ 21065.) According to UMMP, adoption of the

Ordinance could affect the environment because (1) restrictions on the siting of dispensaries would require "thousands of patients to drive across the City" to obtain medical marijuana; (2) the City might prosecute and close existing, unpermitted marijuana dispensaries, causing medical marijuana users to engage in the "inherently agricultural practice" of growing their own marijuana; and (3) "the unique development impacts associated with [dispensaries] [would be] shifted to certain areas of the City and intensified due to the limit on the total number of [dispensaries]."

After the City disregarded UMMP's arguments and adopted the Ordinance without further environmental review, UMMP filed a petition for writ of mandate challenging the adoption of the Ordinance under CEQA. The trial court, in an extensive written minute order, rejected UMMP's claims of the Ordinance's potential for causing environmental change, concluding there was insufficient evidence in the record to support those claims.

On appeal, UMMP repeated its argument that the Ordinance should have been considered a project as a result of its potential for physical change in the environment, but it raised the additional argument that the Ordinance should be deemed a project as a matter of law under section 21080, which states that CEQA "shall apply to discretionary projects proposed to be carried out or approved by public agencies, including, but not limited to, the enactment and amendment of zoning ordinances . . . ." (§ 21080, subd. (a).) In effect, UMMP argued, section 21080 classifies every zoning amendment as a project under CEQA, regardless of its potential for effecting environmental change. In a published opinion that will be

discussed in more detail *post*, the Court of Appeal rejected both arguments. (*Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2016) 4 Cal.App.5th 103, 116, 119-124 (*Marijuana Patients*).) In doing so, the court expressly disagreed with the holding of *Rominger*, *supra*, 229 Cal.App.4th 690, that section 21080 declares the specified public agency activities to be CEQA projects as a matter of law. (*Rominger*, at pp. 702-703; *Marijuana Patients*, at p. 118.)

II. Discussion

A. Governing Law

1. Statutory interpretation

Statutory interpretation is "an issue of law, which we review de novo." (*United Riggers & Erectors, Inc. v. Coast Iron & Steel Co.* (2018) 4 Cal.5th 1082, 1089.)

Our overriding purpose in construing a provision of CEQA, as with any statute, is "to adopt the construction that best gives effect to the Legislature's intended purpose." (*California Building Industry Assn. v. Bay Area Air Quality Management Dist.* (2015) 62 Cal.4th 369, 381 (*Building Industry*).) In determining that intended purpose, we follow "[s]ettled principles." (*Elk Hills Power, LLC v. Board of Equalization* (2013) 57 Cal.4th 593, 609 (*Elk Hills*).) "We consider first the words of a statute, as the most reliable indicator of legislative intent." (*Tuolumne Jobs & Small Business Alliance v. Superior Court* (2014) 59 Cal.4th 1029, 1037 (*Tuolumne Jobs*).) In doing so, we give the words "their usual and ordinary meaning," viewed in the context of the statute as a whole. (*Pineda v. Williams-Sonoma Stores, Inc.* (2011) 51 Cal.4th 524, 529.) As part of this process, " ' "[every]

statute should be construed with reference to the whole system of law of which it is a part so that all may be harmonized and have effect." ' " (*Elk Hills*, at p. 610.)

When the language of a statute is ambiguous — that is, when the words of the statute are susceptible to more than one reasonable meaning, given their usual and ordinary meaning and considered in the context of the statute as a whole — we consult other indicia of the Legislature's intent, including such extrinsic aids as legislative history and public policy. (*Ceja v. Rudolph & Sletten, Inc.* (2013) 56 Cal.4th 1113, 1119; *Elk Hills*, *supra*, 57 Cal.4th at pp. 609-610.) If there is no ambiguity, " ' " 'we presume the Legislature meant what it said and the plain meaning of the statute governs.' " ' " (*Ceja*, at p. 1119.)

In construing provisions of CEQA, two unique considerations apply. First, CEQA is implemented by an extensive series of administrative regulations promulgated by the Secretary of the Natural Resources Agency, ordinarily referred to as the "CEQA Guidelines."[2] (Guidelines, § 15000.) Through long practice, we "afford great weight to the Guidelines except when a provision is clearly unauthorized or erroneous under CEQA." (*Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, 391, fn. 2; see *Building Industry*, *supra*, 62 Cal.4th at p. 381.) Second, from CEQA's inception we have held that "the

---

[2] We will cite and refer to CEQA's implementing regulations, codified at title 14, division 6, chapter 3 of the California Code of Regulations, as the "Guidelines."

Legislature intended . . . [C]EQA to be interpreted in such manner as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 259; see *Building Industry*, at p. 381.)

2. CEQA generally

"CEQA was enacted to advance four related purposes: to (1) inform the government and public about a proposed activity's potential environmental impacts; (2) identify ways to reduce, or avoid, environmental damage; (3) prevent environmental damage by requiring project changes via alternatives or mitigation measures when feasible; and (4) disclose to the public the rationale for governmental approval of a project that may significantly impact the environment." (*Building Industry*, *supra*, 62 Cal.4th at p. 382.) "CEQA embodies a central state policy to require state and local governmental entities to perform their duties 'so that major consideration is given to preventing environmental damage.' [Citations.] [¶] CEQA prescribes how governmental decisions will be made when public entities, including the state itself, are charged with approving, funding — or themselves undertaking — a project with significant effects on the environment." (*Friends of the Eel River v. North Coast Railroad Authority* (2017) 3 Cal.5th 677, 711-712, italics omitted (*Eel River*).)

"CEQA review is undertaken by a lead agency, defined as 'the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.' " (*Eel River*, *supra*, 3 Cal.5th at p. 712, quoting § 21067, italics omitted.)

A putative lead agency's implementation of CEQA proceeds by way of a multistep decision tree, which has been characterized as having three tiers. (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 380.) First, the agency must determine whether the proposed activity is subject to CEQA at all. Second, assuming CEQA is found to apply, the agency must decide whether the activity qualifies for one of the many exemptions that excuse otherwise covered activities from CEQA's environmental review. Finally, assuming no applicable exemption, the agency must undertake environmental review of the activity, the third tier.[3] (*Muzzy Ranch*, at pp. 380-381.) We examine the three-tier process in more detail below.

CEQA's applicability: When a public agency is asked to grant regulatory approval of a private activity or proposes to fund or undertake an activity on its own, the agency must first decide whether the proposed activity is subject to CEQA. (Guidelines, § 15060, subd. (c).) In practice, this requires the agency to conduct a preliminary review to determine whether the proposed activity constitutes a "project" for purposes of CEQA. (*Tuolumne Jobs*, *supra*, 59 Cal.4th at p. 1037; see § 21065; Guidelines, § 15378, subd. (a) [both defining

---

[3] In a very early CEQA case, *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, we described the three tiers differently, disregarding the project step and dividing the third tier into two parts, the preparation of an initial study and, if required, an environmental impact report (EIR). (*Id.* at p. 74.) Because the initial study and EIR are both aspects of environmental review, we find the *Muzzy Ranch* characterization more helpful in understanding CEQA's procedures.

"project"].) If the proposed activity is found not to be a project, the agency may proceed without further regard to CEQA.[4] (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 380; Guidelines, § 15060, subd. (c)(3) [if a proposed activity does not qualify as a project, it "is not subject to CEQA"].)

Exemption from environmental review: If the lead agency concludes it is faced with a project, it must then decide "whether the project is exempt from the CEQA review process under either a statutory exemption [citation] or a categorical exemption set forth in the CEQA Guidelines." (*Building Industry*, *supra*, 62 Cal.4th at p. 382.) The statutory exemptions, created by the Legislature, are found in section 21080, subdivision (b). Among the most important exemptions is the first, for "[m]inisterial" projects, which are defined generally as projects whose approval does not require an agency to exercise discretion. (§ 21080, subd. (b)(1); Guidelines, § 15369; see *Sierra Club v. County of Sonoma* (2017) 11 Cal.App.5th 11, 19-20 (*Sierra Club*).) The categorical exemptions, found in Guidelines sections 15300 through 15333, were promulgated by the Secretary for Natural Resources in response to the Legislature's directive to develop "a list of

---

[4] Courts have often labeled the project decision "jurisdictional" because it determines whether CEQA applies at all. (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 380; *Davidon Homes v. City of San Jose* (1997) 54 Cal.App.4th 106, 112.) The term is inapposite because an agency's jurisdiction over a proposed activity does not depend upon the application of CEQA. Nonetheless, its use conveys the preliminary nature of the project determination.

classes of projects which have been determined not to have a significant effect on the environment." (§ 21084, subd. (a); Guidelines, § 15354; see generally, *Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal.4th 1086, 1100-1101 (*Berkeley Hillside*).) If the lead agency concludes a project is exempt from review, it must issue a notice of exemption citing the evidence on which it relied in reaching that conclusion. (*Muzzy Ranch*, *supra*, 41 Cal.4th at pp. 380, 386-387.) The agency may thereafter proceed without further consideration of CEQA.

Environmental review: Environmental review is required under CEQA only if a public agency concludes that a proposed activity is a project and does not qualify for an exemption. In that case, the agency must first undertake an initial study to determine whether the project "may have a significant effect on the environment." (Guidelines, § 15063, subd. (a); *Friends of the College of San Mateo Gardens v. San Mateo County Community College Dist.* (2016) 1 Cal.5th 937, 945 (*San Mateo Gardens*).) If the initial study finds no substantial evidence that the project may have a significant environmental effect, the lead agency must prepare a negative declaration, and environmental review ends. (§ 21080, subd. (c)(1); *San Mateo Gardens*, at p. 945.) If the initial study identifies potentially significant environmental effects but (1) those effects can be fully mitigated by changes in the project and (2) the project applicant agrees to incorporate those changes, the agency must prepare a *mitigated* negative declaration. This too ends CEQA review. (§ 21080, subd. (c)(2); *San Mateo Gardens*, at p. 945.) Finally, if the initial study finds substantial evidence that the project may have a significant environmental impact and a

mitigated negative declaration is inappropriate, the lead agency must prepare and certify an environmental impact report before approving or proceeding with the project. (§ 21080, subd. (d); *Building Industry*, *supra*, 62 Cal.4th at p. 382.)

3. The Court of Appeal's decision

At issue before the Court of Appeal was the first tier in the CEQA process, the determination by a putative lead agency whether a proposed activity constitutes a project. In particular, the court was asked to decide whether a public agency's amendment of a zoning ordinance constitutes a project as a matter of law.

As suggested *ante*, two separate provisions of the Public Resources Code are potentially relevant to this question. "Project" is defined in section 21065 as an activity (1) undertaken or funded by or requiring the approval of a public agency that (2) "may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment."[5] (See *Sunset*

---

[5] The full text of section 21065 follows:

" 'Project' means an activity which may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and which is any of the following:

"(a) An activity directly undertaken by any public agency.

"(b) An activity undertaken by a person which is supported, in whole or in part, through contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

Sky Ranch Pilots Assn. v. County of Sacramento (2009) 47 Cal.4th 902, 907 (*Sky Ranch Pilots*).) The controversy arises because a related statute, section 21080, can be interpreted to override section 21065 with respect to the classification of zoning ordinance amendments and certain other public agency activities: "Except as otherwise provided in this division, this division shall apply to discretionary *projects* proposed to be carried out or approved by public agencies, *including, but not limited to, the enactment and amendment of zoning ordinances,* the issuance of zoning variances, the issuance of conditional use permits, and the approval of tentative subdivision maps unless the project is exempt from this division." (§ 21080, subd. (a), italics added.) As UMMP argued, this language can be read to classify the various listed agency activities as "discretionary projects" in every case, regardless of their potential for bringing about a physical change in the environment.

The Court of Appeal rejected UMMP's argument that "*any* enactment of a zoning ordinance by a public agency *necessarily* constitutes a project." (*Marijuana Patients*, *supra*, 4 Cal.App.5th at p. 114.) The court began its analysis by concluding that section 21080's listing of various local agency activities is ambiguous. As the court viewed it, the Legislature could have intended either "that the examples given . . . are illustrations of activities that are 'discretionary projects

---

"(c) An activity that involves the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies."

proposed to be carried out or approved by public agencies,' *or* . . . are illustrations of activities 'proposed to be carried out or approved by public agencies,' but that not all such activities will qualify as 'discretionary projects.' " (*Marijuana Patients*, at p. 115.) The court rejected the first reading on the basis of section 21065. It noted that section 21065 defines a project as having two characteristics, the potential to cause a physical change in the environment and the involvement of a public agency. To harmonize the "more specific provision" of section 21065 with the "more general provision" of section 21080, the court held that the "most reasonable interpretation" of section 21080, subdivision (a), is that the various listed public agency activities are examples of " '[a]n activity directly undertaken by any public agency' as set forth in section 21065, but that the enactment or amendment of a zoning ordinance will not constitute a CEQA project unless it *also* meets the second requirement in section 21065, namely that it 'may cause either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.' " (*Marijuana Patients*, at p. 116.)

The court found support for its interpretation in Guidelines section 15378. (*Marijuana Patients*, *supra*, 4 Cal.App.5th at p. 116.) As noted above, the Guidelines are "afford[ed] great weight" in interpreting CEQA. (*Building Industry*, *supra*, 62 Cal.4th at p. 381.) In defining "project," Guidelines section 15378, subdivision (a)(1) partially melds sections 21065 and 21080: " 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and

that is any of the following: [¶] (1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities[,] clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof . . . ."[6] Although Guidelines section 15378 includes an express reference to the enactment or amendment of a zoning ordinance, it classifies those activities merely as examples of "activit[ies] directly undertaken by any public agency." (*Id.*, subd. (a)(1).) The requirement that an activity have the potential to cause a change in the environment is classified by

---

[6] The complete text of Guidelines section 15378, subdivision (a), is as follows:

" 'Project' means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment, and that is any of the following:

"(1) An activity directly undertaken by any public agency including but not limited to public works construction and related activities[,] clearing or grading of land, improvements to existing public structures, enactment and amendment of zoning ordinances, and the adoption and amendment of local General Plans or elements thereof pursuant to Government Code Sections 65100-65700.

"(2) An activity undertaken by a person which is supported in whole or in part through public agency contracts, grants, subsidies, loans, or other forms of assistance from one or more public agencies.

"(3) An activity involving the issuance to a person of a lease, permit, license, certificate, or other entitlement for use by one or more public agencies."

Guidelines section 15378 as an independent element of "project," applicable whether or not the activity is listed in section 21080. "Thus," the Court of Appeal concluded, "under the CEQA Guidelines, the enactment and amendment of a zoning ordinance is a project *only if* that action *also* creates 'a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment.' " (*Marijuana Patients*, *supra*, at p. 116.)

The Court of Appeal rejected the contrary conclusion of *Rominger*, *supra*, 229 Cal.App.4th 690, because that court's "analysis ignores the definition of a project as set forth in CEQA and the CEQA Guidelines." (*Marijuana Patients*, *supra*, 4 Cal.App.5th at p. 118.) *Rominger*, in holding that a county's approval of a tentative subdivision map constituted a project as a matter of law under section 21080, did not base its ruling on an analysis of the respective texts of sections 21065 and 21080. Rather, it looked to our observation in *Muzzy Ranch*, *supra*, 41 Cal.4th 372, that "[w]hether an activity constitutes a project subject to CEQA is a categorical question respecting whether the activity is of a general kind with which CEQA is concerned, without regard to whether the activity will actually have environmental impact." (*Id.* at p. 381.) Taking this principle as its guide, *Rominger* concluded that "the Legislature has determined [in section 21080, subdivision (a)] that certain activities, including the approval of tentative subdivision maps, *always* have at least the *potential* to cause a direct physical change or a reasonably foreseeable indirect physical change in the environment." (*Rominger*, at p. 702.) In reaching this conclusion, *Rominger* did not, as *Marijuana*

Patients rightly noted, take into account the language of section 21065 or otherwise attempt to reconcile the two statutes.

Having held that the Ordinance was not a project unless it had the potential to cause a direct or reasonably foreseeable indirect physical change in the environment, as required by section 21065, the Court of Appeal proceeded to consider UMMP's argument that the City erred in concluding that the Ordinance did not have that potential. (*Marijuana Patients*, *supra*, 4 Cal.App.5th at p. 119.) UMMP effectively conceded that the Ordinance did not have the potential to cause a direct physical change (*Marijuana Patients*, at p. 113), but it contended, as noted above, that the Ordinance had the potential to cause various indirect effects, namely, increased traffic from patients driving to the new dispensaries, increased self-cultivation of marijuana, and changed patterns of urban development within the City. (*Marijuana Patients*, at p. 120.) After evaluating each of the claimed indirect effects individually, the court concluded that all were too speculative or lacking in evidentiary support in the administrative record to permit a finding that they were reasonably foreseeable, as required by section 21065. (*Marijuana Patients*, at pp. 120-124.) Finding no error in the City's determination that CEQA was inapplicable, the Court of Appeal affirmed the trial court's denial of a writ of mandate. (*Marijuana Patients*, at p. 124.)

B. Whether Section 21080 Conclusively Declares the Amendment of a Zoning Ordinance To Be a CEQA "Project"

We agree with the Court of Appeal that section 21080 does not dictate the result here as a matter of law, and we agree for essentially the reasons cited by that court.[7]

As the Court of Appeal concluded, section 21080's statement that CEQA applies to "discretionary projects proposed to be carried out or approved by public agencies," followed by its listing of the amendment of a zoning ordinance as an example, is ambiguous, at least when considered in isolation. It is unclear from the text of section 21080 whether the amendment of a zoning ordinance, as well as the other listed activities, are examples of "discretionary projects" to

---

[7] The City urges us to dismiss this appeal as moot on the basis of Business and Professions Code section 26055, subdivision (h), enacted after we granted review (Stats. 2017, ch. 27, § 41), which exempts from CEQA a public agency's enactment of any regulation that requires discretionary review of licenses to engage in "commercial cannabis activity." The City does not argue that subdivision (h) applies retroactively to exempt the Ordinance from CEQA, and we offer no opinion on that issue. Instead, the City contends that UMMP can no longer be granted effective relief because the City could re-enact the Ordinance without environmental review. (See *In re David B.* (2017) 12 Cal.App.5th 633, 644 [a matter becomes moot if effective relief can no longer be granted].) We reject the argument because the trial court can still grant some of the relief requested by UMMP by vacating the City's approval of the Ordinance, if such relief is appropriate. (See *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 127 [matter not moot because petitioner "can still be awarded the relief it seeks, an order that [the] [c]ity set aside its approvals"].)

which CEQA *does* apply, or whether they are examples of discretionary activities "proposed to be carried out or approved by public agencies" to which CEQA *might* apply.

When interpreting the provisions of CEQA, however, we do not consider them in isolation, but in the context of the entire statute. (*Tuolumne Jobs, supra,* 59 Cal.4th 1029, 1037.) Within CEQA, "project" is not merely a word; it is a defined term. " 'If the Legislature has provided an express definition of a term, that definition ordinarily is binding on the courts.' " (*State ex rel. Dept. of California Highway Patrol v. Superior Court* (2015) 60 Cal.4th 1002, 1011.) As a corollary of this principle, "[t]erms defined by the statute in which they are found will be presumed to have been used in the sense of the definition." (*Faulder v. Mendocino County Bd. of Supervisors* (2006) 144 Cal.App.4th 1362, 1371.) In the case of CEQA, this judicial presumption is legislatively mandated. Section 21060 expressly states that CEQA's definitions "govern the construction of this division."

Applying this principle of interpretation, we must assume that in using the defined term "project" in section 21080, the Legislature intended it to bear the definition assigned in section 21065. Accordingly, the first portion of section 21080, subdivision (a) — "Except as otherwise provided in this division, this division shall apply to discretionary projects proposed to be carried out or approved by public agencies" — must be understood to mean that CEQA applies to activities proposed to be carried out or approved by a public agency that both (1) are discretionary and (2) satisfy the requirements for a project under section 21065. Although all of the exemplary activities listed in section 21080 necessarily

satisfy section 21065's requirement of public agency involvement, there is no reason to conclude that they invariably satisfy its requirement of the potential to cause a physical change in the environment. For that reason, we must interpret the listing of public agency activities in section 21080, subdivision (a), merely to offer generic examples of the type of "discretionary [activities] proposed to be carried out or approved by public agencies" to which CEQA *could* apply. CEQA *does* apply only to activities that qualify as projects — in other words, to specific examples of the listed activities that have the potential to cause, directly or indirectly, a physical change in the environment.

UMMP has not suggested any reason why the ordinary presumption requiring a defined term to carry that meaning should not apply in these circumstances, and we aware of none. As noted, the definition in section 21065 is legislatively mandated to apply to section 21080, as well as to the remainder of CEQA. (§ 21060.) Nothing in section 21080 suggests that the Legislature intended to exempt the listed activities from satisfying the requirements for a project. On the contrary, its use of the defined term "project," rather than a generic term such as "activity," suggests that the Legislature intended to incorporate the defined concept. Finally, using the defined meaning does not result in an absurdity or otherwise impair the enforcement of CEQA. It simply confirms that the public agency activities listed in section 21080 must satisfy the same requirement applicable to nonlisted activities before they are subject to CEQA, the requirement of potential for physical change in the environment. (See § 21065.)

Because the plain language of section 21080 is unambiguous when evaluated in context, it is unnecessary for us to consider other indicia of meaning. Yet it is worth noting that other available indicia support our interpretation. First and most important, as the Court of Appeal recognized, our interpretation is consistent with that of the Secretary for Natural Resources in the Guidelines, to which we must "afford great weight." (*Building Industry*, *supra*, 62 Cal.4th at p. 381.) In defining "project," the Guidelines impose the requirement of a potential for causing a physical change in the environment on all public agency activities. (Guidelines, § 15378, subd. (a).) Although Guidelines section 15378 mentions enactment and amendment of a zoning ordinance, activities also mentioned in section 21080, it cites those activities merely as examples of activities "directly undertaken by any public agency" (§ 15378, subd. (a)(1)), a usage equivalent to our understanding of the significance of the list of activities in section 21080. Guidelines section 15378 does not suggest that the enactment or amendment of a zoning ordinance constitutes a project without regard to its potential for causing environmental change.

Policy considerations favor this interpretation as well. Finding a proposed activity subject to CEQA can lead to additional costs, in time and money, for both a public agency and a private applicant. (*Sky Ranch Pilots*, *supra*, 47 Cal.4th 902, 909.) As section 21065 recognizes, there is no reason to impose those costs by subjecting a proposed activity to CEQA if the activity does not have the potential to affect the environment. Declaring all of the activities listed in section 21080 to be a project would necessarily subject them to these

incremental costs without regard to their potential for causing an environmental impact.

The legislative history of sections 21065 and 21080 also supports our conclusion. As originally enacted, section 21065 defined "project" merely as an activity undertaken, financed or subject to approval by a government agency, using the text now contained in subdivisions (a) through (c) of the statute. (Stats. 1972, ch. 1154, § 1, pp. 2271-2272.) The statute did not contain the further requirement that a proposed activity have the potential to cause environmental change. At that time, section 21080, subdivision (a) was materially identical to its present text. (Stats. 1972, ch. 1154, § 1, p. 2272.) Accordingly, the local government activities listed in section 21080 necessarily constituted examples of "projects," since all land use regulations and approvals constituted projects under the version of section 21065 in effect at the time.[8] In 1994, section 21065 was amended to its present form, limiting "projects" to governmental activities that posed the possibility of an environmental effect. (Stats. 1994, ch. 1230, § 4, p. 7682.) The purpose of the amendment was to "prohibit CEQA from being used to delay or kill [activities] that have no direct or indirect effect on the environment" by narrowing the definition of project. (Assem. Natural Resources Com., Republican Analysis of Sen. Bill No. 749 (1993-1994 Reg. Sess.) Aug. 22, 1994, p. 1.)

---

[8] The significance of the list in section 21080 was presumably to classify the activities as "discretionary" projects, which made them ineligible for the ministerial exemption under section 21080, subdivision (b).

To continue to treat all of the activities listed in section 21080 as "projects" following this amendment of section 21065, regardless of their potential for producing an environmental change, would entirely defeat the narrowing purpose of the amendment, at least as far as the listed activities are concerned.

The *Rominger* court, in holding that section 21080 declared all tentative subdivision map approvals to be projects, explained its reasoning in part by noting, "Presumably no one goes to the trouble of subdividing property just for the sake of the process; the goal of subdividing property is to make that property more useable. And with the potential for greater or different use comes the potential for environmental impacts from that use." (*Rominger*, *supra*, 229 Cal.App.4th at p. 702.) Even assuming this to be true with respect to tentative subdivision maps, the rationale supports *Rominger*'s statutory interpretation only if the same logic also holds for the other public agency activities listed in section 21080. It does not. As amici curiae League of California Cities and California State Association of Counties point out, many types of local government regulations are labeled "zoning ordinances," covering a wide range of regulatory subjects. Whether the enactment or amendment of a regulation denominated a "zoning ordinance" carries the potential for environmental change depends entirely on the nature of the particular regulation. A potential environmental effect cannot be presumed solely from the label applied to it. The same point applies with equal force to the two other activities listed in section 21080, zoning variances and conditional use permits. Neither can reliably be presumed to have the potential to

create environmental change. To subject such activities to CEQA as a matter of course serves no obvious public policy purpose.

It might be objected that this interpretation of section 21080, subdivision (a), strips the provision of its legal significance, rendering it surplusage (e.g., *Berkeley Hillside*, *supra*, 60 Cal.4th 1086, 1097 [we should avoid "interpretations that render any language surplusage"]), but that argument misunderstands the significance of section 21080 within CEQA. Section 21080, subdivision (a) establishes that CEQA applies to activities proposed to be carried out or approved by a public agency that are (1) discretionary and (2) satisfy the requirements for a project. This limitation to activities requiring the exercise of agency discretion is not otherwise reflected in CEQA, at least as stated in the affirmative. The only other statutory reference occurs by negative inference from the exemption for ministerial activities, which are defined as activities *not* requiring an agency's exercise of discretion. (*Sierra Club*, *supra*, 11 Cal.App.5th at pp. 19-20.) Not by coincidence, this exemption is contained in subdivision (b)(1) of section 21080, the subdivision immediately following the statute's reference to "discretionary projects."[9] Because it establishes the requirement of discretionary agency action, section 21080, subdivision (a) retains a legal significance

---

[9] As originally enacted, section 21080 consisted of the present text of subdivision (a) and a single exemption, the ministerial exemption, which was codified as subdivision (b). (Stats. 1972, ch. 1154, § 1, p. 2272.)

independent of its purported classification of the agency activities it specifies.

UMMP relies on *Rominger*, *supra*, 229 Cal.App.4th 690, in arguing that our decision in *Muzzy Ranch*, *supra*, 41 Cal.4th 372, dictates the conclusion that section 21080 declares the listed public agency activities to be a project as a matter of law. Again, we do not agree. *Muzzy Ranch* did not address, or even purport to consider, the question before us. Because the activity of concern in *Muzzy Ranch* was a local agency's approval of a land use compatibility plan (*Muzzy Ranch*, at p. 378), an activity not mentioned in section 21080, we had no reason to construe that statute, and the decision mentions section 21080 only once, in a general discussion of statutory exemptions. (*Muzzy Ranch*, at p. 380.) *Muzzy Ranch* is in no way binding in the present circumstances.[10]

We recognize that the *Muzzy Ranch* observation cited by *Rominger*, "[w]hether an activity constitutes a project subject to CEQA is a *categorical question* respecting whether the activity is of a *general kind* with which CEQA is concerned," may be interpreted to suggest that certain types of activities can be considered projects as a matter of law. (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 381, italics added.) Yet the decision does not so state. Other than its particular choice of phrase,

---

[10] For reasons stated in the text, we disapprove *Rominger v. County of Colusa*, *supra*, 229 Cal.App.4th 690, to the extent it holds that the various public agency activities listed in section 21080, subdivision (a), are conclusively declared to be CEQA projects.

there is no indication in *Muzzy Ranch* that the description of the project decision as a "categorical question" was intended to imply that entire categories of local governmental activities may be deemed projects, without consideration of their individual substance. Instead, as discussed further below, that characterization was intended to convey the relatively abstract and preliminary nature of the project decision.

C. Whether the Ordinance Is the Sort of Activity That May Cause a Direct or Indirect Physical Change in the Environment

Because we conclude that section 21080 does not declare every zoning amendment to be a CEQA project as a matter of law, we must, like the Court of Appeal, review the City's conclusion that the Ordinance did not qualify as a project under section 21065. On this issue, we part ways with the Court of Appeal.

The governing decision is *Muzzy Ranch*, *supra*, 41 Cal.4th 372. The lead agency in *Muzzy Ranch* was a Solano County commission (commission) established to regulate land uses associated with county airports. (*Id.* at p. 378.) The activity of concern was the commission's adoption of the Travis Air Force Base land use compatibility plan (TALUP), which set out model land use policies for portions of the county neighboring the military air base. The policies were designed " 'to ensure that future land uses in the surrounding area will be compatible with the realistically foreseeable, ultimate potential aircraft activity at the base.' " (*Ibid.*) The *Muzzy Ranch* plaintiff was particularly concerned with the TALUP's model policy for a 600-square-mile area exposed to low altitude overflights by aircraft using the base. The policy, which did

not apply to developed areas within existing city limits, "purport[ed] to restrict residential development within [areas subject to overflights] to levels currently permitted under existing general plans and zoning regulations. Specifically, the TALUP state[d] that '[n]o amendment of a general plan land use policy or land use map designation and no change of zoning shall be permitted if such amendment or change would allow more dwelling units in the affected area than are allowed under current zoning.' " (*Muzzy Ranch*, at p. 379.)

In approving the TALUP, the commission initially adopted a resolution finding that the approval was not a project under CEQA because the TALUP would not cause a direct or reasonably foreseeable indirect physical change in the environment. (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 378.) Five days later, the commission also adopted a CEQA notice of exemption, finding that the TALUP's adoption "created '[n]o possibility of significant effect on the environment.' " (*Id.* at p. 379.) *Muzzy Ranch* reviewed both the commission's conclusion that TALUP's approval was not a project and its finding that, if a project, the approval was exempt from environmental review.

As noted above, we began our discussion of the TALUP's status as a project by observing, "Whether an activity constitutes a project subject to CEQA is a categorical question respecting whether the activity is of a general kind with which CEQA is concerned, without regard to whether the activity will actually have environmental impact." (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 381.) Because there was no question the commission's approval satisfied section 21065's requirement of public agency involvement, we addressed only "whether the

Commission's adoption of the TALUP is the sort of activity that may cause a direct physical change or a reasonably foreseeable indirect physical change in the environment." (*Muzzy Ranch*, at p. 382.)

On this issue, the plaintiff contended that the TALUP's limitation of development in the relevant area to existing approved levels could cause intensified development in other parts of the county, a phenomenon referred to as "displaced development." (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 382.) The commission responded that such effects were "inherently too speculative to be considered a reasonably foreseeable effect of an airport land use compatibility plan." (*Ibid.*) We began our analysis by recognizing that "no California locality is immune from the legal and practical necessity to expand housing due to increasing population pressures." (*Id.* at p. 383.) Given this expectation of growth, we reasoned that a local agency "may reasonably anticipate that its placing a ban on development in one area of a jurisdiction may have the consequence, notwithstanding existing zoning or land use planning, of displacing development to other areas of the jurisdiction." (*Ibid.*) On that reasoning alone, we held that the TALUP's approval might cause a reasonably foreseeable indirect physical change in the environment and therefore constituted a project. (*Ibid.*)

Our analysis of the commission's notice of exemption was quite different. In finding the TALUP exempt from environmental review, the commission relied on the "commonsense" exemption of the Guidelines, which applies "[w]here it can be seen with certainty that there is no possibility that the activity in question may have a significant

effect on the environment." (Guidelines, § 15061, subd. (b)(3).) In contrast to the decision under section 21065, which we treated as an issue of law, *Muzzy Ranch* held that the TALUP's eligibility for the commonsense exemption "presents an issue of fact, and . . . the agency invoking the exemption has the burden of demonstrating it applies." (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 386.) Applying this standard of review, we held that the commission correctly found that the commonsense exemption applied, notwithstanding our conclusion that the TALUP's *possible* environmental impact was sufficient to require its treatment as a project. As we reasoned, "When approving a project that is consistent with a community plan, general plan, or zoning ordinance for which an environmental impact report already has been certified, a public agency need examine only those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report." (*Id.* at pp. 388-389.) In restricting growth in areas of the county affected by overflights, the TALUP merely incorporated limits already imposed by existing general plan and zoning provisions. (*Id.* at p. 389.) As a result, "any potential displacement the TALUP might otherwise have effected already has been caused by the existing land use policies and zoning regulations to which the TALUP is keyed." (*Ibid.*)

Under *Muzzy Ranch*, a local agency's task in determining whether a proposed activity is a project is to consider the potential environmental effects of undertaking the type of activity proposed, "without regard to whether the activity will actually have environmental impact." (*Muzzy*

Ranch, *supra*, 41 Cal.4th at p. 381.) Applying this test, our discussion of the TALUP's status as a project was brief and straightforward. We made no reference to any evidence in the record bearing on the *actual* impact of the TALUP on development in Solano County. Instead, the decision restricted itself to an examination of the potential effects that could reasonably be anticipated from adopting a land use policy of the type contained in the TALUP. Reasoning that population growth and resulting development can be anticipated in California counties, and that a policy capping development in one area might be expected to divert this growth to other areas of a county, we found the TALUP to be the sort of activity that could result in a physical change in the environment. (*Id.* at p. 383.)

To encapsulate the *Muzzy Ranch* test, a proposed activity is a CEQA project if, by its general nature, the activity is capable of causing a direct or reasonably foreseeable indirect physical change in the environment. This determination is made without considering whether, under the specific circumstances in which the proposed activity will be carried out, these potential effects will actually occur. Consistent with this standard, a "reasonably foreseeable" indirect physical change is one that the activity is capable, at least in theory, of causing. (Guidelines, § 15064, subd. (d)(3).) Conversely, an indirect effect is not reasonably foreseeable if there is no causal connection between the proposed activity and the suggested environmental change or if the postulated causal mechanism connecting the activity and the effect is so attenuated as to be "speculative." (*Ibid.*; e.g., *City of Livermore v. Local Agency Formation Com.* (1986) 184 Cal.App.3d 531, 541-543

[amendment of local agency formation commission guidelines to permit urban development outside cities constitutes a project]; *Kaufman & Broad-South Bay, Inc. v. Morgan Hill Unified School Dist.* (1992) 9 Cal.App.4th 464, 474 [creation of a Mello-Roos district for the purposes of funding an anticipated future school system in an undeveloped portion of the city not a project because "the causal link between the [formation of the district] and the alleged environmental impact (construction of new schools) is missing"].)

The somewhat abstract nature of the project decision is appropriate to its preliminary role in CEQA's three-tiered decision tree. Determination of an activity's status as a project occurs at the inception of agency action, presumably before any formal inquiry has been made into the actual environmental impact of the activity. The question posed at that point in the CEQA analysis is not whether the activity will affect the environment, or what those effects might be, but whether the activity's potential for causing environmental change is sufficient to justify the further inquiry into its actual effects that will follow from the application of CEQA. If the proposed activity is the sort that is capable of causing direct or reasonably foreseeable indirect effects on the environment, some type of environmental review is justified, and the activity must be deemed a project. CEQA analysis is then undertaken to evaluate the likelihood and nature of the project's environmental impacts, in order to determine the extent of environmental review required.

Only as so understood is the nature of the project decision consistent with the scope of appellate review. As noted, we evaluate that decision as a question of law, rather

than fact, to be decided on "undisputed data in the record on appeal." (*Muzzy Ranch, supra,* 41 Cal.4th at p. 382; see *San Mateo Gardens, supra,* 1 Cal.5th at p. 952 [whether an activity constitutes a project under CEQA is "a predominantly legal question"].) Given the often disputed nature of the real-world environmental impacts of a typical project and the discretion invested in an agency to make related factual findings, the environmental effects of a proposed activity can be reviewed as a matter of law only if the analysis is restricted to the effects that the activity is capable of causing, rather than those it actually will cause if implemented.

Our understanding of *Muzzy Ranch* is therefore somewhat different from *Rominger*'s understanding, which UMMP urges here. UMMP argues that *Muzzy Ranch*'s reference to "a categorical question respecting whether the activity is of a general kind with which CEQA is concerned" (*Muzzy Ranch, supra,* 41 Cal.4th at p. 381) makes it unnecessary to consider the substance of a proposed activity. Instead, UMMP argues, it is sufficient to know the nature of the agency action involved — for example, approval of a zoning amendment or of a permit for private land development. On the contrary, as our discussion demonstrates, *Muzzy Ranch* clearly requires a public agency to consider the substance of a proposed activity in determining its status as a project. What need not be considered is the activity's actual impact in the specific circumstances presented. As *Muzzy Ranch* noted, the analysis is conducted "without regard to whether the activity will *actually* have environmental impact." (*Ibid.*, italics added.) Similarly irrelevant is the specific type of governmental action required, so long as the proposed activity

satisfies one of the criteria for governmental involvement established in section 21065, subdivisions (a) through (c).[11]

Applying the foregoing test, we conclude the City erred in determining that the adoption of the Ordinance was not a project. Prior to the Ordinance, no medical marijuana dispensaries were legally permitted to operate in the City. The Ordinance therefore amended the City's zoning regulations to permit the establishment of a sizable number of retail businesses of an entirely new type. Although inconsistency with prior permissible land uses is not necessary for an activity to constitute a project (see *Muzzy Ranch*, *supra,* 41 Cal.4th at p. 388), establishment of these new businesses is capable of causing indirect physical changes in the environment. At a minimum, such a policy change could foreseeably result in new retail construction to accommodate the businesses. In addition, as UMMP suggests, the establishment of new stores could cause a citywide change in patterns of vehicle traffic from the businesses' customers, employees, and suppliers. The necessary causal connection between the Ordinance and these effects is present because adoption of the Ordinance was "an essential step culminating in action [the establishment of new

---

[11] The characterization of the project decision in *Muzzy Ranch* as a "categorical question" derives from the description of the relevant question as whether "the activity is of a *general kind* with which CEQA is concerned." (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 381, italics added.) Given the demonstrated potential for confusion in using the term, however, we now refrain from characterizing the project decision as a "categorical question." This will also avoid any confusion with "categorical exemptions," an unrelated concept.

businesses] which may affect the environment." (*Fullerton Joint Union High School Dist. v. State Board of Education* (1982) 32 Cal.3d 779, 797 (*Fullerton*).) The theoretical effects mentioned above are sufficiently plausible to raise the possibility that the Ordinance "may cause . . . a reasonably foreseeable indirect physical change in the environment" (§ 21065), warranting its consideration as a project.

Although UMMP raised these potential effects in the Court of Appeal, as well as other, less plausible effects, it framed them in the context of the specific circumstances it claimed to prevail in the City, hypothesizing various City-specific reasons why the Ordinance might indirectly produce physical changes. The Court of Appeal understandably rejected these specific impacts as speculative, given the absence of any evidence to support their occurrence. For the reasons discussed above, however, both UMMP's framing of the arguments in this manner and the court's rejection of them put the cart before the horse. The likely *actual* impact of an activity is not at issue in determining its status as a project.[12]

---

[12] The Court of Appeal misunderstood its task in reviewing the City's decision. Although the court noted *Muzzy Ranch*'s characterization of the project decision as requiring a "categorical approach," it ultimately described the required analysis in a very different way. Quoting *Wal-Mart Stores, Inc. v. City of Turlock* (2006) 138 Cal.App.4th 273, 290-291, the court held, " 'The correct analysis of the relevant physical change in the environment involves a comparison of (1) the physical conditions that existed at the time the Ordinance was proposed or approved with (2) forecasts of reasonably foreseeable future conditions that may occur as a result of the adoption of the Ordinance.' " (*Marijuana Patients, supra,*

Further, at this stage of the CEQA process virtually any postulated indirect environmental effect will be "speculative" in a legal sense — that is, unsupported by evidence in the record (e.g., *People v. Murtishaw* (2011) 51 Cal.4th 574, 591 ["defendant's claim . . . is entirely speculative, for he points to nothing in the record that supports his claim"]) — because little or no factual record will have been developed. A lack of support in the record, however, does not prevent an agency from considering a possible environmental effect at this initial stage of CEQA analysis. Instead, such an effect may be rejected as speculative only if, as noted above, the postulated causal mechanism underlying its occurrence is tenuous.

Finally, the City argues, in passing, that environmental review would be more appropriate at the time each dispensary applies for a conditional use permit, which is required by the Ordinance for operation of a dispensary. We withhold comment on the significance of this argument for tiers two and three of the CEQA decision tree, but we note that the requirement of individual use permits does not prevent the Ordinance from being considered a project if section 21065 is otherwise satisfied. As we observed in *Fullerton*, *supra*,

---

4 Cal.App.5th 103, 120.) The test quoted from *Wal-Mart*, however, was not intended to govern the project decision but instead concerned the application of Guidelines section 15183, which permits "a streamlined environmental review for qualifying projects that are consistent with a general plan for which an EIR was certified." (*Wal-Mart*, *supra*, at p. 286; see *id.* at pp. 286-288.) The project decision never arose in *Wal-Mart* because the court assumed that the activity under consideration was a project. (*Id.* at p. 286.)

32 Cal.3d at page 795, a local agency "cannot argue" that approval of a regulation is not a project "merely because further decisions must be made" before the activities directly causing environmental change will occur. The City argues that too little is known about the environmental impact of the Ordinance to permit effective environmental review at this stage, but that argument conflates the various tiers of CEQA review. (*Muzzy Ranch*, *supra*, 41 Cal.4th at p. 383 ["That further governmental decisions need to be made before a land use measure's actual environmental impacts can be determined with precision does not necessarily prevent the measure from qualifying as a project"].) At this initial tier in the CEQA process, the potential of the Ordinance to cause an environmental change requires the City to treat it as a project and proceed to the next steps of the CEQA analysis.

It ultimately might prove true that, in the context of the City, the actual environmental effects of the Ordinance will be minimal. It is possible, as the Court of Appeal assumed, that the City's commercial vacancy rate is sufficient to provide retail space for the new businesses without the need for expansion. (*Marijuana Patients*, *supra*, 4 Cal.App.5th at p. 123 [dispensaries "could simply cho[o]se to locate in available commercial space in an existing building"].) It is also possible, as UMMP suggests, that a significant number of unlicensed businesses selling medical marijuana already exist in the City and that the newly licensed businesses will simply displace them. Rather than causing increased traffic and other activity, the net effect of this substitution might be little or no additional environmental burden on the City. All of these factors can be explored in the second and, if warranted, third

tiers of the CEQA process. As to those tiers, we are in no position to offer, and do not express, an opinion on the applicability of the various exemptions or, alternatively, the appropriate level of environmental review.

III. DISPOSITION

The judgment of the Court of Appeal is reversed. That court is directed to vacate the order of the superior court denying a writ of mandate and to remand the case to the trial court for further proceedings consistent with this opinion.

CANTIL-SAKAUYE, C. J.

We Concur:

CHIN, J.
CORRIGAN, J.
LIU, J.
CUÉLLAR, J.
KRUGER, J.
GROBAN, J.

See next page for addresses and telephone numbers for counsel who argued in Supreme Court.

Name of Opinion Union of Medical Marijuana Patients, Inc. v. City of San Diego

---

Unpublished Opinion
Original Appeal
Original Proceeding
Review Granted XXX 4 Cal.App.5th 103
Rehearing Granted

Opinion No. S238563
Date Filed: August 19, 2019

Court: Superior
County: San Diego
Judge: Joel R. Wohlfeil

Counsel:

Channel Law Group, Jamie T. Hall and Julian Killen Quattlebaum for Plaintiff and Appellant.

Jan I. Goldsmith and Mara W. Elliott, City Attorneys, George F. Schaefer, Assistant City Attorney, Glenn T. Spitzer and M. Travis Phelps, Deputy City Attorneys, for Defendant and Respondent.

Best Best & Krieger, Michelle Ouellette, Charity Schiller and Sarah E. Owsowitz for League of California Cities and California State Association of Counties as Amici Curiae on behalf of Defendant and Respondent.

No appearance for Real Party in Interest.

Counsel who argued in Supreme Court (not intended for publication with opinion):

Jamie T. Hall
Channel Law Group
8383 Wilshire Boulevard, Suite 750
Beverly Hills, CA 90211
(310) 982-1760

Julian K. Quattlebaum
Channel Law Group
8383 Wilshire Boulevard, Suite 750
Beverly Hills, CA 90211
(310) 982-1760

M. Travis Phelps
Deputy City Attorney
Office of the City Attorney
1200 Third Avenue, Suite 1100
San Diego, CA 92101-4100
(619) 533-5800

I

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] NO CANNABIS STORE AT OXNARD SHORES

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 12:32 PM
To: Ted Kuepper <tke@isle.net>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hi Ted,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Wed, Jan 12, 2022 at 12:22 PM Ted Kuepper <tke@isle.net> wrote:

> Dear Oxnard Planning,
>
> I am against adding a cannabis store at Oxnard Shores.
>
> We are a residential neighborhood and we already have multiple alcohol-related businesses.
>
> I don't believe any residential neighborhood in Oxnard now has a cannabis store, so why would you start with the most densely populated single family residential neighborhood in the City of Oxnard?

Please, give us a break!

Thank you,

Ted & Cory Kuepper

5121 Corbina Way

Oxnard Shores, CA 93035

805-985-3077

J

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] Opposed to Cannabis Store in Oxnard Shores

1 message

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 2:16 PM
To: Clifford Maurer <clifford.m.maurer@gmail.com>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hi Clifford,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Wed, Jan 12, 2022 at 1:54 PM Clifford Maurer <clifford.m.maurer@gmail.com> wrote:

City of Oxnard Planning Commissioners,

Thank you for your service to our community.

I strongly oppose the permitting of a cannabis retail outlet in the Oxnard Shores Development and request you, as appointed representatives of our community, to recommend against approval of this special use permit.

I have owned my property in Oxnard Shores for over 25 years. I have seen our neighborhood change with the times, some good, some bad. My neighbors and I work hard to maintain a 'neighborhood feel' in our community. While marijuana use is legal in California, the locations where it can be sold are strictly controlled. The intent of the law was that locations of cannabis retailers do no harm to the immediate areas for which they are permitted. As a result, proximity to schools, daycare providers, and a like, are clearly prescribed. Children and teenagers still live in this bedroom community. The small strip mall that serves the area now has two bars and one liquor store. Adding a cannabis store to the mix is both irresponsible and unfair to those of us who live, everyday, in this community. There is no commercial business district in Oxnard Shores, therefore, should the cannabis store be approved; it will be done so to serve a residential neighborhood. That is clearly not the intent of the voter approved Prop. 64.

Sincerely,

Clifford M. Maurer
5145 Whitecap St.
Oxnard, CA. 93035
--
Clifford M. Maurer, PE, CEM 443-995-2408

K

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] Oxnard Shores Shopping Center - NO to Cannabis store

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 12:13 PM
To: EM MM <finderika@gmail.com>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hi Erika,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Wed, Jan 12, 2022 at 12:10 PM EM MM <finderika@gmail.com> wrote:

> To whom it may concern:
>
> I am a resident in the neighborhood writing to voice my opposition to opening a cannabis store in the Oxnard Shores Shopping Center. It is a beachfront residential area and there is already a bar, a microbrewery and a liquor store occupying 50% of the available retail spaces in the tiny shopping center. There are plenty enough nearby options to buy pot without needing to cater to more retail of addictive substances. This is one of the best areas to get outside and enjoy nature and it would be so much more conducive to have a commercial center that encouraged people to engage in a healthy outdoor lifestyle.
>
> Thanks,
> Erika Murphy

L

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

Fwd: [Ask Planning Action] Pot store petitions

1 message

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 10:22 AM
To: Robert Murphy <murph1198@gmail.com>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hello Robert,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

CITY OF OXNARD CALIFORNIA

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

---------- Forwarded message ---------
From: **Robert Murphy** <murph1198@gmail.com>
Date: Wed, Jan 12, 2022 at 8:50 AM
Subject: [Ask Planning Action] Pot store petitions
To: Planning <Planning@oxnard.org>, <OSNC@cirs.com>

To Planning Commissioners
I am submitting 33 signed petitions opposed to the opening of the pot store in Oxnard Shores.
These petitions were signed in 2021.
We want to be sure the commissioners are still aware of resident opposition to this store operating locally.
We already have two bars, and one liquor store in this strip mall. Another vice business is unwanted and over saturates the area.
Thank you.
Robert Murphy
5247 Whitecap St
Oxnard Shores

805 5095398

Signed Petitions Ox Shores Cannabis001.pdf
1259K

COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
214 SOUTH C STREET
OXNARD, CALIFORNIA 93030

MEMORANDUM

Agenda Item No.: F.4

Date: January 13, 2022

To: **Planning Commission**

From: **Jose Coyotl, Associate Planner (805) 385-7863**
Scott Kolwitz, Planning & Environmental Services Manager

Subject: **Transmittal Memo No. 4 – TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP) -** PLANNING AND ZONING PERMIT No. 21-516-24 (Retail): Located at 1015 Harbor Boulevard (APN: 191-0-075-015). A request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site within the Commercial Neighborhood Convenience (CNC) 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 Kristine Byers ("**Applicant**"), 2801 B Street Unit 161, San Diego, CA 92101, on behalf of TD Enterprise, LLC. dba Oxnard Holistics.

In October 2021, the City received inquiries about calls for service at this property. The Police Department provided the attached Dispatch Records.

Additionally, subsequent to the release of the Staff Report, staff has received additional public correspondence regarding the subject project (attached).

<u>Attachments</u>

A. Police Department Dispatch Records June 2018, 2018, through July 28, 2021
B. Email dated January 12, 2022 sent by Katherine Beattie
C. Email dated January 12, 2022 sent by Mary Ellen
D. Email dated January 12, 2022 sent by Mitch Faulkner
E. Email dated January 12, 2022 sent by Ron Hood
F. Email dated January 12, 2022 sent by Mark & Renee Ostrove
G. Email dated January 12, 2022 sent by Wayne Pihlgren
H. Email dated January 12, 2022 sent by Stuart Horwitz

I. Email dated January 12, 2022 sent by Sarah Reynolds
J. Email dated January 12, 2022 sent by Gary & Marilyn Rudolph
K. Email dated January 12, 2022 sent by Angela Staff
L. Email dated January 12, 2022 sent by Janet Tausig
M. Email dated January 12, 2022 sent by Pamela Toderan
N. Email dated January 12, 2022 sent by George White
O. Email dated January 13, 2022, sent by Bob Fust
P. Email dated January 13, 2022 sent by Deirdre Frank
Q. Email dated January 13, 2022 sent by Susan Levine
R. Email dated January 13, 2022, sent by Emi Yazici.
S. Email dated January 11, 2022 sent by Deirdre Frank

1009 S HARBOR BLVD, OXNARD, CA
01/01/2018 - PRESENT

Incident Number	Call Date/Time	Officers	Dispositions	Location	Incident Type
[redacted]	7/28/2021 13:31	[redacted]	GOA - 1, ASS - 1	1009 S HARBOR BLVD, Oxnard	HOM
	6/30/2021 16:45	[redacted]	ADV - 1	1009 S HARBOR BLVD, Oxnard	FOLLOW UP
	10/11/2020 18:48	[redacted]	ASS - 1, ARR - 1	1009 S HARBOR BLVD, Oxnard	HOM
	9/29/2020 11:11	[redacted]	RPT - 1	1009 S HARBOR BLVD, Oxnard	VANDALISM
	7/2/2020 15:55	[redacted]	ASS - 1, ADV - 1	1009 S HARBOR BLVD, Oxnard	FOLLOW UP
	1/19/2020 12:05	[redacted]	GOA - 1	1009 S HARBOR BLVD, Oxnard	HOM
	11/10/2019 21:29	[redacted]	22 - 1	1009 S HARBOR BLVD, Oxnard	HOM
	7/27/2019 15:24	[redacted]	GOA - 1	1009 S HARBOR BLVD, Oxnard	HOM
	4/14/2019 11:24	[redacted]	GOA - 1	1009 S HARBOR BLVD, Oxnard	HOM
	3/27/2019 11:03	[redacted]	RPT - 1	1009 S HARBOR BLVD, Oxnard	VANDALISM
	3/13/2019 10:18	[redacted]	GOA - 1	1009 S HARBOR BLVD, Oxnard	HOM
	12/28/2018 19:57	[redacted]	HOM - 1, ADV - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	12/24/2018 11:40	[redacted]	GOA - 1, ASS - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	12/9/2018 15:22	[redacted]	GOA - 1, ADV - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	12/1/2018 22:44	[redacted]	ASS - 1, ADV - 2	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	11/10/2018 20:40	[redacted]	ADV - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	10/28/2018 11:28	[redacted]	22 - 2	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	10/26/2018 15:08	[redacted]	GOA - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	9/17/2018 20:30	[redacted]	ASS - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE
	6/2/2018 18:17	[redacted]	GOA - 1, ASS - 1	1009 S HARBOR BLVD, Oxnard	DISTURBANCE

1031 S HARBOR BLVD, OXNARD, CA
01/01/2018 - PRESENT

Incident Number	Call Date/Time	Officers	Dispositions	Location	Incident Type
[redacted]	9/29/2021 23:33	[redacted]	SEC - 1, FAL - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	9/24/2021 14:15	[redacted]	UTL - 1	1031 S HARBOR BLVD, Oxnard	ANIMAL COMPLAINT
	9/13/2021 3:38	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	8/22/2021 21:51	[redacted]	GOA - 1, ASS - 2	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	8/2/2021 22:42	[redacted]	SEC - 1, FAL - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	7/17/2021 4:00	[redacted]	SEC - 1, FAL - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	7/12/2021 23:03	[redacted]	SEC - 1, FAL - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	7/1/2021 16:05	[redacted]	RPT - 1	1031 S HARBOR BLVD, Oxnard	FOLLOW UP
	6/14/2021 23:29	[redacted]	OTH - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	6/9/2021 0:01	[redacted]	137 - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	DOMESTIC
	3/27/2021 23:42	[redacted]	ASS - 1, ADV - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	3/24/2021 21:06	[redacted]	ASS - 1, 22 - 1	1031 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	3/7/2021 12:14	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	2/7/2021 21:37	[redacted]	UNF - 1	1031 S HARBOR BLVD, Oxnard	911
	12/31/2020 20:16	[redacted]	QOA - 2	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	12/23/2020 15:15	[redacted]	ASS - 1, ADV - 1	1031 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	11/29/2020 21:26	[redacted]	ASS - 1, ARR - 1	1031 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	11/13/2020 22:01	[redacted]	QOA - 2	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	11/13/2020 20:32	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	9/29/2020 21:41	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	9/20/2020 21:07	[redacted]	ADV - 2	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	9/17/2020 21:07	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	HOM
	8/20/2020 23:30	[redacted]	QOA - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	7/11/2020 23:58	[redacted]	ADV - 2	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	7/4/2020 15:08	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	911
	7/4/2020 12:46	[redacted]	ASS - 1, ADV - 1	1031 S HARBOR BLVD, Oxnard	HOM
	6/16/2020 21:21	[redacted]	GOA - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	6/9/2020 8:39	[redacted]	ADV - 2	1031 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	6/9/2020 6:18	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	HOM
	6/7/2020 22:53	[redacted]	RPT - 1	1031 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	5/14/2020 14:03	[redacted]	UNF - 1	1031 S HARBOR BLVD, Oxnard	911
	5/4/2020 2:19	[redacted]	RPT - 2	1031 S HARBOR BLVD, Oxnard	VANDALISM
	3/27/2020 16:24	[redacted]	UNF - 1	1031 S HARBOR BLVD, Oxnard	911
	3/18/2020 19:18	[redacted]	ASS - 1, ARR - 1	1031 S HARBOR BLVD, Oxnard	FOLLOW UP
	1/17/2020 1:58	[redacted]	SEC - 1, FAL - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	1/11/2020 23:32	[redacted]	ASS - 1, ARR - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	12/31/2019 22:56	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	BAR CHECK
	11/10/2019 19:33	[redacted]	GOA - 1, UNF - 1	1031 S HARBOR BLVD, Oxnard	DUI
	10/10/2019 23:50	[redacted]	IMP - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ANIMAL COMPLAINT
	9/22/2019 5:32	[redacted]	HOM - 1, ASS - 1, ADV - 1	1031 S HARBOR BLVD, Oxnard	HOM
	9/20/2019 7:03	[redacted]	HOM - 1, GOA - 1	1031 S HARBOR BLVD, Oxnard	HOM
	9/7/2019 21:32	[redacted]	ASS - 2, ADV - 1	1031 S HARBOR BLVD, Oxnard	DISORDERLY CONDUCT
	8/19/2019 2:01	[redacted]	SEC - 1, FAL - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	8/10/2019 23:28	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	DOMESTIC
	7/23/2019 1:45	[redacted]	SEC - 1, FAL - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	6/28/2019 20:28	[redacted]	ASS - 1	1031 S HARBOR BLVD, Oxnard	DISORDERLY CONDUCT
	4/24/2019 1:53	[redacted]	SEC - 1, FAL - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	3/8/2019 2:53	[redacted]	SEC - 1, FAL - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	3/2/2019 3:31	[redacted]	SEC - 1, FAL - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	2/21/2019 1:43	[redacted]	SYS - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	2/20/2019 2:21	[redacted]	SYS - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	ALARM
	11/28/2018 23:53	[redacted]	ADV - 2	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	11/22/2018 3:17	[redacted]	SYS - 2	1031 S HARBOR BLVD, Oxnard	ALARM
	10/9/2018 0:03	[redacted]	ASS - 3, CIT - 1	1031 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	8/7/2018 1:42	[redacted]	ASS - 1, ARR - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	6/8/2018 16:11	[redacted]	ASS - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	3/15/2018 15:16	[redacted]	ADV - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE
	2/8/2018 13:55	[redacted]	HOM - 1, ASS - 1	1031 S HARBOR BLVD, Oxnard	DISTURBANCE

1035 S HARBOR BLVD, OXNARD, CA
01/01/2018 - PRESENT

Incident Number	Call Date/Time	Officers	Dispositions	Location	Incident Type
[redacted]	9/11/2021 1:36	[redacted]	SEC - 1, FAL - 1	1035 S HARBOR BLVD, Oxnard	ALARM
	8/25/2021 18:50	[redacted]	UTL - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	8/19/2021 16:14	[redacted]	ADV - 1	1035 S HARBOR BLVD, Oxnard	ANIMAL COMPLAINT
	5/30/2021 12:26	[redacted]	ASS - 1, RPT - 1	1035 S HARBOR BLVD, Oxnard	REQUEST FOR OFFICER
	5/30/2021 10:10		ADV - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	5/28/2021 14:01		ASS - 1, RPT - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC COLLISION
	5/26/2021 20:02		ADV - 1	1035 S HARBOR BLVD, Oxnard	FOLLOW UP
	5/26/2021 9:22		ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	5/5/2021 16:15		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	4/21/2021 10:50		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	1/27/2021 15:58		GOA - 1	1035 S HARBOR BLVD, Oxnard	THEFT
	12/7/2020 18:34		UTL - 1	1035 S HARBOR BLVD, Oxnard	HOM
	11/19/2020 16:29		ASS - 4, RPT - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC COLLISION
	11/19/2020 16:29		ASS - 4, RPT - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC COLLISION
	11/12/2020 11:52		ADV - 1	1035 S HARBOR BLVD, Oxnard	DISORDERLY CONDUCT
	10/16/2020 21:53		RPT - 1	1035 S HARBOR BLVD, Oxnard	FOLLOW UP
	10/14/2020 4:05		ASS - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	9/13/2020 9:21		ADV - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	8/29/2020 15:20		ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	8/26/2020 12:25		ASS - 1	1035 S HARBOR BLVD, Oxnard	REQUEST FOR OFFICER
	8/16/2020 12:10		ADV - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC COLLISION
	8/16/2020 1:47		22 - 1	1035 S HARBOR BLVD, Oxnard	ASSIST OTHER AGENCY/DEPARTMENT
	7/28/2020 20:26		ADV - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	7/20/2020 9:06		GOA - 1, ASS - 1	1035 S HARBOR BLVD, Oxnard	DOMESTIC
	7/6/2020 13:04		HOM - 1, ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	6/25/2020 14:05		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	6/21/2020 1:53		ASS - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	6/4/2020 9:28		RPT - 1	1035 S HARBOR BLVD, Oxnard	VIOLATION OF COURT ORDER
	5/28/2020 12:09		ADV - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	5/16/2020 21:34		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	1/27/2020 20:36		ADV - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	1/9/2020 0:02		GOA - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	12/21/2019 17:59		ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	12/17/2019 11:51		CIT - 1	1035 S HARBOR BLVD, Oxnard	DUI
	11/30/2019 16:00		CIT - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	11/6/2019 17:52		UTL - 1, ASS - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	11/6/2019 8:33		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	10/26/2019 17:21		GOA - 1, ASS - 1	1035 S HARBOR BLVD, Oxnard	HOM
	7/26/2019 5:40		SEC - 1, FAL - 1	1035 S HARBOR BLVD, Oxnard	ALARM
	7/15/2019 15:14		ASS - 1	1035 S HARBOR BLVD, Oxnard	SUBJECT STOP
	7/6/2019 13:03		GOA - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	6/14/2019 11:18		FI - 1	1035 S HARBOR BLVD, Oxnard	SUBJECT STOP
	5/21/2019 18:13		CIT - 1	1035 S HARBOR BLVD, Oxnard	THEFT
	4/30/2019 12:56		ADV - 1	1035 S HARBOR BLVD, Oxnard	FOLLOW UP
	4/20/2019 6:38		ADV - 1	1035 S HARBOR BLVD, Oxnard	HOM
	4/18/2019 0:26		ADV - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC COLLISION
	3/20/2019 13:23		GOA - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	3/10/2019 10:45		CIT - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	2/25/2019 21:21		OTH - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	2/21/2019 20:21		RPT - 1	1035 S HARBOR BLVD, Oxnard	FOLLOW UP
	2/11/2019 15:26		ASS - 1, RPT - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	2/10/2019 21:44		ATL - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	11/11/2018 3:50		ASS - 1, ARR - 1	1035 S HARBOR BLVD, Oxnard	SUBJECT STOP
	11/4/2018 8:18		ADV - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	10/23/2018 0:14		ASS - 1, CAN - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	10/2/2018 12:22		ADV - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	10/2/2018 11:47		GOA - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	9/25/2018 19:02		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	9/21/2018 14:58		ASS - 1, RPT - 1	1035 S HARBOR BLVD, Oxnard	SUICIDAL SUBJECT
	9/20/2018 21:03		GOA - 1, ASS - 1	1035 S HARBOR BLVD, Oxnard	DOMESTIC
	9/11/2018 9:34		FI - 1	1035 S HARBOR BLVD, Oxnard	SUBJECT STOP
	8/29/2018 15:32		ASS - 1, ARR - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	8/28/2018 2:16		ASS - 1, ADV - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	8/26/2018 7:52		ASS - 1, ADV - 1, RPT - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	8/26/2018 7:52		ASS - 1, ADV - 1, RPT - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	8/23/2018 1:44		RPT - 1	1035 S HARBOR BLVD, Oxnard	LOST/FOUND PROPERTY
	8/17/2018 16:36		GOA - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	8/10/2018 20:00		ASS - 2	1035 S HARBOR BLVD, Oxnard	ASSAULT
	7/8/2018 15:31		ATL - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	6/25/2018 13:06		RPT - 1	1035 S HARBOR BLVD, Oxnard	STOLEN VEHICLE
	6/25/2018 13:06		RPT - 1	1035 S HARBOR BLVD, Oxnard	STOLEN VEHICLE
	6/11/2018 3:38		GOA - 1, ASS - 1	1035 S HARBOR BLVD, Oxnard	CHECK THE WELL BEING
	4/1/2018 1:55		ASS - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	3/27/2018 19:34		ADV - 1	1035 S HARBOR BLVD, Oxnard	SUBJECT STOP
	3/20/2018 4:58		RPT - 1	1035 S HARBOR BLVD, Oxnard	BURGLARY
	3/18/2018 18:59		ADV - 1	1035 S HARBOR BLVD, Oxnard	DISTURBANCE
	3/8/2018 14:55		ADV - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	3/6/2018 6:24		GOA - 1	1035 S HARBOR BLVD, Oxnard	SUSPICIOUS ACTIVITY
	1/27/2018 4:43		ADV - 1	1035 S HARBOR BLVD, Oxnard	TRAFFIC STOP
	1/26/2018 15:29		ASS - 2	1035 S HARBOR BLVD, Oxnard	DISTURBANCE

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Pot Shop

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:42 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

-----Original Message-----
From: Katherine Beattie <kb@3dogmail.com>
Sent: Wednesday, January 12, 2022 7:40 AM
To: Oxnard Shores Neigh. Council <OSNC@cirs.com>
Subject: Pot Shop

I do not object to a dispensary being located there. Dispensaries have less impact than liquor stores.

Katherine Beattie, 4810 Amalfi Way
kb@3dogmail.com
310-351-1517

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

[Ask Planning Action] Mariijuana store in the Shores

1 message

Mary Ellen <mehwood@usa.net> Wed, Jan 12, 2022 at 8:25 PM
To: Planning@oxnard.org
Cc: OSNC@cirs.com

I OPPOSE the marijuana store in the Shores shopping Center. I Vote NO.

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Cannabis store Oxnard Shores

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:38 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Mitch Faulkner <kingmjf@verizon.net>
Sent: Wednesday, January 12, 2022 2:35 PM
To: Planning@oxnard.org
Cc: OSNC@cirs.com
Subject: Cannabis store Oxnard Shores

"I oppose putting a new cannabis store in Oxnard Shores."

Pamela Toderan

811 Mandalay Beach Road

Oxnard

Coyotl, Jose <jose.coyotl@oxnard.org>

FW: Proposed Oxnard Shores Pot Shop

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:44 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Ron Hood <hoodrond@aol.com>
Sent: Monday, January 10, 2022 9:37 AM
To: Planning@oxnard.org
Cc: OSNC@cirs.com; cinsun@aol.com; murph1198@gmail.com
Subject: Proposed Oxnard Shores Pot Shop

City of Oxnard;

Some of us in the Shores neighborhood oppose the proposed Pot Shop in the Shores shopping center for multiple reasons. Such as, 1) there are already plenty of Pot Shops in Oxnard; 2) we don't need another vice shop in the Shores neighborhood shopping center, which most likely would negatively impacts the community at large due to the statistical issues associated with such (i.e., crime).

Ron Hood

5126 Outrigger Way

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

FW: Planning Commission Meeting January 13th Item #4

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:43 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Renee Ostrove <disneyrenee@hotmail.com>
Sent: Tuesday, January 11, 2022 12:05 PM
To: Planning@Oxnard.org
Subject: Planning Commission Meeting January 13th Item #4

I think putting a marijuana dispensary in our residential neighborhood is a horrible idea. Our neighborhood children walk to that center every day to get doughnuts at “Heavenly Cakes”, they go to the “Bottle Shop” for an ice cream or a soda in the summer time. We take our kids and grand kids for a slice at the “Pizza Company”. Our children accompany their parents to the laundry mat in that center. Now all of a sudden we are going to have an armed guard out front. Are we supposed to tell our kids that the dispensary is perfectly safe to be around. If it's such a safe place why the heck do they need an armed guard? How do we discourage our children from using a substance that harms them physically and mentally when they see one on every corner like a “Star Bucks”. Our city should be ashamed for putting revenue above our young. Marijuana increases teen use and leads to more medical emergencies including traffic deaths from driving while high.

This isn't a strip mall in an adult area, this is a residential neighborhood. This center is pretty much in the center of Oxnard Shores where the residents and guests pass by multiple times per day. A marijuana dispensary has no place here. The fact that you are proud that you are packing our City of Oxnard with 16 dispensaries is disgusting. The fact that one of the other dispensaries is called “Cookies” is just wrong. What is the matter with you? If this goes through I am sure you will not get the support for economic plans or votes for re-election in the future. I ask you to think about our community instead of the money this will bring you.

Mark & Renee Ostrove

5107 Surfrider Way

Oxnard 93035

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Vote NO Pot Store Oxnard Shores

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:44 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: WAYNE PIHLGREN <wpihlgren@msn.com>
Sent: Monday, January 10, 2022 4:42 PM
To: Planning@oxnard.org
Cc: OSNC@cirs.com
Subject: Vote NO Pot Store Oxnard Shores

This email is in reference to Item 4 (Pot Store in Oxnard Shores) on your meeting agenda January 13,2022. We are extremely concerned that the city would even consider such an establishment in a residential area. Homes in our neighborhood sell for $1,000,000+. We pay high taxes to live here and do not expect to see a Pot Store around the corner of our home. There are many cannabis (Pot Stores) on Channel Islands Blvd already. Do your due diligence that we expect of you and examine the location of where the store will go. Pot Stores DO NOT belong in residential areas like ours. It will substantially increase the risk of illicit behavior and illegal actions in our neighborhood. We have children and families living here and expect the City Council not to degregate the quality of life that we currently have.

VOTE NO FOR LOCATING A POT STORE IN OXNARD SHORES!!

Wayne & Eva Pihlgren

5237 Whitecap St

Oxnard 93035

Sent from Mail for Windows

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Cannabis Shop permit

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:43 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Stuart Horwitz <stuart.horwitz@gmail.com>
Sent: Tuesday, January 11, 2022 1:36 PM
To: OSNC@cirs.com
Subject: Cannabis Shop permit

I am opposed to issue a Cannabis Permit for the following reasons:

There is not a need for this type of establishment at this location when any one in need of these products can go less than three miles to Channel Islands Blvd and select from five or more Cannabis Shops.The shopping center which is proposed is a small center located in a very residential neighborhood, that has a liquor store and two other locations to purchase alcohol,which has had crime issues in the past ,we are still dealing with a homeless population that lives in the dunes off of Fifth street and in empty sand lots on Fifth street as well as less than two miles north of this location on Harbor where drugs are sold. The police department has limited resources to handle our issues now auto theft,break ins garage theft ,we don't need to add potential more crime to support drug habits . The amount of tax revenue that this will bring won't be enough to pay one months overtime for one police officer Please find another location in an industrial area not here stuart Horwitz

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Potential Dispensary

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:44 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Sarah Reynolds <sarahreynolds65@gmail.com>
Sent: Tuesday, January 11, 2022 11:43 AM
To: OSNC@cirs.com
Subject: Potential Dispensary

To Whom it May Concern,

I am vehemently opposed to the dispensary going into the shores shopping center. It will create even more disruptive behavior than already exists. More families are moving into our neighborhood and this is not the right business for our needs at this time.

Sincerely,

Sarah Reynolds

Terramar Way

Coyotl, Jose <jose.coyotl@oxnard.org>

Planning Commission 1_13_2022

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:37 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Gary Rudolph <grpharmd@yahoo.com>
Sent: Wednesday, January 12, 2022 4:27 PM
To: Planning <planning@oxnard.org>
Cc: OSNC@cirs.com
Subject: Re: Cannabis store Oxnard Shores

We strongly oppose allowing a new cannabis store in Oxnard Shores.

Marilyn Rudolph

Gary Rudolph

761 Mandalay Beach Road

Oxnard, Ca 93035

On Wednesday, January 12, 2022, 02:08:44 PM PST, Gary <grpharmd@yahoo.com> wrote:

Coyotl, Jose <jose.coyotl@oxnard.org>

FW: Item 4

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:44 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: Angela Slaff <angelaslaff@aol.com>
Sent: Monday, January 10, 2022 6:26 PM
To: Planning@Oxnard.org
Cc: OSNC@cirs.com
Subject: Item 4

Dear Members:

It is alarming to me that Oxnard Shores , A RESIDENTIAL COMMUNITY, is even considered to house a CBD store when there are so many other options available in commercial areas of Oxnard.

If you check into where these stores are located in other cities,is always in a COMMERCIAL AREA !

In Vons shopping center at Victoria and Wooley, there are several available spaces. What about the latest addition there that has always been available since being built. And, it is away from the main shopping area with plenty of parking available.

Another option is the commercial area on 5th Street just east of Victoria where there are several available spaces for this store.

Please consider how you, as individuals, would feel about having a CBD store as your next door neighbor.

Thank you,

Angela Slaff

5131 Wavecrest Way,

Oxnard, CA. 93035

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Proposed pot shop in Oxnard Shores neighborhood

1 message

OSNC@cirs.com <OSNC@cirs.com> Wed, Jan 12, 2022 at 8:42 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

-----Original Message-----
From: Janet Tausig <tausig1978@gmail.com>
Sent: Wednesday, January 12, 2022 8:46 AM
To: Planning@oxnard.org
Cc: OSNC@cirs.com
Subject: Proposed pot shop in Oxnard Shores neighborhood

Your ill-considered notion of allowing a pot shop to operate in an otherwise fine neighborhood is appalling.

Please put this less-than-savory business in an Oxnard commercial setting, not in this charming neighborhood. Our children and grandchildren deserve better than this affront to safety and good taste.

Janet & Wayne Tausig
45 year residents, Oxnard Shores

Sent from my iPhone

Coyotl, Jose <jose.coyotl@oxnard.org>

Re: [Ask Planning Action] Cannabis store Oxnard Shores

Lai, Dee <dee.lai@oxnard.org> Wed, Jan 12, 2022 at 3:00 PM
To: Mitch Faulkner <kingmjf@verizon.net>
Cc: Jose Coyotl <jose.coyotl@oxnard.org>, "Kolwitz, Scott" <scott.kolwitz@oxnard.org>

Hi Mitch,
Thank you for your email. I am copying Jose Coyotl and Scott Kolwitz for their review. Your email will be transmitted to the Planning Commissioners and posted online.
Regards,

Dee Lai | Administrative Secretary III
Community Development Department
214 S C Street | Oxnard, CA 93030
O: 805.385.7878
www.oxnard.org

The Service Center and all public-interfacing City buildings will temporarily close to the public beginning Monday, January 3rd, 2022 due to health and safety considerations. No in-person services will be available until further notice.

Online services remain available through our online portal at www.oxnard.org/planning

- General inquiries should be sent via email to Planning@oxnard.org.
- For new applications, email us at planning@oxnard.org. Large projects can be shipped with prior authorization. Smaller projects may be submitted via email.
- For existing applications, contact your assigned Case Planner by direct email.

For the most up to date information on COVID-19 please visit https://www.venturacountyrecovers.org/

On Wed, Jan 12, 2022 at 2:35 PM 'Mitch Faulkner' via Planning <planning@oxnard.org> wrote:

> "I oppose putting a new cannabis store in Oxnard Shores."
>
> Pamela Toderan
> 811 Mandalay Beach Road
> Oxnard

CITY OF OXNARD CALIFORNIA

Coyotl, Jose <jose.coyotl@oxnard.org>

FW: Agenda Item 4 cannabis dispensary

OSNC@cirs.com <OSNC@cirs.com> Thu, Jan 13, 2022 at 10:42 AM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: George White <georgestravel@yahoo.com>
Sent: Thursday, January 13, 2022 10:13 AM
To: Planning@Oxnard.org
Cc: OSNC@cirs.com
Subject: Agenda Item 4 cannabis dispensary

Re: Item 4 on the Planning Commission agenda

The reason for having a planning commission is to bring a human understanding rather than just mindlessly checking off the minimal requirements.

It is wrong to allow a cannabis dispensary in the small strip mall in residential area of Oxnard Shores.

There are a number of commercial areas right on the major streets of Victoria and 5th that would be easy to find and not have residential areas nearby.

I am contacted by the city for an opinion every time a new structure is proposed but was never contacted about allowing a destructive present of a dispensary. Look to the news and you can see cannabis dispensaries can attract crime. Why else would they need a security officer?

This is in the middle of a residential neighborhood with access only going through a maze of residential streets. There are already numerous serious accidents caused by the by the narrow residential streets and confusion caused by the Harbor and Little Harbor intersections.

Some of the customers are going to drive a short distance through the maze of residential streets to starting using the cannabis. This will cause disruption of the neighborhood. It is a pipe dream to imagine dispensary customers are going to work their way through the complicated residential streets to get home to use their

purchases. This DUI driving will cause even more personal and property damage along with the accidents already caused by the STR visitors trying to navigate the confusing small residential streets.

I could go on and on about what a mistake it would be to allow a dispensary in the small strip mall. Allow the dispensary to move into a commercial area outside of a residential area that has easy access.

There are only cons to having a dispensary in this location and no pros.

George White

Resident of Oxnard Shores

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

Fwd: Oxnard Holistics

1 message

Seydoux, Simone <simone.seydoux@oxnard.org> Thu, Jan 13, 2022 at 2:43 PM
To: Dee Lai <dee.lai@oxnard.org>
Cc: City Clerk <cityclerk@oxnard.org>

---------- Forwarded message ---------
From: **Bob Fust, Sr** <rfust12@comcast.net>
Date: Thu, Jan 13, 2022 at 2:26 PM
Subject: Oxnard Holistics
To: <cityclerk@oxnard.org>

My wife and I are opposed to the approval of a cannabis shop in Oxnard Shores.
Robert Fust
Kathleen Stephens

Sent from my iPad

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

1/13/21 PC meeting--language from 6/4/19 City Council Meeting staff report Item L2

1 message

Deirdre Frank <pilawqueen@aol.com> Thu, Jan 13, 2022 at 11:23 AM
Reply-To: Deirdre Frank <pilawqueen@aol.com>
To: "dee.lai@oxnard.org" <dee.lai@oxnard.org>, "jose.coyotl@oxnard.org" <jose.coyotl@oxnard.org>

Language below makes clear there was to be no Cannabis in the Coastal Zone.

Potential Manufacturing, Distribution, & Testing locations are identified within Attachment A. Because the Rose Santa Clara Corridor Specific Plan contains zoning designations which do not directly align with the City's zoning designations, an additional map for this area has been prepared to identify general siting locations. Given that cannabis siting contains specific limitations (proximity to sensitive uses as defined in this staff report), both of the attached maps should be considered "conceptual locations". The precise locations will be determined through discussions with the Community Development Department and as part of the Cannabis Business Permit review process. The maps within Attachment A should be considered Overlay Maps. An overlay is a procedure that estimates the attributes of one or more features (potential locations and buffer areas) by superimposing them over other features (zoning). Potential manufacturing, testing, and distribution would be generally located in the following locations: Rose Santa Clara Corridor Specific Plan area (Business Park and Commercial) – north of US 101, west of N. Rice Ave., and generally east of Paseo Mercado; Sakioka Farms Specific Plan area (Industrial and Business Research Park) – south of US 101, east of N. Rice Ave.; McInnes Ranch Specific Plan area (Industrial) - south of Sakioka, and north of W. Fifth Street, east of N. Rice Ave; Northfield Seagate (Industrial) – west of N. Rice Ave., north of W. Fifth Street, south of US 101; Channel Islands Business Center (Industrial) - south of Wooley Rd., west of S. Rose Ave., and north of E. Channel Island Blvd.; Statham Blvd. (Industrial) – west of S. Rose Ave., north of Channel Islands Blvd., east of Rose Ave.; and Arcturus (Industrial) – north and south of E. Hueneme Rd., west of Perkins, Ormond Beach area. In some locations, the Potential Industrial Areas are oddly shaped. This is because the 600 foot measurement is from parcel to parcel (boundary line to boundary line) and in some location areas are retained as one parcel with multiple buildings/land uses. With this in mind, the manufacturing, testing, and distribution map should be considered an "Overlay Maps" which means that locations for these uses are conceptually identified with specific land use siting being determined through the Cannabis Business Application Process (see process below). Cannabis manufacturing, testing, and distribution are not proposed within the Coastal Zone. Future allowance of cannabis uses within the Coastal Zone would require an amendment to the City's Local Coastal Zoning Ordinance.

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

[Ask Planning Action] Pot Store in Oxnard Shores (Item 4)

1 message

'Susan Levine' via Planning <planning@oxnard.org> Thu, Jan 13, 2022 at 11:57 AM
Reply-To: Susan Levine <mizzysue@me.com>
To: Planning@oxnard.org
Cc: OSNC@cirs.com

I would like to voice my concern over the idea of a pot store in the strip mall in Oxnard Shores. I feel it would do nothing to improve out community and that there are far better locations for it. The impact that it would have here, in my opinion, would be detrimental.

Thank you for your attention to the matter.

Susan Levine
Seabreeze Way
Oxnard

Sent from my iPad

CITY OF OXNARD CALIFORNIA

Lai, Dee <dee.lai@oxnard.org>

FW: Cannabis Shop

1 message

OSNC@cirs.com <OSNC@cirs.com> Thu, Jan 13, 2022 at 12:13 PM
To: jose.coyotl@oxnard.org, dee.lai@oxnard.org

Comment provided to the Oxnard Shores Neighborhood Council for the Planning Commission Meeting 1_13_2022 Item#4

From: emi yazici <emitherealtor@gmail.com>
Sent: Thursday, January 13, 2022 11:59 AM
To: OSNC@cirs.com
Subject: Cannabis Shop

I vote no for it.

Emine Yazici

Kolwitz, Scott <scott.kolwitz@oxnard.org>

I do not see this as part of the transmittals sent to comm. I need it in the record please.

1 message

Deirdre Frank <pilawqueen@aol.com> Thu, Jan 13, 2022 at 5:21 PM
Reply-To: Deirdre Frank <pilawqueen@aol.com>
To: "scott.kolwitz@oxnard.org" <scott.kolwitz@oxnard.org>

-----Original Message-----
From: Deirdre Frank <pilawqueen@aol.com>
To: jose.coyotl@oxnard.org <jose.coyotl@oxnard.org>
Sent: Tue, Jan 11, 2022 2:16 pm
Subject: PC 1/13/21 Item 4 Cannabis Dispensary Oxnard Shores

WHY THE SUP FOR PROPOSED CANNABIS DISPENSARY IN OXNARD SHORES SHOULD BE DENIED OR CONTINUED TO ALLOW THE CITY MANAGER TO MODIFY THE REQUEST FOR APPLICATION.

Oxnard Ordinance 2994, passed in December, 2020 sets forth the provisions for establishing regulations and procedures for implementing storefront retail cannabis sales, as well as other cannabis related activities. SEC 11-450 states it is the PURPOSE AND INTENT of the Ordinance to "regulate the Cultivation, Processing, manufacturing, testing, SALE . . .of Cannabis and Cannabis Products in a RESPONSIBLE MANNER TO PROTECT THE HEALTH, SAFETY, AND WELFARE OF THE RESIDENTS OF THE CITY. . ."

The Ordinance grants complete control to the City Manager/Designee to adopt procedures to govern the application process as well as the decision to be made regarding the issuance of any Commercial Cannabis Business Permit. Per SEC 11-457(I) . . ."prior to permit issuance by the City Council, THE CITY MAY ALSO MODIFY, POSTPONE, OR CANCEL any request for applications . . .without liability, obligation, or commitment to any party . . ."

SEC 11-457(F) says . . ."the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, TAKING INTO ACCOUNT ANY HEALTH, SAFETY AND WELFARE IMPACTS on the community."

Residents of Oxnard Shores request that the City request modification of the application as to location or, in the alternative, that the Planning Commission deny the SUP.

This is a total residential environment except for this small strip mall where all storefronts are connected. There are 3 alcohol outlets (1 liquor store, 1 full bar open until 1 a.m. and a brewery). Oxnard Ordinance 2994 states in SEC 11-478 RESTRICTIONS ON ALCOHOL AND TOBACCO SALES (A) No person shall cause or permit the sale, dispensing or consumption of alcoholic beverages on OR ABOUT the premises of the Commercial Cannabis Business. (B) No person shall cause or permit the sale of tobacco products on OR ABOUT the premises of the Commercial Cannabis Business. This location cannot conform to these restrictions.

The parking requirements of 1 space for 250 feet do not address the probable future needs of the existing businesses there to use parking for outdoor service as was done during COVID lockdown, something that should now be considered with all parking requirements as Ventura is doing re: its downtown parking.

This strip mall has 2 vacant spaces now. The potential dispensary space had, as an anticipated tenant, Tacos El Diablo, that thrilled our neighborhood! Signs were posted and then, poof, it was gone, relocated to C & 5th Street in Downtown Oxnard to allow the dispensary to apply for the location. This is not an abandoned center that needs a tenant, activity flows from the neighborhood to pick up pizza, cakes, laundry, vitamins, to use postal services, go for drinks and dinner, get ice cream at the mini market/liquor store. It is a busy place, see attachments for time lapse video showing same. Note from the videos that there is only 1 "street" (Wooley) and 1 "Way" (Outrigger) to access the strip mall. There is no direct access off Harbor Blvd. Note also, the pedestrian/bike/vehicle traffic flow (cars using the parking lot to "pass through" to avoid the intersection at Harbor & Wooley, an intersection rife with accident statistics).

Finally, to the extent that neighborhood involvement is considered, I note that the MAPS were "conceptually identified on land use maps", "conceptually permitted in property zoned" neighborhoods (see SEC 11-473 (B)) without any specific location identified to the neighborhoods until after the application process began. Council only approved these conceptual maps NOT specific locations.

There was discussion about whether to consider Residential as a "sensitive use" and extending the sensitivity area(s) to 1,000 feet, both were rebuffed by Planning and Council. Many Cities DID include Residential as a sensitive use. It would have been perfect to apply to a neighborhood such as the Shores, given the extreme close proximity of the residential to the strip mall, less than 300 feet. A recommendation could be made by this Commission to have this revisited by the City Manager AND Council as this Ordinance allows for revisions.

Thank you.

Deirdre Frank
5244 Seabreeze Way
Oxnard, CA 93035

SheppardMullin

Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
213.620.1780 main
213.620.1398 fax
www.sheppardmullin.com

Kira Teshima Conlon
213.617.4234 direct
kconlon@sheppardmullin.com

File Number: 82MX-347845

January 19, 2022

VIA HAND DELIVERY

City of Oxnard City Council
Attn: City Clerk
300 West Third Street
Fourth Floor
Oxnard, California 93030

Re: Appeal of City Planning Commission's Denial of Commercial Cannabis Business Retail Special Use Permit No. 21-516-024

To Whom It May Concern:

We represent TD Enterprise, LLC, ("Client"), doing business as Oxnard Holistics, in the above-referenced matter. We are aware that on January 13, 2022, following a hearing of the Oxnard City Planning Commission ("CPC"), and despite a strong recommendation from City Planning staff, our Client's project was met with a 3-3 draw vote by the commissioners, which was deemed a denial as a matter of procedure (the "Determination"). On this basis, and pursuant to City Code Section 16-545, the Determination is appealable to the City Council not later than 18 days after the date of the Determination.

Enclosed please find our Client's timely appeal of the Determination. In the interest of ensuring a timely appeal was filed on our Client's behalf, we have reserved our comments, concerns and arguments for a yet to be filed supplemental statement which will be forthcoming and which will address various areas where we believe the Determination was contrary to applicable law and unsupported by substantial evidence.

Should you have any questions or concerns, please feel free to contact me via phone at (213) 617-4234 or via email at kconlon@sheppardmullin.com.

Sincerely,

Kira Teshima Conlon
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

SMRH:4861-1495-9114.2

REQUEST FOR APPEAL

Community Development Department

Use this form to request an appeal of a decision rendered on one of the following type of permits: Administrative Wireless Permit; Discretionary Development Permit decision rendered by the Community Development Director; or a Discretionary Development Permit decision rendered by the Planning Commission.

After paying the required appeal fee to the Planning Division, submit the original request for appeal and two (2) copies along with verification that the appropriate appeal fee has been paid to the City Clerk's Office. To determine your appeal fee go to: oxnard.org/planning and click on planning handouts and applications or contact the Planning Division at (805) 385-7858.

I, TD Enterprise, LLC (Print name), am requesting an appeal of a decision made by City Planning Commission (State decision making body) that was made on January 13, 2021 (Date) regarding PZ-21-516-24 (Specify PZ No.).

Check one of the following:

☐ **Appeal of a Decision Rendered on a Wireless Permit**. Pursuant to Section No. 16-488 (C) of the Oxnard City Code, I am submitting an appeal to the Secretary of the Planning Commission and I am paying the necessary fees to the Planning Division. I am filing this appeal within 10 days of the Planning Manager's decision on a wireless communications facility permit. I am requesting that this appeal be considered by the Planning Commission.

☐ **Appeal of a Decision Rendered on a Discretionary Permit - Community Development Director**. Pursuant to Section No. 16-525 (B) of the Oxnard City Code, I am submitting an appeal to the City Clerk and I am paying the necessary fees to the Planning Division. I am filing this appeal within 10 days of the Community Development Director's decision on a discretionary permit. I am requesting that this appeal be considered by the Planning Commission.

☒ **Appeal of a Decision Rendered on a Discretionary Permit - Planning Commission**. Pursuant to Section 16-545/17-58(J) of the Oxnard City Code, I am submitting an appeal to the City Clerk and I am paying the necessary fees to the Planning Division. I am filing this appeal within 18 days / 10 working days of the Planning Commission's decision on a discretionary permit. I am requesting that this appeal be considered by the City Council.

State the grounds, facts, and if known the code sections supporting your request: (Provide additional sheets if necessary)

Please see attached letter.

X Ty Hall
Appellant Signature

January 19, 2022
Date

cc: City Attorney
Community Development Director
Project Planner
Applicant

OFFICE USE ONLY	
Date Received:	
Received By:	
Contacted Dept/Division Rep:	

TD
ENTERPRISE, LLC

January 19, 2022

VIA E-MAIL AND HAND-DELIVERY

City of Oxnard City Council
Attn: City Clerk
300 West Third Street
Fourth Floor
Oxnard, California 93030

Re: Appeal of City Planning Commission's Denial of Commercial Cannabis Business Retail Special Use Permit No. 21-516-024

Dear Honorable Councilmembers:

On behalf of TD Enterprise, LLC, doing business as Oxnard Holistics ("Applicant"), we appreciate the opportunity to submit this correspondence in connection with the proposed Commercial Cannabis Business Retail Special Use Permit (SUP) No. 21-516-024 (the "Project"). The Project would be located within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site located at 1015 Harbor Boulevard (the "Site") in the Oxnard Shores Neighborhood of the City of Oxnard ("City").

As you know, Applicant was awarded a Conditional Commercial Cannabis Business Permit in 2021 by City, subject to the approval of a SUP. On January 13, 2022, the City Planning Commission ("CPC") considered the Planning staff recommendation to (1) find the Project to be categorically exempt from environmental review pursuant to the California Environmental Quality Act ("CEQA") Guidelines Section 15301 (Existing Facilities), and (2) adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-516-24 (Special Use permit – Cannabis: Retail), subject to certain findings and conditions.

As provided in the Planning Commission Staff Report, the Project meets or exceeds the City's requirements for cannabis retail sales in all aspects, including the requisite SUP findings required for approval. Despite staff recommendation for approval of the Project and overwhelming support from all other shopping center tenants on the Site and many community members, the CPC failed to pass motions to approve or deny the Project. The Project was therefore deemed denied as a matter of procedure (the "Determination"). Pursuant to City Code Section 16-545, the Determination is appealable to the City Council not later than 18 days after the date of the decision.

For the following reasons, Applicant submits this appeal of the Determination (the "Appeal") and respectfully requests the City Council reverse the CPC's Determination as permitted by City Code Section 16.540, grant the Appeal and approve the Project:

TD
ENTERPRISE, LLC

1. As demonstrated by the record and Planning staff's recommendations, the Project satisfies the required SUP findings set forth in City Code Section 16-531 and as outlined in Planning staff's proposed Resolution 2022-XX, attached hereto as Exhibit 1;
2. The Project meets all applicable zoning requirements for the proposed commercial cannabis retail business;
3. The Project is appropriately conditioned, as recommended by Planning staff, to address community concerns regarding the operation of the Project near residential neighborhoods;
4. The CPC improperly denied the Project based on conclusions that are inconsistent with evidence in the record, against the recommendations of the City's own experts, and contradictory to CPC's prior approval of other SUP applications for commercial cannabis retail businesses near residential uses in the City;
5. The Oxnard Shores neighbors' concerns regarding environmental and traffic issues have been addressed by Planning staff in its comprehensive CEQA review of the Project;
6. Applicant has undertaken substantial efforts to engage with community stakeholders, including the few Oxnard Shores residents who oppose the Project, and is committed to continuing their engagement as a responsible operator and stakeholder in the City; and
7. The City conducted an extensive public process prior to the City Council's final adoption of its commercial cannabis regulations (Chapter 11, Article XVII), which provided the public ample opportunity to object to the allowance of commercial cannabis retail businesses in the City, including on the Site.

Applicant has a long and successful record of operating cannabis sales in neighborhoods much like Oxnard Shores. Our robust security and operations plans will ensure that we are an asset to the community. We respectfully request that the City Council reverse the CPC's Determination as permitted by City Code Section 16.540, grant the Appeal and approve the Project SUP forthwith. Prior to the forthcoming City Council hearing on the Appeal, we intend to supplement this letter with additional information for your consideration. Thank you.

Sincerely,

Tony Hall
CEO | Founder & Owner
tonyh@torreholistics.com
(619) 807-7044

Attachment: Exhibit 1 – Draft Resolution of Approval for Commercial Cannabis Retail

TD
ENTERPRISE, LLC

cc: Rose Chaparro
City Clerk
300 West Third Street
Fourth Floor
Oxnard, CA 93030

Stephen Fischer
City Attorney
Office of the City Attorney
305 West Third Street
First Floor, East Wing
Oxnard, CA 93030

Kenneth Rozell
Chief Assistant City Attorney
Office of the City Attorney
305 West Third Street
First Floor, East Wing
Oxnard, CA 93030

Kathleen Mallory
Planning & Sustainability Manager
AICP, MA, LEED GA
Community Development Department
214 S C Street
Oxnard, CA 93030

Scott Kolwitz
Planning & Environmental Services Manager
Community Development Department
214 S C Street
Oxnard, CA 93030

Jose Coyotl
Associate Planner
Community Development Department
214 S C Street
Oxnard, CA 93030

EXHIBIT 1

Attachment

I. Draft Resolution of Approval for Commercial Cannabis Retail

RESOLUTION NO. XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-516-24 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A COMMERCIAL CANNABIS RETAIL FACILITY WITHIN AN EXISTING 1,740 SQUARE-FOOT COMMERCIAL SUITE OF A 17,615 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 2.39-ACRE SITE LOCATED AT 1015 HARBOR BOULEVARD (APN: 191-0-075-015), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS.

WHEREAS, on January 13, 2022, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing and considered an application for Planning and Zoning Permit No. 21-516-24 filed by Kristine Byers on behalf of TD Enterprise LLC dba Oxnard Holistics in accordance with Section 16-530 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan/Local Coastal Plan land use designation of Visitor Serving Center (VSC) and a Coastal Zoning designation of Coastal Neighborhood Commercial (CNC). The Project is surrounded by commercial and residential buildings. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed cannabis retail facility is consistent with the 2030 General Plan, Local Coastal Plan, and the Oxnard City Code and is compatible with the scale and character of other commercial development in the project area. Any projects

requiring discretionary approval would be analyzed with the 2030 General Plan, Local Coastal Program, and the Oxnard City Code for consistency and CEQA for any potential impacts. Therefore the project will have no significant cumulative impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed cannabis retail facility will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the commercial uses of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by an established commercial and residential development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a State designated scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code as confirmed by staff on December 22, 2021.

(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the proposed project is consistent with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan, Local Coastal Program, and other adopted policies of the City of Oxnard.**

As described in the Staff Report, the proposed cannabis retail facility is an allowable use within the Coastal Neighborhood Commercial (CNC) zone , subject to approval of a Special Use Permit. As documented in the attachments to the staff report, the Project is in compliance with General Plan, Local Coastal Program, zoning and cannabis regulations. This Resolution includes 188 conditions of approval which were crafted for compliance with the requirements set forth pursuant to OCC Article XVII (Commercial Cannabis Activity) to ensure operational standards were met. Therefore, the proposed cannabis retail use is in conformance with the 2030 General Plan, Local Coastal Plan, Oxnard City Code, and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.**

As described in the Staff Report, the Project will allow cannabis retail within an existing building within an existing commercial shopping center. General and retail uses, and other more intense uses such as restaurants and specialty retail, are allowed uses within the CNC zone which do not require a Special Use Permit. The proposed retail cannabis use requires a Special Use Permit to ensure operational characteristics of the business will be both compatible with and not adversely affect or be materially detrimental to the other uses, buildings or structures within the shopping center.

As the Project will be located more than 600 feet from established commercial cannabis sensitive uses, the Project is consistent with public health, safety and general welfare by City standards. This Resolution includes 188 conditions of approval which were crafted for compliance with the requirements set forth pursuant to OCC Article XVII (Commercial Cannabis Activity) to ensure operational standards were met. After considering extensive testimony about the enhancements the proposal would bring to the tenant space, the Planning Commission finds the increase is customers to the shopping center and the decrease in crime rates experienced at other cannabis facilities with enhanced security, the Planning Commission also finds the Project will not aggravate policing issues when properly

regulated through the imposition of and compliance with the conditions of approval. Based on these factors, the Planning Commission finds this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. Conversely, the Planning Commission finds the proposed use would be a beneficial addition to the shopping center by bringing in new customers, making enhancements to the building and parking areas, and would introduce a private security component which would benefit all tenants within the shopping center. Furthermore, Port Hueneme Chief of Police Andrew Salina has made public comments outlining the reduction in crime Port Hueneme has experienced in areas adjacent to commercial cannabis retailers as a direct result of their operational characteristics including the use of upgraded security systems, private security, and other site specific security plans. As such, this Project meets this finding.

3. **The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

As described in the Staff Report, the Project will be located within an existing development within the Coastal Neighborhood Commercial (CNC) zone which has previously been reviewed and approved to ensure the development is adequately proportional to the size of the property and served by public infrastructure. The existing project site is a developed 2.39-acre lot. Pursuant to the CNC zone, the Project will be located within an existing building designed to be consistent with the development and design standards included within the CNC zone, including, but not limited to, maximum building height, front, side and rear setbacks, landscaping, and equipment screening standards. The existing development is not consistent with the City's parking standards for bicycle parking (10 required). The parking lot will provide parking for a minimum of 108 vehicles, including 4 accessible parking spaces, 34 standard parking spaces, and 66 compact parking spaces, 4 motorcycle spaces, and the project has been conditioned to provide a total of 10 bicycle spaces within the whole of the shopping center's shared parking lot. The project site has a frontage and vehicular access on West Wooley Road, Harbor Boulevard, and Outrigger Way public alleyway. Proposed interior tenant improvements to the site will be reviewed for compliance with CNC zoning and Local Coastal Plan requirements. Given these circumstances, the site for the proposed use is adequate in size and shape to accommodate the setbacks, parking, landscaping, and other City standards. Therefore, this Project meets this finding.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

As described in the Staff Report, the project is currently served by existing infrastructure and will continue to be accessed directly from West Wooley Road, Harbor Boulevard, and Outrigger Way public alleyway, which indirectly connects to

Highway 101. The proposed cannabis retailer is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed retail of cannabis products will be served by highways adequate in width and improved as necessary to carry project-generated traffic.

The existing development is not consistent with the City's parking standards for bicycle parking (10 required). The parking lot as designed will provide parking for a minimum of 108 vehicles, including 4 accessible parking spaces, 34 standard parking spaces, 66 compact parking spaces, and 4 motorcycle parking spaces. Based on the configuration of the proposed cannabis retail facility the entire project site requires 2 loading spaces. The project will utilize an existing legal nonconforming loading zone at the souteast side of the building accessed by a service door entrance to the tenant space. The project is consistent with City parking requirements. The project has been conditioned to include a total of 10 bicycle parking spaces within the whole of the shopping center's shared parking lot, to design bicycle space during the building permit process, and provide these spaces prior to a Certificate of Occupancy being issued. The project also includes short and long term parking to support bicycle use. Therefore, the site will be served by streets, highways, transit and bike facilities adequate to provide access to the proposed building and its anticipated uses. As such, this Project meets this finding.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

As described in the Staff Report, the proposed Project will operate within an existing development with minor tenant improvements proposed. The Project has been reviewed by City Departments and divisions who have determined that the project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is not anticipated to generate utility demands in quantities that are different from other commercial uses which have previously occupied the building. Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this Project meets this finding.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determined that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to retail cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the Planning Commission has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Manager is

hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 21-516-24 (Commercial Cannabis Business Retail Special Use Permit), subject to the attached conditions of approval.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby approves Planning and Zoning Permit No. 21-516-24 (Commercial Cannabis Business Retail Special Use Permit), subject to the following conditions. The decision of the Planning Commission is final unless appealed in accordance with the provisions of §16-545 of the Oxnard City Code.

STANDARD CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated January 13, 2022 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or

size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

4. By commencing any activity related to the project or using any structure authorized by this permit, the Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

7. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

8. Applicant 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. (PL/B, *G-9*)

9. Before placing or constructing any signs on the project property, Applicantshall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property. (PL/B, *G-10*)

10. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

11. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property, except as provided in a permit issued by the Fire Chief.

12. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

13. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

14. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

State Law and Regulations Compliance

15. The permittee shall comply with all relevant law, ordinance, or regulation of the State of California, City of Oxnard, and any other governmental entity Laws and Regulations at all times during the life of the permit.

16. Wherever a condition requires that something be initially "built," "constructed," "equipped," "installed," "provided" or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be "maintained" in accordance with the condition, requirement or approval.

PLANNING DIVISION STANDARD CONDITIONS

17. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

18. Before the City issues building permits, the Applicant shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director / Planning Commission in all sets of construction documents and specifications for the project. (PL, *PL-3*)

19. Before the City issues building permits, the Applicant shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. The Applicant may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

20. The Applicant may not modify any use approved by this permit unless the Planning Manager determines that the Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

21. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

22. Prior to issuance of building permits, the Applicant shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. The Applicant shall submit a plan showing both the lighting and landscape on the same sheet.

23. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. The Applicant shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. The applicant shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

24. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)

25. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)

26. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)

27. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

28. Applicant shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. *(*PL*, PL-50)*

COMMERCIAL

29. Applicant shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)

30. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)

31. For any exterior utility meter panels, Applicant shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)

32. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

33. Applicant shall restripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)

Special Conditions of Approval

34. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.

35. In accordance with the proposed plans, parking facilities for 10 bicycles shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. The project plans shall be revised to identify bicycle racks, with a minimum of 10 bicycle spaces, to be provided on site near the main front entrance of the building located at 1001-1035 Harbor Boulevard. Bicycle parking area dimensions and location shall be a paved area at least 6’ x 1’6” for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the bicycle rack has been provided and is not in conflict with the applicable

development standards for building in the Coastal Neighborhood Commercial zone district.

The applicant shall submit a bicycle parking plan to be reviewed and approved by the Community Development Director or his/her designee(s). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock. Bicycle parking area dimensions and location shall be a paved area at least 6' x 1'6" for each required parking space and shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.

36. In accordance with Oxnard City Code Section 16-638, parking facilities for 1 motorcycle space shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. Staff shall review all construction documents prior to building permit issuance to assure that the motorcycle space has been provided and is not in conflict with the applicable development standards for building in the Coastal Neighborhood Commercial zone district.

37. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.

38. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

<u>Automatic Expiration</u>

39. The Commercial Cannabis Business Permits shall expire, and be subject to the renewal process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the Certificate of Occupancy pursuant to the Oxnard City Code Section 11-459.

<u>Renewal</u>

40. All Commercial Cannabis Business Permits shall be renewed in accordance with Chapter 11, Article XVII of the Oxnard City Code.

Appeals

41. The permittee shall within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggravated party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. At the time of filing, the permitee shall pay the designated appeal fee, established by Resolution of the City Council from time to time.

Revocations of Commercial Cannabis Business Permits

42. Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to Sections 11-461, 11-462, 11-468, or 11-477 pursuant to any policy, procedure or regulation adopted by the City. The City Manager or his/her designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit's conditions and/or a license issued by the State of California, or by any of its departments or divisions, or if there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which is detrimental to the public safety or health. The City Manager or his/her designee shall immediately inform the Community Development Director and Planning Manager of the suspension and the Planning Manager shall schedule a hearing on the revocation of the permit by the Community Development Director or other competent hearing officer to be held no more than 30-days after the beginning of the suspension. In the hearing, notice will be provided establishing the causal factors that caused the suspension and determination shall be made with the below options:
    a. End the suspension of the permit;
    b. Continue the suspension of the permit pending other legal action;
    c. Amend the permit conditions;
    d. Direct the permittee to change operations or business practices that precipitated the suspension of the permit;
    e. Or, any combination of the above;
    f. And, provide benchmarks and timeline for corrective action to take place.

43. The Applicant agrees suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

Enforcement and Compliance

44. For the life of the permit, the Applicant shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the Applicant or any employee or agent of the Applicant, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

45. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently $134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-24. Additional funds will be required as deposits are depleted to less than the equivalent of 10 hours of the Planning Hourly Fee or as additional funds are needed as determined by the Community Development Director.

46. All operators are subject to all penalties as outlined in Oxnard City Code.

Property Owner Authorization

47. Prior to the issuance of a zone clearance or business license, whichever comes first, the Applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner agrees to use of the property for a Commercial Cannabis Business Permits subject to Chapter 11, Article XVI, Section 11-475 of the Oxnard City Code.

Business Location Transfers

48. Commercial Cannabis Business Permits represent a land use entitlement and cannot be transferred from one location to another unless they comply with the transfer provisions outlined in Chapter 11, Article XVII of the Oxnard City Code.

Business Notification

49. The Applicant shall provide to the City, the name, telephone number, and email address of a community relations contact (community relations officer) designated by Applicant. The community relations contact shall be responsible for responding to complaints, should they arise between the hours of 10:00 p.m. and 7:01 a.m. Complaints shall be addressed within fifteen minutes of receiving the initial complaint

50. The Applicant shall provide the name/phone number/email address for the business community relations officer to all businesses and residences located within six hundred

(600) feet of the commercial cannabis business before operation of the business. The contact name and number shall be prominently posted outside of the facility

51. During the first year of operation, the owner, manager, and community relations officer shall attend quarterly meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss conditions of approval, operations, and overall cannabis activities in the subject location.

52. After the first year of operation should no permit condition(s) violations be identified, the owner, manager, and community relations officer shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Inventory Tracking

53. Prior to issuance of a certificate of occupancy, the Applicant shall have in place a State of California approved point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review at the request of the City. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.

54. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

Onsite Restrictions

55. Sales of cannabis may only occur between the hours of 9:00 A.M. and 9:00 P.M. daily.

56. The Applicant shall conform with the following requirements to prevent minors from having access to cannabis products:
    a. Persons under the age of twenty-one (21) years, or eighteen (18) years with a medical marijuana card, shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Article for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
    b. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

57. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.

58. No outdoor storage of cannabis or cannabis products is permitted at any time.

Operational Requirements for Retailers

59. Sales and service of cannabis or cannabis products is limited to only the customer service area, which consists of approximately 1,740 square feet inside the building as identified on PZ No. 21-516-24 floor plans presented at the Planning Commission public hearing on January 13, 2022 and incorporated herein.

60. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.

61. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

62. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:
    a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
    b. An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Signage and Notices

63. The permittee shall conform with the following Signage Specifications:
    a. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a City sign permit.
    b. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
    c. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
    d. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
    e. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
    f. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business.

Community Benefits Agreement

64. Prior to issuance of a certification of occupancy, Applicant shall enter into a signed and recorded Community Benefits Agreement with the City. Said agreement shall include the following:

65. Retail
    a. One time payment of $250,000
    b. Donation of 1% of gross revenues to the City of Oxnard required to be paid with the associated yearly business license fee. This amount is in addition to the license fee and the City cannabis taxes.
    c. Requirement to hire 75% of the businesses employees from the City of Oxnard, as defined in Chapter 11 of the Oxnard City Code.

BILLING AND LICENSING CONDITIONS

Cannabis Business Tax Certificate

66. Prior to commencing operations, any business engaged in a Commercial Cannabis Business shall obtain a Commercial Cannabis Business tax certificate, pursuant to Article I. The Commercial Cannabis Business taxes imposed by Chapter 11, Article XVI of the Oxnard City Code shall be paid, in arrears, on a quarterly basis to the City Licensing Department.

67. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.

68. On applying for a Commercial Cannabis Business tax certificate, the applicant shall furnish to the tax administrator a sworn statement, on a form provided by the tax administrator setting forth the following:
    a. The exact nature of the Commercial Cannabis Business for which the Commercial Cannabis Business tax certificate is applied;
    b. The street address where such business is to be conducted, the street addresses of the residences of the owners of the business or names and street addresses of the officers or partners if a corporation or partnership;
    c. If the amount of the Commercial Cannabis business tax is measured by gross receipts, the applicant shall estimate the gross receipts for a period of one full calendar quarter. Such an estimate, if accepted by the tax administrator as reasonable, shall be used in determining the amount of the Commercial Cannabis Business tax. However, the amount is only provisional.
    d. At the end of the tax period, the tax administrator may request the certificate to verify gross receipts. Within 30 days of the request, the certificate shall report to the tax administrator the gross receipts during the Commercial Cannabis Business tax period, and the Commercial Cannabis Business tax will be redetermined. If the certificant underpaid the redetermined Commercial Cannabis Business tax, the certificant shall immediately pay the amount due.

Reporting and remittance of quarterly tax payments

69. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.

70. Each person owing Commercial Cannabis Business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating the tax.

71. For the purpose of ascertaining the amount of Commercial Cannabis Business tax owed or verify any representations made by any taxpayer to the city in support of his or her calculation, proof of gross revenues (including but not limited to bookkeeping records,

State and Federal income tax returns, and other records relating to the gross receipts of the business) must be provided prior to obtaining or renewing a Commercial Cannabis Business tax certificate.

72. Quarterly after commencing operations, Applicant shall allow the City of Oxnard officials or their designees to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

73. At all times during the life of the permit, Applicant shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City with respect to any reasonable request to audit the Commercial Cannabis Business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

74. The Applicant shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a Commercial Cannabis Business permit issued pursuant to Chapter 11, Article XVI, Section 11-476 of the Oxnard City Code), or at any time upon reasonable request of the City, each Commercial Cannabis Business shall file a sworn statement detailing the fiscal value of sales by the Commercial Cannabis Business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s)

<u>Employee Work Permit</u>

75. Prior to issuance of a certificate of occupancy for the Commercial Cannabis Business, all employees are required to comply with Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code which specifies the requirements for employees of cannabis operators; the Cannabis Employee Work Permit is required to be obtained from the City Licensing Department.

76. Cannabis Employee Permit Requirements shall comply with Chapter 11:
    a. Cannabis Employee Work Permit Application;
    b. Cannabis Employee Work Permit Fee $125.00, or as update by the City;
    c. Age and verification of applicant, copy of government ID required (must be at least 21 years of age);
    d. Investigation Questionnaire;
    e. Live Scan (fingerprinting and a recent photograph of the applicant); and
    f. A statement signed under penalty of perjury that the information is true and correct.

77. A Cannabis Employee Work Permit shall be valid for up to twelve (12) months from the date of certificate of occupancy and shall be renewed on an annual basis by the permittee/employer and all applicable employees. If a permit is issued for less than a 12-month basis, then the cost of such permit shall be adjusted on a pro-rata basis.

78. The Applicant and Commercial Cannabis Business employees will be issued a permit in the form of a personal identification card that shall be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Employment Transfers

79. In the event a person changes employment from one Commercial Cannabis Business in the City to another, the work permit holder shall notify the applicable Department Head or his/her designee(s) in writing of the change within ten (10) days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business within the City.

Revocation of Employee Work Permit

80. The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code or if facts become known to the City that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

Appeal of Employee Work Permit Revocation

81. The Applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial/ revocation. Revocation shall follow the provisions contained in Oxnard City Code Chapter 11.

POLICE CONDITIONS

Security Measures

82. The Applicant shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the Best Practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the land use permit approval.

83. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider. The burglar alarm system shall utilize dual technology sensors and be able to differentiate between human and non-human motion. These sensors shall be mounted throughout the premises and specifically include: Secured Lobby, Retail Area, Service Counter, Secured Storage Vault, Intake Area, Employee Break Area, Manager's Office, Corridor and the Roof.

84. An access control system and security personnel shall restrict access to the site to persons engaged directly with the permitted operations of the Commercial Cannabis Business.

85. Security personnel shall remove any person on or about the Commercial Cannabis Business who is not engaged directly with the permitted operations of the business.

86. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

87. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.

88. A security plan shall be approved by the Police Chief or his/her designee(s). The security plan shall include all elements of the alarm system, security camera system, and

access control system. The plan shall also include security policies, cash handling policies, security personnel post orders, and requirements for security patrols during hours the business is closed. The security plan is subject to review on the annual anniversary of the issuance of the permit. Should a deficiency in the plan be discovered through findings during an inspection, a theft event, an audit or other significant event where a flaw in the security plan failed to sufficiently capture or deter a theft, loss of product, or an injury the plan may be amended by the Police Chief or his/her designee(s).

89. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.

90. Security personnel shall monitor premises in accordance with a security plan as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Police Chief.

91. Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

92. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either:
    a. An employee of the Commercial Cannabis Business; or
    b. A licensed security professional

93. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

94. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

95. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

96. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

97. The Applicant shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the City Manager or his/her

designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or his/her designee(s) upon request that meets the following requirements:

a. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
b. Identifies all Managers of the Commercial Cannabis Business and their contact phone numbers.
c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
e. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business' control.
f. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (i) free of individuals loitering or causing a disturbance; (ii) are cleared of employees and their vehicles one-half hour after closing.

98. The Applicant shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. The storage and transportation plan shall be a confidential document that is intended to be reviewed and approved by the City Manager and his/her designee(s) and not available for public consumption.

99. The Applicant shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article. Prevention Fire Inspectors shall be allowed access to audit buildings for Fire Life Safety concerns on a yearly basis or as determined necessary per the Fire Marshal.

100. The Applicant shall notify the Police Chief within twenty-four (24) hours after discovering any of the following:(Section 11.437 (E))

a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the Commercial Cannabis Business.
d. Any other breach of security.

101. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

102. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.

103. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.

104. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the employer intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Commercial Cannabis Business intends to establish and to operate.

105. The Applicant acknowledges no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.

106. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.

107. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

108. Inbound and outbound shipping of product and/or cash shall only occur during daylight hours. Deliveries and departure times of product and/or cash shall be irregular and maintained as a confidential matter known only to those persons who have a need to know.

109. No signage, graphic or symbol displayed visible outside the building shall show that the site is a cannabis business unless the specific sign, graphic or symbol is jointly approved by the Planning Manager and the Chief of Police or their designees.

Exterior Lighting

110. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    a. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
    b. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
    c. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    d. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

111. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes.

112. All exterior lighting shall operate from dusk to dawn.

113. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

114. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.

115. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.

116. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility.

This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above any walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.

117. Safe Room construction shall consist of the below minimum features:
   a. Concrete or CMU wall or walls and/or
   b. Wood or steel stud constructed walls and ceiling wrapped with a metal mesh enveloped under drywall surfacing. Metal mesh shall have a minimum weight of .45 lbs. per sq. ft. and be opened spaced no more than 76%.
   c. Other than doors, openings in the metal mesh walls shall not be larger than 12-inches square to provide HVAC ventilation and similar mechanical access.
   d. Each door and window shall have callouts on plans identifying their size and design features.
   e. Any service windows shall be constructed with a securable metal door or plate and have a vertical opening no taller than 12-inches.

118. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

Operations and Inspections

119. The permittee is authorized to operate the commercial cannabis retail business license between the hours of 9:00 a.m. to 9:00 p.m, subject to lighting requirements of these conditions.

120. Cash handling procedures shall be approved by the police chief or his/her designee.

121. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

122. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.

123. The business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

124. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

125. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

126. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

127. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

128. Scheduled and unscheduled inspections of the site may occur during the business' authorized hours of operation, or under the below listed circumstances:
    a. At a time while the business is closed that is mutually agreed to by the business' management and the Police Department
    b. During any criminal investigation at the business.

129. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

130. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.

131. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

<u>Retail Cannabis Conditions</u>

132. Each customer entering the business shall present a valid form of government issued photo identification. A staff member or licensed security professional shall use an approved "identification card scanner" which verifies the age of the customer. The

security officer will also visually confirm that the person presenting the identification card by matching the person with the card's photo and confirming other data on the card.

133. The permittee shall acquire an "identification card scanner" for use by security officers to screen all customers as they enter the business. These scanners shall have these features:
   a. Determine that the person is legal age to enter the premises.
   b. Records the data from the presented identification including name, address, and date of birth and the time and date of the scan.

Security Camera System

134. A security camera system shall be installed and operated 24-hours a day to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:
   a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
   b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
   c. Cameras shall have low light capability to facilitate the later identify persons involved in criminal or problem activities.
   d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
   e. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
   f. Recorded images shall bear a date and time stamp that cannot be altered.
   g. All entry doorways to the premises shall be monitored by a camera or cameras that are strategically mounted to capture quality images of the heads and shoulders of persons who enter. Such cameras shall be mounted no higher than 7-feet above the floor/ground.
   h. At least one camera shall be dedicated to the point of sale, or equivalent as determined by the Police Chief, to monitor the exchange of money and identification checks for age.
   i. A monitor shall be placed near the primary entrance to the business to show patrons their image has been captured.
   j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
   k. Site management shall provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.
   l. The video system shall be made available to the Chief of Police or his/her designee at all times by means of a secure Internet connection.
   m. Height gauges are required on the interior frame of each exterior door

n. A high definition cloud based-video security system shall be used with a required 90 day tamper proof hard drive or software system pursuant to BCC 5044. System will be remotely accessible by the Chief of Police or his designee at all times. Prior to 90 days, no video will be erased without prior approval from the Chief of Police. At no time shall the business be open if the security system is down regardless of the presence of armed security guards.
o. Cameras shall be mounted outside the business to monitor pedestrian and vehicular traffic around the business. Where possible and practical, cameras will be positioned to capture the faces of persons approaching the business and the license plates of vehicles driving on parking area drive aisles.

Access Control Systems

135. The site shall be equipped with an access control system that shall restrict access throughout the site.
   a. The access control system shall have the capability to add, subtract or modify a cardholder's access.
   b. Access to various areas or rooms within the site will be restricted based on the cardholder's need for access according to the business plan and the security plan.
   c. The primary entry to the site shall be controlled by a card or similar instrument coupled with a keypad to provide entry. A keypad entry will be required for the first access of each business day. Each employee authorized for "opening" entry shall have their own access and their own emergency code.
   d. Access to interior "safe rooms" where product and cash are stored shall require keypad and pass card to enter.
   e. Those persons authorized to utilize keypad entry locations will have two passcodes unique for their use. One passcode for normal entry and one for "distress" entry. The "distress" entry shall be used if the cardholder is entering under distress such as a robbery, kidnap or threat of harm. Permittee shall coordinate with the alarm service provider for this function.
   f. An access card providing universal access to the site shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

136. Intrusion/burglar alarms shall be "dual" technology and have the capability to differentiate between human and non-human motion. Sensor placement shall be in accordance with the business' approved Security Plan.

137. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery. Alarm button placement shall be in accordance with the business' approved Security Plan.

Security Site Plan

138. A Security Site Plan in a pdf format shall be submitted to the Chief of Police or his or her designee and approved prior to the issuance of building permits. The plan shall include:
    a. The plan shall identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.
    b. The plan shall include a chart shall identify each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).
    c. The plan shall identify any area which is served by an intrusion/burglary alarm system.
    d. The plan shall identify the location of each panic alarm installation.
    e. The Security Site Plan shall identify all the components of the access control system, their location and a chart that identifies each instrument with an alpha-numeric with the device name, make and model.

139. The Security Plan includes all matters relating to the security camera system, access control system, alarm system, security officer post orders, security site plan and other documents related to the safe and secure operation regulated under this permit. An updated Security Plan in a pdf format shall be submitted to the Police Department to specialprojects@oxnardpd.org under any of the below circumstances:
    a. Any modification to the site that changes the location of walls, doors or windows.
    b. Any system upgrades or significant changes to the security camera or access control systems.
    c. Or, when deemed appropriate by the Chief of Police or his or her designee based on security deficiencies discovered during any inspection of the site or any violation of the conditions of this permit.

140. Any component of the security system including all elements of the alarm, camera and access control systems are subject to replacement, upgrades, adjustments or additions should any of these circumstances occur:
    a. Equipment is outdated and not up to current industry standards or formats.
    b. Or, through the oversight process exercised by the City of Oxnard or the State of California, deficiencies are discovered in the security and monitoring equipment which can be addressed through the adjustment or addition of security equipment.

141. The permittee shall create and maintain Post Orders for security officers working at the site. Post Orders shall be a "living document" and shall be subject to change based on operational experiences, noted deficiencies, and recommendations by the Oxnard Police Department. These orders shall outline the following:
    a. Specific duties and responsibilities for each security officer.

b. Procedures security officers shall follow during normal operations, emergency circumstances and when a crime is discovered.
c. Post orders shall delineate activities that security officers shall not perform as they distract or interfere from their security role.
d. Post Orders shall be identified by the last approved revision date and shall include the approval of the permittee and a designee from the Oxnard Police Department. Each updated revision shall be reviewed and acknowledged by each security officer working the site.
e. The Post Orders shall be reviewed and approved by the Oxnard Police Department prior to the issuance of the permit and shall be subject to revision as part of any inspection.
f. A copy of the current approved version of the Post Orders shall be available on-site for review by any security officer assigned at the site or any representative of the City of Oxnard visiting the site.

Notifications

142. The permittee shall establish and maintain the following to facilitate communication and notifications between the permittee and the Oxnard Police Department:
a. Identify two management level employees as points of contact 24-hours a day, 7-days a week available to respond to the site in the event of an emergency or unlawful entry at the site.
b. A designated email address for the Oxnard Police Department to use for notifications pertaining to the business.
c. The management "points of contact" and the email address for notifications shall be provided by an email to: specialprojects@oxnardpd.org and shall include the names of the point of contact managers, their positions within the business and their phone numbers.
d. The Oxnard Police Department may establish additional staff members as points of contact for the permittee.

143. The Police Chief may temporarily suspend this permit pending a hearing as outlined in Article V of the Oxnard City Ordinance under any of the below circumstances:
a. Discovery of any controlled substance or product classified in Schedules I, II, III and IV of the Uniform Controlled Substances Act of the Health and Safety Code and not identified as being permitted at the site within the scope of this permit or an authorizing permit issued by the State of California.
b. Failure to maintain security features at or above industry standards, failure to correct security deficiencies required in these conditions in a timely manner, and/or failure to accurately or timely report a loss or theft of product as required under this permit.
c. Any sales or transfer of cannabis products outside the restrictions, regulations and tracking mechanisms established through this permit or related cannabis permits issued by the State of California.

144. Bollards or similar barriers shall be placed in front of all windows that the bottom sill is lower than 30-inches above grade and the windows are in close proximity to a vehicle driving surface. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.

145. All applications of window tinting shall be identified on submitted security site plans. "Black-out" tinting will not be allowed. Tinting that provides for clear outward viewing but blocks viewing from the outside is allowable.

146. Windows shall be protected by either of the following technologies:
   a. Interior mounted security screens that are 50% see through which allows the interior of the business to be seen during hours where the screen is secured.
   b. A transparent material that can withstand the impact of a sledge hammer or similar impact tool without breaching the window sufficiently to create a puncture hole of any size.

147. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

<u>Cannabis Deliveries</u>

148. All deliveries of cannabis shall require the following:
   a. The persons making the delivery shall be a minimum of 21-years of age.
   b. Cannabis products for delivery shall be locked in the truck of the vehicle or secured in a non-portable box or storage unit in the passenger compartment during transport.
   c. Each driver making a cannabis delivery shall check the identification of the person depicted on the identification is of age and is the person receiving the delivery. The driver shall ensure the recipient of the cannabis product is 21-years of age, or 18 years of age and possess a cannabis medical card. The driver shall photograph or scan the identification using an identification scanner to record and verify the age of the person taking record of the delivery.
   d. The permittee shall provide information on any website menu that clearly states that all deliveries that include cannabis will require the recipient of the cannabis products to present their government photo identification as proof of age. Recommended language for on-line menus: " The City of Oxnard required the delivery driver to photograph and scan a government issued photo identification of the recipient of all deliveries of cannabis products.
   e. The permittee shall require that staff members taking phone orders for delivery of cannabis products shall advise customers of the requirements under subsection "(c)" of this condition.
   f. On-line orders for delivery which include cannabis products shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.

Police Special Conditions

149. The unit's address "1015" shall be painted on the exterior of each rear door of the business in numerals that are 3-inches in height.

150. The unit's address "1015" Shall be painted on the roof of the business in numerals that are 3-feet in height.

151. The property shall have and maintain at each vehicle entrance signs posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.

152. One parking stall at the rear of the business shall be dedicated to applicant's use for delivery vehicle parking only. The stall shall be in close proximity to the rear door of the business and shall be clearly marked with a sign posted on the wall. The sign shall be no less than 17-inches by 22-inches and the lettering shall be not less than one inch in height. The sign shall state: "Authorized Delivery Vehicle Parking Only All Others Subject To Tow Away. 22658(a) CVC.

153. Cannabis retailers shall participate in Police Department and Community drug awareness and educational programs. This participation may include but not be limited to the circulation of informational flyers, staff training opportunities, and DUI educational materials.

FIRE DEPARTMENT STANDARD CONDITIONS

154. Applicant shall construct all vehicle access driveways on the project property to be at least 26 feet wide. The Applicant shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. The Applicant shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)

155. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)

156. Before the City issues building permits, the Applicant shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)

157. At the Applicant's expense, Applicant shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. The Applicant shall obtain permits for the tests from the Engineering Division.

Applicant shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)

158. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)

159. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)

160. At all times during construction, the Applicant shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)

161. The Applicant shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

162. The Applicant shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, F-9)

163. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)

164. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, F-11)

165. The Applicant shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)

166. The Applicant shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)

167. The Applicant shall install in each structure in the project where automatic fire sprinklers are installed a system that automatically opens the skylights in areas affected by fire before the fire sprinklers are activated. (FD, F-14)

168. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)

169. The Applicant shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Applicant shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

170. Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other projections that are 48" or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

171. Before the city issues a certificate of occupancy, the Applicant shall install a Knox key vault at a location to be determined by the Fire Department.

172. The Applicant shall allow installation of public safety radio equipment in the tower, steeple, roof or other elevated portion of the building. Such equipment shall not conflict with the architectural design of the building and shall comply with zoning and planning requirements and conditions.

173. The Applicant shall provide the City Manager or his/her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each commercial cannabis business must have a fire evacuation plan, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved annually by the Fire Department.

ENVIRONMENTAL RESOURCES DIVISION

174. Applicant shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Applicant shall arrange for self-hauling.

175. FOR COMMERCIAL/INDUSTRIAL PROJECTS: To be in compliance with state law, Applicant shall make provisions to divert a minimum of 50%, with an aim of diverting 75% to achieve the new state diversion goal, of the waste material generated during occupancy through source reduction, recycling, reuse, and organics collection programs. Applicant shall submit an " Environmental Resources Division Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. The Occupancy Plan must clearly state how recyclable and organic material will be managed on site to be in compliance with applicable state law, including what service provider(s) will manage/transport materials to appropriate facilities. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

176. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

177. Developer shall install on-site and off-site electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)

178. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

179. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

180. Developer shall pay the cost of all inspections of on site and off site improvements. (DS-22)

181. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

182. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

183. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

184. Developer shall verify that the existing sanitary sewer and water services are adequately sized to serve the proposed improvements and provide the information on the improvement plans. (DS)

185. Show all applicable existing and proposed utilities (sewer, water, storm, gas, electrical) affected by the proposed improvement on the site engineering plan. (DS)

186. The project shall comply with the latest California Building Code disabled access requirements. (DS)

187. Developer to verify that the running slope of each curb ramp at the existing driveway approaches on West Wooley Road and South Harbor Service Road not exceed 8.33 percent running slope. Unless directed otherwise by City Engineer, the Developer to installed surface-applied Americans with Disabilities Act (ADA) tiles by Armor-Tile Tactile Systems or approved equal at these curb existing ramps. (DS)

188. Developer shall remove the newspaper stand/rack located at the curb ramp landing at the south-west corner of the project site. (DS)

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 13th day of January 2022.

_____
Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held this 13th day of January 2022, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____
Scott Kolwitz, Secretary

SheppardMullin

Sheppard, Mullin, Richter & Hampton LLP
333 South Hope Street, 43rd Floor
Los Angeles, California 90071-1422
213.620.1780 main
213.620.1398 fax
www.sheppardmullin.com

213.617.5567 direct
afraijo@sheppardmullin.com

File Number: 82MX-347845

January 28, 2022

VIA E-MAIL

Mayor John C. Zaragoza
Mayor Pro Tem Bryan A. MacDonald
Councilmember Bert E. Perello
Councilmember Gabe Teran
Councilmember Oscar Madrigal
Councilwoman Gabriela Basua
Councilwoman Vianey Lopez
City of Oxnard City Council
Attn: City Clerk
300 West Third Street
Fourth Floor
Oxnard, California 93030

Re: Supplement to Appeal of City Planning Commission's Determination re Commercial Cannabis Business Retail Special Use Permit No. 21-516-024

Dear Honorable Mayor and Councilmembers:

This Firm represents TD Enterprise, LLC, dba Oxnard Holistics ("Applicant"), in connection with its application to the City of Oxnard (the "City") for approval of a Special Use Permit ("SUP") to allow the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite (the "Project") of a 17,615 square-foot multi-tenant commercial building on a 2.38 -acre site located at 1015 Harbor Boulevard ("Site") in the Oxnard Shores neighborhood (the "Shores"). The purpose of this letter is to respectfully supplement Applicant's appeal of the January 13, 2022 Planning Commission 3:3 tie vote decision. In summary, Applicant asserts in the analysis set forth below that:

1. It met all required findings to justify approval of the SUP.

2. The record shows that several Commissioners who voted to deny the Project based their decision on erroneous statements by residents of the Shores who oppose the Project and such statements have no bearing on the required findings for Commission.

3. The Council has the authority to review the Planning Commission decision de novo.

4. The law makes clear that the review of SUPs must be based on the City Ordinance No. 2994.[1]

5. The Planning staff recommended approval of the SUP based on their review of the Project.

6. With respect to neighborhood compatibility and location, the Project received a perfect 550 out of 550 points from all three reviewing panelists during Phase 3.

7. The City's own experts have heavily vetted Applicant against over 50 competing applications and determined that Applicant and the Site are worthy and appropriate for retail cannabis approval.

8. Other Operator (as such term is defined below) in similarly situated locations have been granted the right to operate.

I. SUMMARY OF PROJECT AND PROCEEDINGS

The Project consist of tenant improvements to the existing commercial suite including, the installation of interior wall partitioning, plumbing upgrades, upgrades to the fire protection system, security updates to the existing building, and the installation of new secure doors/windows. Applicant would operate the Project between 9:00 a.m. to 9:00 p.m. daily.

On January 7, 2021, Applicant filed for a request to obtain a Commercial Cannabis Business Permit for the Project. On March 1, 2021, the City notified Applicant that following its review of all applicants, Applicant had not only been selected to proceed to the next step of the process – an SUP application – but that Applicant had ranked #4 out of the 13 other applicants selected. . With the City's conditional award and authorization to proceed, Applicant prepared an SUP application and filed it with the City on July 26, 2021. On September 7, 2021, the Cannabis Review Committee ("CRC"), comprised of several City departments, met with Applicant regarding their technical review and comments to the Project and requested Applicant prepare a response letter to all departmental comments. On September 24, 2021, Applicant transmitted its response letter to the City and the conditions of approval that resulted from this CRC process were included in the draft resolution of approval included in the Planning staff report ("Resolution"). The Oxnard Police Department also independently reviewed and commented on the Project, recommending several conditions of approval to reduce the risk for potential policing problems; which were also all incorporated in the Resolution. On November 4, 2021, Applicant noticed via onsite posting at the Site and via U.S. Mail to approximately 3,330 residents of the Shores and Oxnard Dunes, that a Community Workshop would be held on

[1] On December 1, 2020, the City Council adopted Ordinance No. 2994 establishing regulations to repeal and readopt the former City's Commercial Cannabis Regulations pertaining to cannabis manufacturing, distribution, testing, and retail dispensaries contained in Chapter 11, Article XVII.

November 15, 2021. Pursuant to that notice, a Community Workshop was held on November 15, 2021.

On January 13, 2022, the City Planning Commission ("CPC") heard the Project ("CPC Hearing") and considered the Planning staff recommendation to (1) find the Project to be categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") Guidelines Section 15301 (Existing Facilities), and (2) adopt a Resolution approving Planning and Zoning Permit No. 21-516-24, subject to certain findings and conditions. Puzzlingly, despite Planning staff's recommendation of approval and substantive evidence provided by City staff before and during CPC deliberations confirming approval was warranted, the CPC voted 3-3 which, under the applicable rules, was deemed a denial as a matter of procedure (the "Determination").[2]

On January 20, 2022, pursuant to City Code Section 16-545, Applicant filed a timely appeal of the Determination, including payment of requisite City fees (the "Appeal"), requesting the City Council reverse the Determination, grant the Appeal and approve the Project. The Appeal was filed and accepted by City in advance of the expiration of the 18-day appeal period, which expires on January 31, 2022.

II. ANALYSIS

A close review of the record confirms that CPC's Determination not only lacked evidentiary support and, grossly contradicted the findings and recommendations of City Planning staff for the Project but that it erroneously relied on purported community opposition.

For agency quasi-judicial decisions, the "arbitrary and capricious" standard generally requires only that there be a "rational" foundation, meaning that an agency decision will be upheld if there is a rational connection between the facts found and the conclusions drawn. *Motor Vehicle Mfgrs. Ass'n v. State Farm Mutl. Auto. Ins. Co.*, 463 U.S. 29, 42-43 (1983). *See also, Foothill Communities Coalition v County of Orange*, 222 Cal.App.4th 1302, 1314 (2014) (in challenge to zoning decision, court defers to board's factual findings of consistency unless "no reasonable person could have reached the same conclusion on the evidence before it").

Here, the three Commissioners who voted to deny the Project, Chair Daniel Chavez Jr. and Commissioners Dr. Miguel Lopez and Steven Nash, relied exclusively on inaccurate public comment which had already been rebutted both by Applicant and City staff representatives. As an example, all three Commissioners alleged that the Project failed to meet the "general welfare" and "highway" findings; however, this was false and contrary to the actual evidence presented both by City staff and Applicant. Here, the two specific findings at issue are: (1) the nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare; and (2) the site that is subject to the

[2] City Code Section 2-39.

special use permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate.[3]

Indeed, and directly contrary to the thin discussion provided by Commissioners Lopez and Nash regarding the findings[4], the whole of the record demonstrates that the City Council can make all required findings to grant the SUP for the Project.

The Project Meets All Applicable Public Safety Standards.

Regarding crime and safety concerns, during the CPC Hearing, Port Hueneme Chief of Police Andrew Salinas, Ventura County's leading expert on cannabis compliance and regulation, presented a statement to CPC and made himself available for questions from Commissioners to counterbalance the "myths, misconceptions, or untrue anecdotal stories" confusing the record.[5] Chief Salinas is a 20-year resident of the City and former 22-year employee of the City. He clarified that statistics evidenced that there had actually been a *reduction* in crime in areas adjacent to commercial cannabis retailers because of their operational characteristics including the use of upgraded security systems, private security, and other site specific security plans. Chief Salinas also noted that there have been no violent incidents. Chief Salinas' remarks were supported by four years of data collected by the City of Port Hueneme since its first cannabis business opened in January 2018.

In addition, the Oxnard City Police Department provided crime statistics for the Project vicinity in a letter dated January 11, 2022, which clarified that the neighborhood has a low crime rate. Specifically, the average number of crimes in the Project vicinity (1000-foot radius) is 31, whereas the citywide average is 41.2. Based on the hard data from Chief Salinas' presentation, the Project's security measures would only sustain and/or improve the already low crime rate for the neighborhood.

---

[3] City Code Sec. 16-531.

[4] Upon a first and seconded motion to deny the Project, Planning & Environmental Services Manager Scott Kolwitz stopped the roll call to "remind the planning commission that when we have a denial we do look for which of the findings that we can't make."[4] Motion-maker Commissioner Dr. Miguel Lopez responded the Project does not meet the "general welfare" finding. Commissioner Steven Nash, who seconded the motion, stated the Project does not meet the "general welfare" and "highways" findings because commentors suggested that the adjacent uses were incompatible with the residential neighborhood. Commissioner Nash said, "Specifically, the Heavenly Donuts and the presence of kids, so close to the dispensary and I would also suggest that the flow of traffic, if Harbor is being called a highway – I have a problem with that, so it's not being served by highways, it's being served by an arterial." With that, the Commissioners proceeded with the roll call, which resulted in a 3-3 tie vote. Chair Daniel Chavez Jr. and Commissioners Lopez and Nash voted to deny the Project, while Commissioners Robert Sanchez, Katie Connelly, and Jeremy Meyer voted to approve the Project.

[5] CPC Hearing, 4:49:00, https://youtu.be/TmqIC1p-HQA.

The 188 conditions of approval, which includes numerous security-related conditions, will benefit the Shores residents because they will have eyes on the street to discourage loitering and other illicit activities that the neighbors associate with the existing onsite alcohol sales and the unhoused population in the region. The Project's security program would be professionally managed by retired Commander of the Oxnard Police Department, Randy Latimer of NRL Consultant, who brings 30 years of professional experience overseeing alcohol license and special events compliance in the City of Oxnard.

Lastly, testimony from David Bejarano, former Chief of Police of the City of San Diego and City of Chula Vista, described Applicant's successful track record of responsibly operating cannabis retail facilities in similar coastal neighborhoods in San Diego since 2015 with zero incidents.[6] Cleland Hoff, former Mayor and Council Town Member of Mammoth Lakes, California also testified in support of Applicant noting that Applicant's presence in the Mammoth Lakes Community has been exceptional and that Applicant has delivered on each promise made and more.[7]

For these reasons, the public safety comments such as "smash and grab" incidents or accidental shootings not only lacked factual foundation but reflected a general bias and outdated stereotype about cannabis. Simply put, the comments by the Shores residents who oppose the Project were based on fears, antiquated suspicions, and personal bias regarding "pot shops" but not on actual facts.

<u>The General Welfare of the Neighborhood Would Not Be Adversely Impacted by the Project and the Project Would Meet an Important Commercial Need for the Neighborhood.</u>

Members of the public also presented quality of life concerns as they view cannabis as an undesirable land use for their perceived affluent "small-town" residential neighborhood represented as consisting only of retired residents and families with children. The Shores residents who oppose the Project prefer the Project be in other commercial or industrial zones, not near residential uses. They allege it is an inappropriate use for an area with families and children and would change the character of the neighborhood.

Such concerns have already been addressed by the City at the time the cannabis ordinance was considered in 2019. The siting of cannabis retail shops near residential zones and/or uses were specifically evaluated and ultimately permitted by the City Council. When the City considered the Zoning Text Amendment to Oxnard City Code to create regulations for cannabis retail dispensaries, the CPC recommended 4:3 that the draft retail cannabis ordinance be modified to require a residential buffer from dispensaries. After detailed examination by Planning staff and City Council deliberation, Council voted to **reject** CPC's recommendation and determined that residential land uses should not be considered a sensitive use. Community Development Director, Jeffrey Lambert, reported,

---

[6] CPC Hearing, 4:12:00, https://youtu.be/TmqIC1p-HQA.
[7] CPC Hearing, 4:13:00, https://youtu.be/TmqIC1p-HQA.

> *Implementing a 600 foot residential buffer from potential retail dispensary locations results in retail cannabis parcel availability changing from 673* to approximately 146 potentially available parcels. Imposition of this buffer requirement without imposing the same regulation on alcohol establishments does not seem reasonable. Further, restricting or buffering this use from residential uses does not acknowledge the legal nature of the product, does not normalize the use and can potentially push these uses to a less desirable area. Lastly, through imposition of best practices public health and safety will be protected and ensured. Retail dispensaries are proposed to be permitted through a Special Use Permit (SUP). (*- this number does not include potential downtown zones; see item 2, below). The City of Thousand Oaks imposes a residential buffer but only allows medical dispensaries (no personal use). The City of Port Hueneme does not impose a residential buffer requirements. Staff's research indicates that imposition of a residential buffer is not common.*[8]

As further stated in Director Lambert's report, best practices identified in the ordinance will be made conditions of approval for any dispensary permit, and the operational standards in the ordinance have been designed to protect the public health, safety, and welfare by implementing regulations to address concerns regarding odor, noise, safety, security, lighting, water usage, and community benefits.[9]

Here, the Project complies with all applicable regulations and City staff recommended 188 conditions of approval in the Resolution to ensure the Project is appropriately conditioned to protect public health, safety, and general welfare. The SUP process ensures that the operational characteristics of the business will be compatible with and not adversely affect or be materially detrimental to surrounding uses. As provided in the Resolution, the Project is located over 600 feet from established commercial cannabis sensitive uses and so the Project is consistent with public health, safety and general welfare by City standards.

Practically speaking, the Project is designed with a check-in lobby physically separated by a secured access point from the main retail sale floor where the cannabis products would be displayed and business transactions would occur. No transactions or display cases would be viewable by the public at the storefront. As shown in the Project's partial exterior elevations and Applicant's CPC Hearing presentation, the design conforms to the existing shopping center scheme with discrete tenant signage, and would be consistent with other retail tenants onsite.

As provided in Chief Salinas' presentation and echoed by onsite commercial tenants in support of the Project, the Project would benefit the shopping center by attracting new customers who will patronize other businesses during their visit, enhancing the building with new security, lighting and bicycle parking, and also introduce a professional private security program that would serve the entire center and not just Applicant.

---

[8] Housing and Economic Development Committee Agenda Report, Agenda Item No. D1, p. 2 (October 22, 2019).
[9] *Id.* at p. 3.

For these reasons, the general welfare concerns raised by the Shores residents who oppose the Project should be rejected as improper or baseless, and do not disqualify the Project as meeting the standard required by the ordinance.

The Project is Served by Adequate Transportation Modes.

The Project is adequately served by existing infrastructure and will be accessed directly from three streets adjacent streets Wooley Road to the south, Harbor Service Boulevard to the east, and Outrigger Way to the north that are served by Harbor Boulevard, which connects to Highway 101. Commissioner Nash's statement that the Project would not be served by a "highway" because the immediate streets are "arterials" misses the point. "Highway" is a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street."[10] The aforementioned streets certainly meet this definition, and provide connection to Highway 101.

The Project is not anticipated to generate significant traffic and would satisfy the finding because the anticipated traffic resulting from the Project would be adequately served by existing street and highway infrastructure for the shopping center, and no offsite improvements would be required to accommodate the traffic. In fact, Planning staff clarified that the cannabis retail use is consistent with other retail uses otherwise allowed in the CNC zone, and therefore traffic generation would be commensurate with other retail tenants in the shopping center.[11] Therefore, the City Council can find that the Site is served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic the Project would generate.

The Law Protects The Project from Contradictory and Discriminatory Action.

As you may know, CPC approved a cannabis retail business that, like the Project, is in an existing shopping center and abuts a residential neighborhood. The subject approval concerned the retail shopping center at 2343 North Oxnard Boulevard in the Rio Lindo neighborhood of the City ("Operator"). We raise this approved Operator to highlight the Project is not only allowed to be located adjacent to residential neighborhoods per City Code, but that there is recent precedent for City approval of the same.

It is improper for the Commissioners to penalize the Project for a reason deemed acceptable in another as it raises serious equity and fairness concerns. *See* Commissioner Jeremy Meyer's remarks at the January 20, 2022 CPC hearing, 1:24:00, available at https://www.youtube.com/watch?v=UKdOZ8ZcbTc&t=5037s (referring to the Determination and raising concerns that negative commentary unsupported by solid findings or reasonable grounding should not sway the Commissioners decision in these SUP cases).

As shown on the City Manager Approved List of cannabis retail facilities[12], the Project is the only application near the coast and if approved would provide convenient legal cannabis to coastal

---

[10] Cal. Vehicle Code, Sec. 360.
[11] CPC Hearing, 5:07:00 and 5:16:00, https://youtu.be/TmqIC1p-HQA.
[12] City Manager Approved List February 26, 2021, attached hereto as Exhibit 1.

residents and visitors alike. Applicant has diligently complied with each phase of the City's robust evaluation process. With respect to neighborhood compatibility and location, the Project received a perfect 550 out of 550 points from all three reviewing panelists during Phase 3.[13] It would be wholly improper and highly prejudicial for the City to now change the rules this late in the game.

For over three years, the Site has been publicly reviewed and vetted as a potential location for a retail cannabis business.[14] Indeed, CPC's erroneous Determination has served to create a de facto moratorium for cannabis for these coastal neighborhoods. This wholly contradicts Council's adoption of Section 11-473 of the City Code and correlating Cannabis Ordinance Overlay Area Map[15] that permits cannabis retail use in the CNC zone and on the Site.

Further, as documented by Applicant's public affairs consultant, Jesus Torres, of LEAD Public Strategies, Applicant conducted significant community engagement over the past two years. While certain individuals from the Shores neighborhood remain opposed, Applicant is steadfast in its commitment to community education and will host onsite "open houses" for the remaining weekends before the City Council meeting.

Lastly, City residents should have access to safe and legal cannabis. Notwithstanding the outdated misinformation raised by the Shores neighbors who oppose the request, Applicant would provide an immense service and benefit to the community. In fact, several of the most well-known and researched benefits of cannabis include relief from pain, anxiety, and inflammation.[16] Emerging research suggests its potential to alleviate the symptoms of conditions commonly experienced by women, such as menopause, endometriosis, PMS, and more.[17] Applicant's unique science-backed educational programs led by in-house cannabis scientist Dr. Beth, PhD[18] serves as a valuable resource to its customers, as well as community

---

[13] Phase 3 Commercial Cannabis Business Application Scores, p. 4, attached hereto as Exhibit 2.

[14] *See* Oxnard City Council Agenda Report, Item No. 2, October 2, 2018 (City Council voted on Staff Recommendation No. 4 – Allow medical and non-medical cannabis dispensary locations: Madrigal – allow both; Ramirez – allow both, but wants to set a maximum number of locations; MacDonald – allow both, but wants to create a framework for enforcement, oversight, saturation, advertising, and related issues; Perello – allow both; Flynn – do not allow), attached hereto as Exhibit 3; *see also* INCO Presentation, July 10, 2019 (presenting retail maps of potential retail cannabis locations, including the Site) attached hereto as Exhibit 4.

[15] Oxnard Cannabis Ordinance Overlay Areas, available at https://oxnard.maps.arcgis.com/apps/webappviewer/index.html?id=5a219ea67b474e48bf82dda26d262ecc.

[16] The Coast News Group (March 9, 2021), https://thecoastnews.com/torrey-holistics-aims-to-bridge-the-gender-gap-among-cannabis-consumers/.

[17] *Id.*

[18] See Huffaker, Shelby, *Elevating Awareness Around the Importance of Shopping Legal*, San Diego Business Journal, p. 32 (November 18, 2019).

members who are curious about cannabis. Applicant is committed to its educational programming to destigmatize the cannabis industry and build trust in the communities it serves.

We urge the Council to equitably evaluate the Project based on the City's established criteria adopted over two years ago. It is important to consider that the City's own experts have heavily vetted Applicant against over 50 competing applications and determined that Applicant and the Site are worthy and appropriate for retail cannabis approval.

The Project is Categorically Exempt from CEQA.

A few of the commenters alleged that a change of use from commercial restaurant or retail to cannabis retail disqualified the Project of a Class 1 Exemption, also known as the "existing facilities exemption." These allegations are without merit. The Project meets the legal standard for this exemption. The Class 1 Exemption applies to development projects consisting of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment or topographical features, involving negligible or no expansion of existing or former use.[19] Examples of developments that fall under Class 1 Exemption are provided in CEQA Guidelines Section 15301(a)-(p). The Project is in fact most similar to the example in Section 15301(a): "Interior or exterior alterations involving such things as interior partitions, plumbing and electrical conveyances."

The Project would be in an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre shopping center with surface parking lot. The suite was previously used as a fast-food restaurant and office space. The Project's tenant improvements are limited to the installation of new partition walls, security upgrade, minor plumbing upgrades, upgrades to the fire protection system, and installation of secure doors/windows.

CEQA Guidelines Section 15300.2(a) –(f) provide exceptions to categorical exemptions depending on the nature or location of a project, or unusual circumstances that create the reasonable possibility of significant effects. For a project to qualify for a categorical exemption, the project must be able to demonstrate that it does not fall under any of the exceptions. These exceptions are briefly responded to below, except for 15300.2(a) because this exception only applies to Class 3, 4, 5, 6, and 11 categorical exemptions.

15300.2(b) Cumulative Impacts

The Project consists of limited tenant improvements to a commercial suite within an existing multi-tenant shopping center, and includes the change of use from fast-food restaurant and office space to cannabis retail business. The Project would have no significant impacts to the environment because the Project would only consist of this change of use and no change to the floor area of the existing suite and shopping center building. The Project would not result in significant cumulative impacts.

15300.2(c) Unusual Circumstances

[19] CEQA Guidelines Section 15001.

If there is a "reasonable possibility" that an activity will have a significant effect on the environment due to "unusual circumstances," an agency may not find the activity to be categorically exempt from CEQA.[20] This exception applies only when both unusual circumstances and a significant impact as a result of those unusual circumstances are shown.

One commenter from the Shores alleged that armed security is an "unusual circumstance" because it was a unique requirement for cannabis retail use and could result in accidental shooting incidents and other violence in the neighborhood. This is meritless. First, comparable armed security and Police officers serve this and other neighborhoods in the vicinity and so the potential requirement for an armed security guard is not an unusual circumstance under CEQA. Furthermore, armed security is not required by conditions of approval as the Oxnard Police Department has the sole discretion to review and approve the final security plan based on the site-specific conditions. Second, even if it is an unusual circumstance for the sake of argument, there is no significant impact under CEQA that results from armed security. The alleged public safety concerns are not substantiated and were thoroughly rebutted by Chief Salinas. Again, Chief Salinas reported zero violent incidents over the four years of cannabis operations in Port Hueneme. Furthermore, Planning staff confirmed that cannabis retail is consistent with any other retail use otherwise permitted in the CNC zone. Thus, City does not deem the use or any of its operational characteristics unusual or unique.

Therefore, no unusual circumstances exist in connection with the Project, Site or surrounding environmental conditions that have the potential to result in a significant environmental impact on the environment.

15300.2(d) Scenic Resources

The Project would not result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. As described above, the Project is limited to tenant improvements to an existing suite within a commercial shopping center and thus would not alter or otherwise damage the existing trees on the Site. The Site is not bordered by or within the viewshed of any designated scenic highway. Therefore the Project would not damage any scenic resources within an officially designated scenic highway.

15300.2(e) Hazardous Materials

Under California Government Code Section 65962.5, the DTSC shall compile and update a list of all hazardous waste facilities subject to corrective action[21], all land designated as hazardous waste property or border zone property[22], all information received by the DTSC on hazardous waste disposals on public land[23], and all sites listed under Section 25356 of the Health and Safety Code. Based on review of the DTSC EnviroStor Database, the Site is not listed for cleanup, permitting, or investigation of any hazardous waste contamination. Therefore, the Site is not on a site included on any list compiled under Section 65962.5 of the Government Code.

---

[20] 14 Cal Code Regs §15300.2(c).
[21] California Health and Safety Code Section 25187.5.
[22] California Health and Safety Code Section 25220.
[23] California Health and Safety Code Section 25242.

15300.2(f) Historic Resources

The Site is not listed or eligible for listing as a historic resource. The shopping center was developed in the mid-1960s and renovated overtime, and the Project would only result in internal tenant improvements to the existing commercial suite.

In conclusion, the Project qualifies under the Class 1 Exemption and none of the exceptions apply to the Project. Planning staff also verified this conclusion during the CPC Hearing in response to questions from the Commissioners.[24]

III. CONCLUSION

For the foregoing reasons, we respectfully request the City Council reverse CPC's Determination and consider the entire record and approve the Project. Please contact me with questions or concerns. Thank you for your consideration.

Very truly yours,

Alfred Fraijo Jr.
for SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

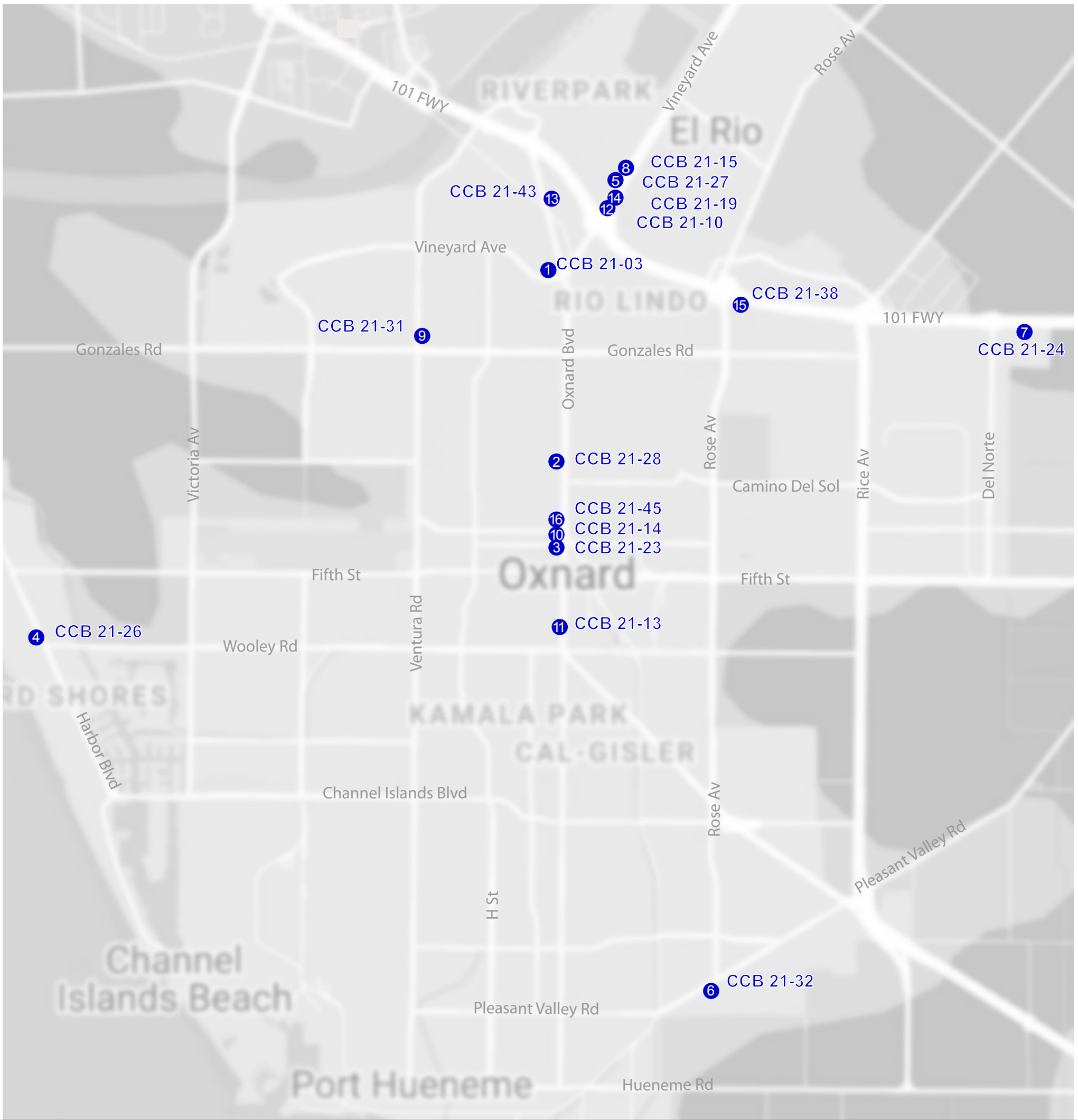
SMRH:4882-7687-4250.4
Attachments

cc: Stephen Fischer, City Attorney
Kenneth Rozell, Chief Assistant City Attorney
Kathleen Mallory, Planning & Sustainability Manager
Scott Kolwitz, Planning & Environmental Services Manager
Jose Coyotl, Associate Planner

[24] CPC Hearing, 5:07:00, https://youtu.be/TmqIC1p-HQA.

EXHIBIT 1

City Manager Approved List February 26, 2021



Rank	Tracking	Applicant Name	Physical Address - City of Oxnard
1	CCB 21-03	SGI Oxnard, LLC.	2343 N. Oxnard Blvd. Oxnard CA
2	CCB 21-28	TAT Oxn, LLC.	600 N. A Street Oxnard CA
3	CCB 21-23	Haven No. 8, LLC. dba Haven	220 S. A Street Oxnard CA
4	CCB 21-26	TD Enterprise, LLC. dba Oxnard Holistics	1013-1015 Harbor Blvd. Oxnard CA
5	CCB 21-27	Blue Enterprises Oxnard, LLC.	2655 N. Vineyard Ave. Oxnard CA
6	CCB 21-32	EEL- Oxnard LLC, deba Catalyst - Oxnard	4749 S. Rose Ave Oxnard CA
7	CCB 21-24	Harbor Management Group, LLC. dba Safeport	2150 Trabajo Drive Oxnard CA
8	CCB 21-15	Blooming Organics, LLC. dba Elevate Oxnard	2731 E. Vineyard Ave. Oxnard CA
9	CCB 21-31	Boxnard, LLC.	1970 N. Ventura Road Oxnard CA
10	CCB 21-14	Blooming Organics, LLC. dba Elevate Downtown Oxnard	156 S. A Street Oxnard CA
11	CCB 21-13	Kind Lifestyle Market, LLC. dba Kind Lifestyle Market	911 S. Oxnard Blvd. Oxnard CA
12	CCB 21-10	Yuma Way CA, LLC.	2544 E. Vineyard Ave. Oxnard CA
13	CCB 21-43	HPC of Oxnard, LLC.	360 W. Esplanade Dr. Oxnard CA
14*	CCB 21-19	Advocate Society, LLC.	2550 E. Vineyard Ave. Oxnard CA
18*	CCB 21-38	FGH Retail Services, LLC.	2320 N. Rose Ave. Oxnard CA
19*	CCB 21-45	99 High Tide - Oxnard dba 99 High Tide - La Sirena	138 S. A Street Oxnard CA

Ranking is based upon total applicant pool, or 51 total applicants.
*Applicants selected as part of 16 total retail cannabis applications due to local equity status.

EXHIBIT 2

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Haven #8 LLC dba Haven	CCB 2021-23	Retail	Phase III	1. Qualification of Owners	550	550	525	550
Haven #8 LLC dba Haven	CCB 2021-23	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
Haven #8 LLC dba Haven	CCB 2021-23	Retail	Phase III	3. Location	550	550	550	550
Haven #8 LLC dba Haven	CCB 2021-23	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1800	1775	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
TAT OXN LLC dba The Artist Tree	CCB 2021-28	Retail	Phase III	1. Qualification of Owners	550	550	550	550
TAT OXN LLC dba The Artist Tree	CCB 2021-28	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
TAT OXN LLC dba The Artist Tree	CCB 2021-28	Retail	Phase III	3. Location	550	550	545	550
TAT OXN LLC dba The Artist Tree	CCB 2021-28	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1800	1795	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Boxnard LLC	CCB 2021-31	Retail	Phase III	1. Qualification of Owners	550	500	525	500
Boxnard LLC	CCB 2021-31	Retail	Phase III	2. Neighborhood Compatibility	550	500	540	500
Boxnard LLC	CCB 2021-31	Retail	Phase III	3. Location	550	550	550	550
Boxnard LLC	CCB 2021-31	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1700	1765	1700

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Blooming Organics LLC dba Elevate Oxnard	CCB 2021-15	Retail	Phase III	1. Qualification of Owners	550	550	540	550
Blooming Organics LLC dba Elevate Oxnard	CCB 2021-15	Retail	Phase III	2. Neighborhood Compatibility	550	500	550	500
Blooming Organics LLC dba Elevate Oxnard	CCB 2021-15	Retail	Phase III	3. Location	550	550	550	550
Blooming Organics LLC dba Elevate Oxnard	CCB 2021-15	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1750	1790	1750

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Blooming Organics LLC dba Elevate Downtown Oxnard	CCB 2021-14	Retail	Phase III	1. Qualification of Owners	550	550	540	550
Blooming Organics LLC dba Elevate Downtown Oxnard	CCB 2021-14	Retail	Phase III	2. Neighborhood Compatibility	550	500	550	500
Blooming Organics LLC dba Elevate Downtown Oxnard	CCB 2021-14	Retail	Phase III	3. Location	550	550	550	550
Blooming Organics LLC dba Elevate Downtown Oxnard	CCB 2021-14	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1750	1790	1750

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Advocate Society LLC dba Advocate Society	CCB 2021-19	Retail	Phase III	1. Qualification of Owners	550	450	450	450
Advocate Society LLC dba Advocate Society	CCB 2021-19	Retail	Phase III	2. Neighborhood Compatibility	550	500	500	500
Advocate Society LLC dba Advocate Society	CCB 2021-19	Retail	Phase III	3. Location	550	525	550	550
Advocate Society LLC dba Advocate Society	CCB 2021-19	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1625	1650	1650

Yuma Way CA LLC dba Releaf on Vine	CCB 2021-10	Retail	Phase III	1. Qualification of Owners	550	500	525	500
Yuma Way CA LLC dba Releaf on Vine	CCB 2021-10	Retail	Phase III	2. Neighborhood Compatibility	550	500	500	500
Yuma Way CA LLC dba Releaf on Vine	CCB 2021-10	Retail	Phase III	3. Location	550	500	530	530
Yuma Way CA LLC dba Releaf on Vine	CCB 2021-10	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1650	1705	1680

Yuma Way CA LLC dba Releaf on Saviers	CCB 2021-11	Retail	Phase III	1. Qualification of Owners	550	450	525	450
Yuma Way CA LLC dba Releaf on Saviers	CCB 2021-11	Retail	Phase III	2. Neighborhood Compatibility	550	450	400	400
Yuma Way CA LLC dba Releaf on Saviers	CCB 2021-11	Retail	Phase III	3. Location	550	300	400	400
Yuma Way CA LLC dba Releaf on Saviers	CCB 2021-11	Retail	Phase III	4. Cannabis Community Benefits	150	100	125	100
		Retail	Phase III		1800	1300	1450	1350

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
SGI Oxnard LLC	CCB 2021-03	Retail	Phase III	1. Qualification of Owners	550	550	550	550
SGI Oxnard LLC	CCB 2021-03	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
SGI Oxnard LLC	CCB 2021-03	Retail	Phase III	3. Location	550	550	550	550
SGI Oxnard LLC	CCB 2021-03	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1800	1800	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
Authentic Oxnard LLC	CCB 2021-04	Retail	Phase III	1. Qualification of Owners	550	550	550	550
Authentic Oxnard LLC	CCB 2021-04	Retail	Phase III	2. Neighborhood Compatibility	550	350	400	300
Authentic Oxnard LLC	CCB 2021-04	Retail	Phase III	3. Location	550	400	400	400
Authentic Oxnard LLC	CCB 2021-04	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1450	1500	1400

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
FGH Retail Services LLC	CCB 2021-38	Retail	Phase III	1. Qualification of Owners	550	375	350	350
FGH Retail Services LLC	CCB 2021-38	Retail	Phase III	2. Neighborhood Compatibility	550	550	450	525
FGH Retail Services LLC	CCB 2021-38	Retail	Phase III	3. Location	550	550	550	550
FGH Retail Services LLC	CCB 2021-38	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1625	1500	1575

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Sweet Flower Oxnard LLC	CCB 2021-20	Retail	Phase III	1. Qualification of Owners	550	450	450	450
Sweet Flower Oxnard LLC	CCB 2021-20	Retail	Phase III	2. Neighborhood Compatibility	550	450	450	450
Sweet Flower Oxnard LLC	CCB 2021-20	Retail	Phase III	3. Location	550	400	450	375
Sweet Flower Oxnard LLC	CCB 2021-20	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1450	1500	1425

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
99 High Tide - La Sirena	CCB 2021-45	Retail	Phase III	1. Qualification of Owners	550	550	525	500
99 High Tide - La Sirena	CCB 2021-45	Retail	Phase III	2. Neighborhood Compatibility	550	500	500	500
99 High Tide - La Sirena	CCB 2021-45	Retail	Phase III	3. Location	550	450	450	375
99 High Tide - La Sirena	CCB 2021-45	Retail	Phase III	4. Cannabis Community Benefits	150	125	125	100
		Retail	Phase III		1800	1625	1600	1475

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Armory Oxnard LLC dba Armory Oxnard	CCB 2021-30	Retail	Phase III	1. Qualification of Owners	550	250	325	230
Armory Oxnard LLC dba Armory Oxnard	CCB 2021-30	Retail	Phase III	2. Neighborhood Compatibility	550	450	450	400
Armory Oxnard LLC dba Armory Oxnard	CCB 2021-30	Retail	Phase III	3. Location	550	400	375	400
Armory Oxnard LLC dba Armory Oxnard	CCB 2021-30	Retail	Phase III	4. Cannabis Community Benefits	150	100	150	75
		Retail	Phase III		1800	1200	1300	1105

Pure CA LLC	CCB 2021-02	Retail	Phase III	1. Qualification of Owners	550	500	450	450
Pure CA LLC	CCB 2021-02	Retail	Phase III	2. Neighborhood Compatibility	550	450	500	500
Pure CA LLC	CCB 2021-02	Retail	Phase III	3. Location	550	450	450	450
Pure CA LLC	CCB 2021-02	Retail	Phase III	4. Cannabis Community Benefits	150	125	150	125
		Retail	Phase III		1800	1525	1550	1525

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Kind Lifestyle Market LLC dba Kind Lifestyle Market	CCB 2021-13	Retail	Phase III	1. Qualification of Owners	550	500	525	525
Kind Lifestyle Market LLC dba Kind Lifestyle Market	CCB 2021-13	Retail	Phase III	2. Neighborhood Compatibility	550	525	500	500
Kind Lifestyle Market LLC dba Kind Lifestyle Market	CCB 2021-13	Retail	Phase III	3. Location	550	500	550	550
Kind Lifestyle Market LLC dba Kind Lifestyle Market	CCB 2021-13	Retail	Phase III	4. Cannabis Community Benefits	150	150	145	145
					1800	1675	1720	1720

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
Ash's Third LLC dba UpNorth	CCB 2021-18	Retail	Phase III	1. Qualification of Owners	550	325	325	325
Ash's Third LLC dba UpNorth	CCB 2021-18	Retail	Phase III	2. Neighborhood Compatibility	550	400	450	440
Ash's Third LLC dba UpNorth	CCB 2021-18	Retail	Phase III	3. Location	550	400	450	400
Ash's Third LLC dba UpNorth	CCB 2021-18	Retail	Phase III	4. Cannabis Community Benefits	150	125	125	100
					1800	1250	1350	1265

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Progrow Group Inc dba RedHeye	CCB 2021-22	Retail	Phase III	1. Qualification of Owners	550	375	250	225
Progrow Group Inc dba RedHeye	CCB 2021-22	Retail	Phase III	2. Neighborhood Compatibility	550	200	200	100
Progrow Group Inc dba RedHeye	CCB 2021-22	Retail	Phase III	3. Location	550	225	175	100
Progrow Group Inc dba RedHeye	CCB 2021-22	Retail	Phase III	4. Cannabis Community Benefits	150	75	75	50
		Retail	Phase III		1800	875	700	475

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Harbor Management Group LLC dba Safeport	CCB 2021-24	Retail	Phase III	1. Qualification of Owners	550	550	525	550
Harbor Management Group LLC dba Safeport	CCB 2021-24	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
Harbor Management Group LLC dba Safeport	CCB 2021-24	Retail	Phase III	3. Location	550	550	525	550
Harbor Management Group LLC dba Safeport	CCB 2021-24	Retail	Phase III	4. Cannabis Community Benefits	150	150	125	150
		Retail	Phase III		1800	1800	1725	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Blue Enterprises Oxnard LLC dba Cookies Oxnard	CCB 2021-27	Retail	Phase III	1. Qualification of Owners	550	550	500	550
Blue Enterprises Oxnard LLC dba Cookies Oxnard	CCB 2021-27	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
Blue Enterprises Oxnard LLC dba Cookies Oxnard	CCB 2021-27	Retail	Phase III	3. Location	550	550	550	550
Blue Enterprises Oxnard LLC dba Cookies Oxnard	CCB 2021-27	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1800	1750	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Coastal Retail Oxnard LLC dba Coastal	CCB 2021-33	Retail	Phase III	1. Qualification of Owners	550	450	440	450
Coastal Retail Oxnard LLC dba Coastal	CCB 2021-33	Retail	Phase III	2. Neighborhood Compatibility	550	425	475	425
Coastal Retail Oxnard LLC dba Coastal	CCB 2021-33	Retail	Phase III	3. Location	550	350	400	275
Coastal Retail Oxnard LLC dba Coastal	CCB 2021-33	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1375	1465	1300

E7 Oxnard LLC	CCB 2021-48	Retail	Phase III	1. Qualification of Owners	550	425	360	375
E7 Oxnard LLC	CCB 2021-48	Retail	Phase III	2. Neighborhood Compatibility	550	500	425	425
E7 Oxnard LLC	CCB 2021-48	Retail	Phase III	3. Location	550	465	475	475
E7 Oxnard LLC	CCB 2021-48	Retail	Phase III	4. Cannabis Community Benefits	150	150	125	125
		Retail	Phase III		1800	1540	1385	1400

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
TeraGreen LLC	CCB 2021-51	Retail	Phase III	1. Qualification of Owners	550	300	300	250
TeraGreen LLC	CCB 2021-51	Retail	Phase III	2. Neighborhood Compatibility	550	450	400	440
TeraGreen LLC	CCB 2021-51	Retail	Phase III	3. Location	550	550	525	500
TeraGreen LLC	CCB 2021-51	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1450	1375	1340

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
TD Enterprise LLC dba Oxnard Holistics	CCB 2021-26	Retail	Phase III	1. Qualification of Owners	550	550	525	550
TD Enterprise LLC dba Oxnard Holistics	CCB 2021-26	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
TD Enterprise LLC dba Oxnard Holistics	CCB 2021-26	Retail	Phase III	3. Location	550	550	550	550
TD Enterprise LLC dba Oxnard Holistics	CCB 2021-26	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1800	1775	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
South Oxnard Investment dba Traditional Oxnard	CCB 2021-44	Retail	Phase III	1. Qualification of Owners	550	500	550	500
South Oxnard Investment dba Traditional Oxnard	CCB 2021-44	Retail	Phase III	2. Neighborhood Compatibility	550	525	475	475
South Oxnard Investment dba Traditional Oxnard	CCB 2021-44	Retail	Phase III	3. Location	550	500	450	450
South Oxnard Investment dba Traditional Oxnard	CCB 2021-44	Retail	Phase III	4. Cannabis Community Benefits	150	125	150	150
		Retail	Phase III		1800	1650	1625	1575

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
The Set Oxnard LLC dba The Set	CCB 2021-37	Retail	Phase III	1. Qualification of Owners	550	400	400	400
The Set Oxnard LLC dba The Set	CCB 2021-37	Retail	Phase III	2. Neighborhood Compatibility	550	500	525	500
The Set Oxnard LLC dba The Set	CCB 2021-37	Retail	Phase III	3. Location	550	500	550	500
The Set Oxnard LLC dba The Set	CCB 2021-37	Retail	Phase III	4. Cannabis Community Benefits	150	100	150	140
		Retail	Phase III		1800	1500	1625	1540

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
California Erudite Ventures dba HerbNJoy	CCB 2021-16	Retail	Phase III	1. Qualification of Owners	550	400	450	450
California Erudite Ventures dba HerbNJoy	CCB 2021-16	Retail	Phase III	2. Neighborhood Compatibility	550	550	500	500
California Erudite Ventures dba HerbNJoy	CCB 2021-16	Retail	Phase III	3. Location	550	450	450	450
California Erudite Ventures dba HerbNJoy	CCB 2021-16	Retail	Phase III	4. Cannabis Community Benefits	150	125	150	125
		Retail	Phase III		1800	1525	1550	1525

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
PCH Retail Partners VII LLC dba Emjay	CCB 2021-39	Retail	Phase III	1. Qualification of Owners	550	400	400	400
PCH Retail Partners VII LLC dba Emjay	CCB 2021-39	Retail	Phase III	2. Neighborhood Compatibility	550	400	450	400
PCH Retail Partners VII LLC dba Emjay	CCB 2021-39	Retail	Phase III	3. Location	550	325	325	325
PCH Retail Partners VII LLC dba Emjay	CCB 2021-39	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1275	1325	1275

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Canna Connect Corp dba Culture Cannabis Club	CCB 2021-34	Retail	Phase III	1. Qualification of Owners	550	525	500	525
Canna Connect Corp dba Culture Cannabis Club	CCB 2021-34	Retail	Phase III	2. Neighborhood Compatibility	550	500	525	450
Canna Connect Corp dba Culture Cannabis Club	CCB 2021-34	Retail	Phase III	3. Location	550	500	500	450
Canna Connect Corp dba Culture Cannabis Club	CCB 2021-34	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	125
					1800	1675	1675	1550

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
Blazzin Hydroponics Inc dba Oxnard Greens (156 S. A	CCB 2021-40	Retail	Phase III	1. Qualification of Owners	550	425	475	375
Blazzin Hydroponics Inc dba Oxnard Greens (156 S. A	CCB 2021-40	Retail	Phase III	2. Neighborhood Compatibility	550	425	350	450
Blazzin Hydroponics Inc dba Oxnard Greens (156 S. A	CCB 2021-40	Retail	Phase III	3. Location	550	375	300	375
Blazzin Hydroponics Inc dba Oxnard Greens (156 S. A	CCB 2021-40	Retail	Phase III	4. Cannabis Community Benefits	150	125	150	125
					1800	1350	1275	1325

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Blazzin Hydroponics Inc dba Oxnard Greens (3700 W.	CCB 2021-41	Retail	Phase III	1. Qualification of Owners	550	425	475	375
Blazzin Hydroponics Inc dba Oxnard Greens (3700 W.	CCB 2021-41	Retail	Phase III	2. Neighborhood Compatibility	550	275	350	275
Blazzin Hydroponics Inc dba Oxnard Greens (3700 W.	CCB 2021-41	Retail	Phase III	3. Location	550	325	300	300
Blazzin Hydroponics Inc dba Oxnard Greens (3700 W.	CCB 2021-41	Retail	Phase III	4. Cannabis Community Benefits	150	125	150	125
		Retail	Phase III		1800	1150	1275	1075

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
MED Enterprise Inc	CCB 2021-50	Retail	Phase III	1. Qualification of Owners	550	450	500	450
MED Enterprise Inc	CCB 2021-50	Retail	Phase III	2. Neighborhood Compatibility	550	500	450	450
MED Enterprise Inc	CCB 2021-50	Retail	Phase III	3. Location	550	400	400	325
MED Enterprise Inc	CCB 2021-50	Retail	Phase III	4. Cannabis Community Benefits	150	115	125	100
		Retail	Phase III		1800	1465	1475	1325

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
EEL Oxnard LLC dba Catalyst-Oxnard	CCB 2021-32	Retail	Phase III	1. Qualification of Owners	550	550	525	550
EEL Oxnard LLC dba Catalyst-Oxnard	CCB 2021-32	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
EEL Oxnard LLC dba Catalyst-Oxnard	CCB 2021-32	Retail	Phase III	3. Location	550	550	550	550
EEL Oxnard LLC dba Catalyst-Oxnard	CCB 2021-32	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1800	1775	1800

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Sol Natural Inc dba Kindly	CCB 2021-49	Retail	Phase III	1. Qualification of Owners	550	550	500	500
Sol Natural Inc dba Kindly	CCB 2021-49	Retail	Phase III	2. Neighborhood Compatibility	550	475	400	400
Sol Natural Inc dba Kindly	CCB 2021-49	Retail	Phase III	3. Location	550	325	325	375
Sol Natural Inc dba Kindly	CCB 2021-49	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1500	1375	1425

Inland Empire Consulting LLC dba Vibe By California -	CCB 2021-06	Retail	Phase III	1. Qualification of Owners	550	400	450	400
Inland Empire Consulting LLC dba Vibe By California -	CCB 2021-06	Retail	Phase III	2. Neighborhood Compatibility	550	200	200	200
Inland Empire Consulting LLC dba Vibe By California -	CCB 2021-06	Retail	Phase III	3. Location	550	400	450	350
Inland Empire Consulting LLC dba Vibe By California -	CCB 2021-06	Retail	Phase III	4. Cannabis Community Benefits	150	75	50	50
		Retail	Phase III		1800	1075	1150	1000

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Vineyard Retail LLC dba Legendary Organics Oxnard	CCB 2021-07	Retail	Phase III	1. Qualification of Owners	550	500	500	500
Vineyard Retail LLC dba Legendary Organics Oxnard	CCB 2021-07	Retail	Phase III	2. Neighborhood Compatibility	550	500	500	550
Vineyard Retail LLC dba Legendary Organics Oxnard	CCB 2021-07	Retail	Phase III	3. Location	550	500	500	525
Vineyard Retail LLC dba Legendary Organics Oxnard	CCB 2021-07	Retail	Phase III	4. Cannabis Community Benefits	150	150	140	140
					1800	1650	1640	1715

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
High Farma Inc dba High Farma	CCB 2021-12	Retail	Phase III	1. Qualification of Owners	550	450	450	450
High Farma Inc dba High Farma	CCB 2021-12	Retail	Phase III	2. Neighborhood Compatibility	550	475	475	475
High Farma Inc dba High Farma	CCB 2021-12	Retail	Phase III	3. Location	550	375	375	375
High Farma Inc dba High Farma	CCB 2021-12	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
					1800	1450	1450	1450

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
DBO Investments OX LLC dba From the Earth	CCB 2021-35	Retail	Phase III	1. Qualification of Owners	550	450	450	400
DBO Investments OX LLC dba From the Earth	CCB 2021-35	Retail	Phase III	2. Neighborhood Compatibility	550	350	375	350
DBO Investments OX LLC dba From the Earth	CCB 2021-35	Retail	Phase III	3. Location	550	375	425	375
DBO Investments OX LLC dba From the Earth	CCB 2021-35	Retail	Phase III	4. Cannabis Community Benefits	150	100	125	100
		Retail	Phase III		1800	1275	1375	1225

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Hempathy LLC dba Oxnard Healing Center	CCB 2021-36	Retail	Phase III	1. Qualification of Owners	550	450	450	450
Hempathy LLC dba Oxnard Healing Center	CCB 2021-36	Retail	Phase III	2. Neighborhood Compatibility	550	500	450	450
Hempathy LLC dba Oxnard Healing Center	CCB 2021-36	Retail	Phase III	3. Location	550	500	500	500
Hempathy LLC dba Oxnard Healing Center	CCB 2021-36	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1600	1550	1550

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
HPC of Oxnard LLC	CCB 2021-43	Retail	Phase III	1. Qualification of Owners	550	500	550	500
HPC of Oxnard LLC	CCB 2021-43	Retail	Phase III	2. Neighborhood Compatibility	550	550	550	550
HPC of Oxnard LLC	CCB 2021-43	Retail	Phase III	3. Location	550	425	475	500
HPC of Oxnard LLC	CCB 2021-43	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	150
		Retail	Phase III		1800	1625	1725	1700

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
JC Oxnard Ventures LLC dba Beyond Hello	CCB 2021-25	Retail	Phase III	1. Qualification of Owners	550	450	450	450
JC Oxnard Ventures LLC dba Beyond Hello	CCB 2021-25	Retail	Phase III	2. Neighborhood Compatibility	550	450	450	450
JC Oxnard Ventures LLC dba Beyond Hello	CCB 2021-25	Retail	Phase III	3. Location	550	475	475	550
JC Oxnard Ventures LLC dba Beyond Hello	CCB 2021-25	Retail	Phase III	4. Cannabis Community Benefits	150	150	125	125
		Retail	Phase III		1800	1525	1500	1575

JBIA Inc dba The High Class (THC)	CCB 2021-29	Retail	Phase III	1. Qualification of Owners	550	350	300	300
JBIA Inc dba The High Class (THC)	CCB 2021-29	Retail	Phase III	2. Neighborhood Compatibility	550	525	475	450
JBIA Inc dba The High Class (THC)	CCB 2021-29	Retail	Phase III	3. Location	550	550	500	500
JBIA Inc dba The High Class (THC)	CCB 2021-29	Retail	Phase III	4. Cannabis Community Benefits	150	125	125	100
		Retail	Phase III		1800	1550	1400	1350

Urban Leef LLC	CCB 2021-01	Retail	Phase III	1. Qualification of Owners	550	450	450	450
Urban Leef LLC	CCB 2021-01	Retail	Phase III	2. Neighborhood Compatibility	550	425	425	450
Urban Leef LLC	CCB 2021-01	Retail	Phase III	3. Location	550	450	375	325
Urban Leef LLC	CCB 2021-01	Retail	Phase III	4. Cannabis Community Benefits	150	150	150	100
		Retail	Phase III		1800	1475	1400	1325

CITY OF OXNARD

COMMERCIAL CANNABIS BUSINESS APPLICATION SCORES

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Hijole Frijole dba Wheelhouse/Station 320	CCB 2021-47	Retail	Phase III	1. Qualification of Owners	550	500	450	450
Hijole Frijole dba Wheelhouse/Station 320	CCB 2021-47	Retail	Phase III	2. Neighborhood Compatibility	550	450	500	400
Hijole Frijole dba Wheelhouse/Station 320	CCB 2021-47	Retail	Phase III	3. Location	550	500	500	500
Hijole Frijole dba Wheelhouse/Station 320	CCB 2021-47	Retail	Phase III	4. Cannabis Community Benefits	150	150	125	100
					1800	1600	1575	1450

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1: ES	Panelist #2 JZ	Panelist #3 KM
323 Cooper Road LLC dba Neighborgood	CCB 2021-05	Retail	Phase III	1. Qualification of Owners	550	250	325	225
323 Cooper Road LLC dba Neighborgood	CCB 2021-05	Retail	Phase III	2. Neighborhood Compatibility	550	400	450	400
323 Cooper Road LLC dba Neighborgood	CCB 2021-05	Retail	Phase III	3. Location	550	400	450	375
323 Cooper Road LLC dba Neighborgood	CCB 2021-05	Retail	Phase III	4. Cannabis Community Benefits	150	100	125	75
					1800	1150	1350	1075

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
99 HT/GSG LLC dba 99 High Tide	CCB 2021-46	Retail	Phase III	1. Qualification of Owners	550	450	450	400
99 HT/GSG LLC dba 99 High Tide	CCB 2021-46	Retail	Phase III	2. Neighborhood Compatibility	550	400	400	400
99 HT/GSG LLC dba 99 High Tide	CCB 2021-46	Retail	Phase III	3. Location	550	450	400	400
99 HT/GSG LLC dba 99 High Tide	CCB 2021-46	Retail	Phase III	4. Cannabis Community Benefits	150	125	125	125
		Retail	Phase III		1800	1425	1375	1325

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Adam Knopf dba Golden State Greens	CCB 2021-17	Retail	Phase III	1. Qualification of Owners	550	450	450	450
Adam Knopf dba Golden State Greens	CCB 2021-17	Retail	Phase III	2. Neighborhood Compatibility	550	400	450	450
Adam Knopf dba Golden State Greens	CCB 2021-17	Retail	Phase III	3. Location	550	400	450	375
Adam Knopf dba Golden State Greens	CCB 2021-17	Retail	Phase III	4. Cannabis Community Benefits	150	125	150	125
		Retail	Phase III		1800	1375	1500	1400

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
C.I.D. Pacific LLC dba Channel Islands Dispensary	CCB 2021-21	Retail	Phase III	1. Qualification of Owners	550	325	325	275
C.I.D. Pacific LLC dba Channel Islands Dispensary	CCB 2021-21	Retail	Phase III	2. Neighborhood Compatibility	550	300	300	300
C.I.D. Pacific LLC dba Channel Islands Dispensary	CCB 2021-21	Retail	Phase III	3. Location	550	325	375	325
C.I.D. Pacific LLC dba Channel Islands Dispensary	CCB 2021-21	Retail	Phase III	4. Cannabis Community Benefits	150	75	75	75
		Retail	Phase III		1800	1025	1075	975

Company Name	Reg/ID	Business	Phase	Category	Points	Panelist #1 ES	Panelist #2 JZ	Panelist #3 KM
Green Dragon Collective	CCB 2021-08	Retail	Phase III	1. Qualification of Owners	550	250	325	150
Green Dragon Collective	CCB 2021-08	Retail	Phase III	2. Neighborhood Compatibility	550	375	375	375
Green Dragon Collective	CCB 2021-08	Retail	Phase III	3. Location	550	225	250	225
Green Dragon Collective	CCB 2021-08	Retail	Phase III	4. Cannabis Community Benefits	150	75	75	50
		Retail	Phase III		1800	925	1025	800

S&S Financial Group Inc	CCB 2021-09	Retail	Phase III	1. Qualification of Owners	550	250	375	165
S&S Financial Group Inc	CCB 2021-09	Retail	Phase III	2. Neighborhood Compatibility	550	425	500	400
S&S Financial Group Inc	CCB 2021-09	Retail	Phase III	3. Location	550	275	400	300
S&S Financial Group Inc	CCB 2021-09	Retail	Phase III	4. Cannabis Community Benefits	150	75	75	75
		Retail	Phase III		1800	1025	1350	940

J&J Holdings Investments LLC dba First on A	CCB 2021-42	Retail	Phase III	1. Qualification of Owners	550	175	175	150
J&J Holdings Investments LLC dba First on A	CCB 2021-42	Retail	Phase III	2. Neighborhood Compatibility	550	200	150	125
J&J Holdings Investments LLC dba First on A	CCB 2021-42	Retail	Phase III	3. Location	550	175	175	200
J&J Holdings Investments LLC dba First on A	CCB 2021-42	Retail	Phase III	4. Cannabis Community Benefits	150	150	75	50
		Retail	Phase III		1800	700	575	525

EXHIBIT 3

CITY OF OXNARD CALIFORNIA	**CITY COUNCIL** **AGENDA REPORT**	**TYPE OF ITEM: Report** **AGENDA ITEM NO.: 2**

DATE: October 2, 2018

TO: City Council

FROM: Ashley Golden
Development Services Director

SUBJECT: Cannabis Land Use Options (15/20/30)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, (805) 385-7882

RECOMMENDATION:

That City Council:

1. Receive a presentation regarding land use and siting (location) options associated with cannabis land uses in zoning designations throughout the City of Oxnard;
2. Direct staff to prepare draft land use and permit regulations that would allow cannabis distribution, manufacturing, and testing/laboratory operations in the City of Oxnard;
3. Review potential indoor and outdoor cannabis cultivation and provide input on land use locations, if any; and
4. Review potential medical and non-medical cannabis dispensary (i.e., retail dispensaries) locations and direct staff to conduct community outreach to solicit input pertaining to proposed dispensary locations in the City of Oxnard.

BACKGROUND

At its June 5, 2018 meeting, the City Council placed a measure on the November 2018 ballot that would impose a cannabis business tax on commercial cannabis uses, if approved by voters. Advancing that ballot measure allows the City to continue its “go slow” approach in considering commercial cannabis uses while preserving the City’s ability to tax cannabis activities if the voters approve the ballot measure and the City Council subsequently authorizes specific commercial cannabis uses and regulations within the City.

On June 26, 2018, the City Council conducted a study session to evaluate the types of cannabis related land uses that may be permitted in the City. Background information provided to the City Council for its consideration at the study session included the "Fiscal Analysis and Feasibility Study of the Commercial Cannabis Industry" prepared by the City's cannabis consultant, HdL. At this meeting, the Council directed staff to proceed with evaluating the siting and land use regulations associated with the following cannabis related uses: Retail (medical and non-medical), Manufacturing, Distribution, Testing Laboratories, and Cultivation. The staff report for the June 26, 2018 Study Session is attached as Attachment A.

Staff, in consultation with HdL, has evaluated state law, reviewed land use regulations, studied best practices, and is providing recommendations and potential land use locations for five cannabis related land uses in the City.

ANALYSIS

The HdL study prepared for the June 26, 2018 study session indicated that the City of Oxnard could support the following number of each type of commercial cannabis uses:

1) Retail dispensaries – 8 to 18
2) Manufacturing – 6 to 12
3) Distributors – 3
4) Testing Labs – 1
5) Cultivation – 2

Consistent with the City's "go slow" approach, staff recommends the following numbers for each type of proposed commercial cannabis uses:

1) Retail dispensaries – 8
2) Manufacturing – 8
3) Distributors – 3
4) Testing Labs – 1

Cannabis Business Type	Go Slow Approach Recommended	HdL Feasibility Study Range (June 2018 study)
Retail	8	8-18
Manufacturer	8	6-12
Distributor	3	3
Testing Lab	1	1
Cultivation	2	2

5) Cultivation – 2

Land Use Siting Considerations

The State of California stipulates that cannabis related uses cannot be located closer than 600-feet from a sensitive use, which is defined by state law as K-12 schools (including private and charter schools), day care centers, youth centers, and public parks. Local governments, however, are allowed to designate smaller, or larger, buffer zones if these buffer zones are codified in an ordinance. The state will defer to the local government on a buffer zone that differs from the default standard of 600 feet. State law mandates the 600-foot distance be calculated, parcel to parcel (boundary line to boundary line). This means if 600 feet touches any part of a legal parcel, the entire area cannot contain cannabis related uses. State law is silent on the buffer zone from a cannabis use to residential properties; setting that buffer is entirely up to local government.

Based upon the land use considerations and local zoning, staff has prepared various maps to conceptually identify locations where cannabis uses could be located. All maps implement the 600 foot buffer separation requirement stipulated by state law; however staff looked at increasing buffers to 800 feet and even 1000 feet, but the increased buffer only resulted in the removal of two cannabis use areas which was considered negligible.

The maps contained in the staff report are as follows:

- Potential Cannabis Areas Map – Identifies the five potential cannabis types and conceptual locations (Attachment B)
- Manufacturing, Distribution & Testing Map (Attachment C)
- Cultivation Map – Identifies potential indoor or outdoor cultivation areas (Attachment D)
- Retail Dispensary Maps– Identifies potential retail locations (Attachment E) and retail dispensaries in Port Hueneme (see Attachment F)

There are best practices that apply to all five uses, best practices for each of the five uses, and special considerations with cultivation and retail (see Attachment G). Because of the commonalities and best practices with distribution, manufacturing, and testing/laboratory, staff will present information on these three uses as one group. Retail and cultivation will have separate analysis and mapping.

Potential Cannabis Uses and Potential Locations in the City of Oxnard
Distribution, Manufacturing, Testing/Laboratory Operations

The June 2018 HdL study indicated that cannabis manufacturing presented the best opportunity for growing new business and jobs in the City. It also noted that the manufacturing sector was still evolving and expanding, which also presented significant opportunity for innovation, business development, and job growth. Finally, the report noted that due to Oxnard's location directly between the vast greenhouses of Santa Barbara County and the larger consumer base of Los Angeles, Oxnard could be well positioned to attract cannabis distributors as well as testing laboratories.

Distribution is a fundamental component of the cannabis supply chain and involves the procurement, sale, and transport of cannabis and/or cannabis products. Distribution facilities are commonly located in industrially zoned areas. Manufacturing and testing typically involve the preparation, propagation or compounding of cannabis that involves chemicals and materials which are regulated by the state. These uses are typically within industrial zones away from residential areas. .

As identified within Attachment C, Potential Manufacturing, Distribution, & Testing Map – "Potential Industrial Areas", the identified areas include:

- Rose Santa Clara Corridor Specific Plan area (Business Park and Commercial) – north of US 101, west of N. Rice Ave., and generally east of Paseo Mercado;
- Sakioka Farms Specific Plan area (Industrial and Business Research Park) – south of US 101, east of N. Rice Ave.;
- McInnes Ranch Specific Plan area (Industrial) - south of Sakioka, and north of W. Fifth Street, east of N. Rice Ave;
- Northfield Seagate (Industrial) – west of N. Rice Ave., north of W. Fifth Street, south of US 101;
- Channel Islands Business Center (Industrial) - south of Wooley Rd., west of S. Rose Ave., and north of E. Channel Island Blvd.;
- Statham Blvd. (Industrial) – west of S. Rose Ave., north of Channel Islands Blvd., east of Rose Ave.; and
- Arcturus (Industrial) – north and south of E. Hueneme Rd., west of Perkins, Ormond Beach area.

The Potential Industrial Areas were identified with consideration to residential land uses, and environmental resources. The boundaries of the Potential Industrial Area uses are no closer than 600 feet from state defined sensitive uses. In some locations, the Potential Industrial Areas are oddly shaped. This is because the 600 foot measurement is from parcel to parcel (boundary line to boundary line) and in some location areas are retained as one parcel with multiple buildings/land uses.

If the City Council gives direction to proceed with regulations with these three cannabis uses, an ordinance containing best practices to address health, safety, and public welfare, as well as land use compatibility will be drafted and presented to Planning Commission and City Council at a future date. Development and permit regulations would also be developed, and in doing so consideration of Specific Plan regulations and business interest would be evaluated. The HdL study indicated that through a "go-slow" approach, the City could feasibly support up to 14 Industrial cannabis land uses. The draft regulations would contain provisions to ensure that no more than 12 industrial uses would be permitted before returning to City Council for further directions and necessary ordinance amendments.

Cultivation

There was generally less unified City Council support for cultivation in the City.

Cultivation is generally divided into four basic categories that are square footage driven: outdoor, indoor, mixed light (may utilize both natural and artificial light), and nursery. A combination of these cultivation techniques may occur at a site. Cultivation licenses allow for activities involved in planting, growing, harvesting, drying, curing, grading, and trimming. Depending upon the cultivation method, the size, location, and setting of cannabis cultivation sites could vary. Cultivation areas are also subject to the 600 foot parcel to parcel buffer. Indoor cultivation is feasible in some of the "Potential Industrial land use" areas. These are identified within Attachment C and D as "All Uses", and Cultivation Map, respectively.

Staff has identified potential locations where either indoor or outdoor cultivation could occur. The locations are as follows:

- All uses, Attachment D – Rose Santa Clara Corridor Specific Plan and Sakioka Farms Specific Plan areas
- McIinnes Ranch Specific Plan area
- Arcturus area

The HdL study notes that it is far more likely that due to Oxnard's coastal climate and urban environment, cultivation in Oxnard would likely be located indoors. The state licenses cultivation by square footage and in some instances by plant canopy.

Key factors in developing a cannabis cultivation ordinance include regulations to address potential concerns regarding water usage, electricity, odor control measures and security measures. Best practices would need to be designed to address neighborhood and land use compatibility, and will vary depending upon cultivation size and intensity.

The HdL study determined that the cultivation market was generally saturated. The study cautiously recommended that the City could potentially support two cultivation facilities.

Cultivation regulations to address environmental factors such as water and energy usage, and regulations tailored to cultivation size will take more research, analysis, and review of state regulations. For this reason and to utilize lessons learned as a result of implementing the City's cannabis distribution, manufacturing, and testing/laboratory ordinance, staff is recommending that the City Council consider a cannabis cultivation ordinance in the next year.

Retail Dispensaries

At the June 26, 2018 City Council meeting, City Council consensus on advancing regulations to allow medical or non-medical retail cannabis dispensaries was limited. Dispensaries (medical or non-medical) are currently banned within the City of Oxnard (Jan. 26, 2016 - Ord. No. 2898). Through adoption of Ordinance No. 2937 (April 10, 2018), delivery of medical cannabis is permitted with the proper permits.

The retail or "dispensary" component of cannabis land uses is generally the most visible segment of the commercial cannabis industry. As such, retail sales locations have been subject to the most scrutiny.

The City's consultant indicated that the City could support between 8-18 dispensaries; HdL recommended 13 dispensaries (middle range of market feasibility). Staff recommended a "Go Slow" approach and permitting of up to 8 dispensaries within the City.

When considering where dispensaries could potentially be located, staff consulted HdL regarding best practices. HdL indicated that there are benefits associated with locating dispensaries within shopping centers as compared to commercially zoned standalone parcels which are not located within a shopping center. The benefits in locating retail dispensaries in shopping centers with multiple tenants are as follows:

- Easier to regulate businesses when they are located in the same shopping center
- If located in a business park or other commercial complex that is relatively secure, it can be easier for police to monitor (security cameras, etc.)
- Site visits to "one location" advantageous for regulatory/police entity
- Greater convenience for businesses to the degree they can use one another's services
- Effective regulatory tool/zoning arrangement provided no more than one retail outlet is located in a site

Staff has conceptually identified potential retail dispensary locations throughout the City of Oxnard, which is summarized below and is based upon a 600 foot separation requirement from sensitive uses (See Attachment E (Retail Locations/Neighborhoods). The map identifies more than 8 potential dispensary locations because it is likely some locations will be removed through Council and community input. The map includes commercial shopping centers which meet the 600 foot separation requirement and stand-alone commercial and business and research zoned parcels which also meet the buffer requirements. If Council desires to advance retail dispensary locations in the City, staff recommends implementation of an overlay zone on selected retail dispensary locations to ensure compliance with buffer and other land use requirements.

The shopping centers and commercial parcels are generally as follows:
Shopping Centers:

- Esplanade Shopping Center (General Commercial) - south of U.S. 101, east of Vineyard Ave.;
- RiverPark Specific Plan Area (Specific Plan) – north of 101;
- Big 5 Shopping Center (General Commercial) - south of U.S. 101, west of E. Vineyard Ave.;
- Shopping at the Rose/Rose Ranch – (Business Research Park and Neighborhood Commercial) - south of U.S. 101, west of N. Rose Ave.;
- Rose Santa Clara Corridor Specific Plan area (Business Park and Commercial) – north of US 101, west of N. Rice Ave., and generally east of Paseo Mercado;
- The Palms (Business Research Park) - south of U.S. 101, north of Gonzales Rd.;
- Sakioka Farms Specific Plan area (Industrial and Business Research Park) – south of US 101, east of N. Rice Ave.;
- Airport Property (Business and Research Park and Industrial) – north of W. 5th Street, west of S. Ventura Rd.;
- Airport Marina Shopping Center - (General Commercial) – south of West Fifth Street, east of Victoria Ave.);
- Channel Islands at Ventura Rd. – (General Commercial) – east of S. Ventura Rd., north of Channel Island Blvd.;
- Ventura Rd. and Fifth Street – (General Commercial) - west of Ventura Rd. and north of W. Wooley Rd.;
- Pleasant Valley Rd. and Rose Ave. – (General Commercial) – north of Pleasant Valley Rd. and Rose Ave.;

Stand Alone Commercial Parcels:

- North and South along Saviers Ave. (Commercial)
- Sporadic parcels along Oxnard Blvd. (Commercial)
- US 101 between Rose Ave., and Del Norte Blvd.; and
- Various parcels along W. Fifth Street

Attachment F also identifies the location of retail dispensaries (and potential dispensaries for which occupancy has not yet been secured) in the City of Port Hueneme for context and information on proximity to the City's limits and potential retail locations in the City.

Through development of a local regulatory ordinance, the City would impose best practices to address security, noise, potential odor, loitering, and other common community and operational concerns associated with dispensary uses.

Considering that dispensaries tend to garner the most community input, concern, and scrutiny, staff recommends that community engagement be conducted to secure input regarding the

conceptual dispensary locations. As part of this community engagement process, staff would secure input from neighborhoods as follows:

- Review best practices and secure input on operational measures;
- Discuss quantitative and semi-quantitative buffer provisions and secure community input. For example, does the community support a limit on the number of retail cannabis uses in a shopping center, should there only be one per shopping center, and/or should there be a separation from the retail establishment to the residential neighborhood? Does the community want to evaluate a different sensitive use buffer requirement (different from the state 600 foot requirement)? Should the use be located at predetermined distance apart or should commercial cannabis businesses not be permitted to be on the same site or directly adjacent sites? Should there be a limit on the number of businesses permitted in a shopping center?; and
- What concerns does a particular neighborhood have regarding the potential retail use in their neighborhood?

If the City Council is supportive of considering dispensaries in the City, staff will conduct community engagement over the next six months. This input would then be communicated to the City Council with staff recommendations for dispensary locations and operational standards, also known as best practices. Following City Council input, staff would work with the City's consultant, HdL to develop a dispensary ordinance and application process. This entire process is anticipated to take approximately one year.

Cannabis Businesses – Best Practices

For any regulatory ordinance the City considers, staff will consider lessons learned from other communities and best practices. In addition to required State law provisions, some best practices are generic to all cannabis businesses, regardless of their cannabis business type. As staff advances work on any ordinance, these will be considered and are summarized below:

<u>Examples of Best Practices Relevant to all Cannabis Businesses:</u>

- On-site Security: Require business to have on-site security personnel, licensed by the California Bureau of Security and Investigative Services
- Plan for Community Benefits: In-kind donations to local non-profits or community based organizations; support, financial and otherwise, for local non-profits, civic organizations, parks and recreation
- Emergency Response Plan: Requires plan that includes a fire evacuation plan, addresses robberies/other emergencies
- Properly Monitored Alarm System and yearly inspections
- First Responder Access/Knox Box for all commercial cannabis facilities
- Plan for Cash Handling (Likely: only retail, manufacturing)

Other cannabis business types require best practices unique to the use. These are summarized in Attachment G, Best Practices.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Objective 1d. Examine options for long term sustainability of public safety services to ensure an efficient and effective public safety service delivery model.

Goal 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

Objective 2d. Public safety will collaborate with the business community to promote an environment that supports economic development.

Goal 3. Enhance business retention and attraction.

Objective 3a. Implement an economic development plan for attracting and retaining business.

FINANCIAL IMPACT

There is no immediate financial impact to the City associated with this item. No action is anticipated for this item that would carry any immediate financial impact to the City. As outlined in staff's June 2018 staff report, the precise amount of revenue to be generated by cannabis businesses is based upon the tax rate imposed and number of businesses. This estimate is not inclusive of any delivery tax revenue which could potentially be generated.

ATTACHMENTS:

Attachment A: Cannabis Staff Report from June 26 CC meeting

Attachment B: Cannabis Zone Study Map_Potential By Areas

Attachment C: Cannabis Zone Study Map_Manufacture Distribution Testing Map

Attachment D: Cannabis Zone Study Map_Potential Areas Cultivation Map

Attachment E: Cannabis Zone Study Map_Retail and Neighborhood Map

Attachment F: Cannabis Zone Study Map_Cannabis in Oxnard and Port Hueneme Map

Attachment G: Best Practices Condensed

CITY OF OXNARD CALIFORNIA	**CITY COUNCIL** **AGENDA REPORT**	**TYPE OF ITEM: Appointment Item** **AGENDA ITEM NO.: 1**

DATE: June 26, 2018

TO: City Council

THROUGH: Alexander Nguyen
City Manager

FROM: Ashley Golden
Development Services Director

SUBJECT: Cannabis Study Session (15/15/30)

CONTACT: Ashley Golden, Development Services Director
Ashley.Golden@oxnard.org, (805) 385-7882

RECOMMENDATION:

That City Council:
1. Receive the report from HdL Companies on their Feasibility Study and Fiscal Analysis of the potential cannabis industry in the City of Oxnard; and
2. Provide direction to staff regarding the permitting and regulation of various types of cannabis businesses in the City of Oxnard.

BACKGROUND

On November 8, 2016, California voters passed the Control, Regulate, and Tax Adult use of Marijuana Act ("AUMA") as Proposition 64. AUMA legalized the nonmedical use of cannabis (marijuana) by persons 21 years of age and over, the personal cultivation of up to six cannabis plants per household, and certain commercial cannabis businesses. All commercial cannabis businesses must have a state license in order to operate, but AUMA does not limit the City's authority to adopt and enforce local ordinances regulating or prohibiting state-licensed cannabis businesses.

The City Council has consistently chosen to take a "go slow" approach to exploring the possible regulation of the various types of commercial cannabis businesses, to allow the City to examine and study the experiences of neighboring jurisdictions and other agencies throughout the State,

as well as to observe how the federal government reacts to California's medical and adult-use cannabis laws.

On April 3, 2018, the Council took action to enact a zone text amendment explicitly banning commercial cannabis activities and to incorporate existing medical cannabis restrictions into the Oxnard City Code. At the same time, the Council revised existing regulations to allow for delivery of medical cannabis within the City from licensed dispensaries with permits from the City.

On June 5th, 2018, the Council voted to place a cannabis tax on the November 6th ballot, which would impose a range of taxes on a variety of commercial cannabis business types, including retail sales, cultivation, manufacturing, distribution, and testing. If approved by the voters, the passing of the tax measure would not automatically permit these cannabis activities within the City, nor would it compel the City to take action to do so. The City would still have the discretion and authority to determine which, if any, of these cannabis business types it wishes to permit, regulate and tax, and which it wishes to ban. In addition, the City would have the discretion to establish tax rates for each type of cannabis business at any rate up to the maximums defined in the measure.

To assist with these discussions, the City retained the services of HdL Companies to conduct a feasibility study to determine the types and numbers of cannabis businesses which would be sustainable in the City of Oxnard, should the City choose to permit them in the future. The City also requested HdL provide a fiscal analysis of the proposed cannabis tax rates to project the amount of annual revenue that permitting each of these business types might generate for the City.

The purpose of the cannabis study session is to gauge the Council's support for cannabis related industry in the City. During the cannabis study session staff will provide a presentation regarding what cannabis related industry the City can support and the fiscal implications of allowing these uses in the City. The Council may choose to direct staff to explore further permitting and regulation of some or all of the cannabis business types being considered.

ANALYSIS

Over the past few months, City staff have been evaluating what types of cannabis permits are currently being issues by the State of California; analyzing the types of potential cannabis industries suitable to operate within the City of Oxnard; meeting with residents and business community members interested in operating retail and laboratory uses in the City; and fielding a number of cannabis related phone calls, typically pertaining to establishing retail uses in the City, laboratory testing opportunities, and cultivation farming.

The types of cannabis industries which could be located in the City include: Retail, Manufacturing, Distribution, Testing Laboratories, and Cultivation. Cannabis cultivation, manufacturing, distribution and retail sales each offer different challenges and opportunities for

the City. The following summarizes types of cannabis industries, and opportunities for the City to explore.

Cannabis Retailers

As defined by the Bureau of Cannabis Control, a Cannabis Retailer is a person licensed to sell cannabis goods to customers as "a retailer, microbusiness, or nonprofit." For the purpose of this staff report, no distinction is being made between medical and recreational cannabis use. The retail component of the supply chain is by design the most visible segment of the commercial cannabis industry. As such, retail sales locations have been subject to the most scrutiny. Retail sales locations must be thoughtfully zoned, designed, and constructed in a manner that is suitable for the neighborhood to create the least amount of impact on the surrounding businesses and neighborhood.

Based on the current demand for retailer locations (dispensaries), retail locations can generate substantial revenues compared to other retail establishments within jurisdictions. Cannabis retailers currently generate on average $933 per square foot, because most retail stores take up much more space than dispensaries. Cannabis retailers stock a lot of product into a relatively small amount of space, and the average price point for cannabis is attractive to consumers.

Summary of Pros and Cons:

1. City has the ability to develop well-defined land use controls and buffers to protect sensitive uses such as schools, parks, etc.
2. City has the ability to limit the overall number of retailers to prevent oversaturation.
3. City has the ability to regulate point of sale, impose inventory control data metrics and conditions, and impose conditions on the volume of inventory on display at a given time.
4. Significant revenue can be realized if the use is well-regulated and taxed at an appropriate level.
5. Revenue can be generated in a less traditional way and in lieu of methods typical of traditional store front retail uses.
6. Poorly trained employees can create inventory tracking problems and liabilities.
7. Combination of all-cash business and significant product on site can pose a public safety hazard for employees and customers.
8. The City has the ability to require security presence up to 24-7 which would result in a net positive public safety effect on the neighborhood.

It is estimated that Oxnard could support between 8 and 18 retailers (combined between medical and recreational), with a midpoint of 13. Retail saturation is based upon a presumed saturation of one retail establishment per 20,000 persons. This saturation rate is based upon data and an analysis of other retail establishments and knowledge of the industry. Should Council wish to allow cannabis retail establishments, staff recommends that City Council take a cautious approach to permitting retailers by starting at the lower retail establishment number of 8. This will help ensure success for these businesses by dividing the same customer base among a

smaller number of businesses. In addition to limiting the max number of retailers, the regulations would need to include provisions to address the pros and cons listed above.

Cannabis Manufacturers

The Department of Public Health (DPH) defines Manufacturing as "all aspects of the extraction and/or infusion processes, including processing, preparing, holding, storing, packaging, or labeling of cannabis products". Manufacturing also includes "any processing, preparing, holding, or storing of components and ingredients". The manufacturing sector is still evolving and expanding, which presents significant opportunities for innovation, business development and job growth. In 2017, sales of ready-to-use cannabis products surpassed sales of cannabis flower for the first time, and the trend appears likely to continue into the future. Clear regulatory policies and competitive tax rates will be essential for attracting or holding on to this growing sector. HdL estimates that the City could support between 6 and 12 manufacturers, with a range of sizes. Manufacturing business represents over 50% of all cannabis sales, by price (not volume).

Summary of Pros and Cons:

1. Cannabis manufacturing is on the rise based upon current trends in cannabis use.
2. The City has open land available for industrial expansion and construction. City has the ability to develop zoning compliance and siting provisions to identify appropriate zones.
3. Rigorous regulatory requirements are needed to address employee safety and business operations.
4. Equipment and methods used for cannabis extractions are preexisting and have been utilized in the community for other manufacturing operations.
5. There are large quantities of volatile gases and industrial solvents necessary for the manufacturing process, which poses a hazard risk.
6. Employee security measures and protocols must be developed to address potential employee theft/diversion to the black market.
7. Rigorous testing ensures that consumer safety.
8. Regulations require destruction of any non-compliant of contaminated product.
9. Vacancy rate of industrial buildings is exceptionally low (between 1 – 3%, as of 2016).

Distributors

Distributors are the only licensed business type that can transport inventory between licensed cannabis businesses. Distribution licensees are responsible for securing large quantities of inventory, while ensuring it is properly tested and transported to licensed businesses. Distributors must have expertise in product movement, as well as checking for compliance with packaging and labeling requirements. In addition to transporting inventory between licenses, distribution companies will also be responsible for ensuring the examination of inventory at a testing laboratory and the collection of the State's excise taxes, before releasing the product to a retailer. Cultivators, manufacturers, and retailers also have the opportunity hold a distribution license as well, provided the distributor's licensed premises are "separate and distinct". This is to ensure

that the various administrative privileges and inventory tracking requirements are strictly adhered to. Pursuant to State requirements, licensed distributors will be required to establish comprehensive security measures to ensure the inventory is secured during transit and accounted for with manifest documentation. Additionally, pursuant to State requirements, distributors will be required to be licensed in a commercial or industrial building, requiring little to no signage or advertisement.

Due to Oxnard's location directly between the vast cannabis greenhouses of Santa Barbara County and the large consumer base of Los Angeles, Oxnard could be well-positioned to attract cannabis distributors. This would especially be the case if the City allowed (and was successful in attracting) a variety of other business types, including cultivators and manufacturers.

Summary of Pros and Cons:

1. City has the ability to develop additional security and inventory control measures for distributors with items stored on-site and transported. This could be considered a pro or con depending upon the City's desire to take on additional responsibility.

Testing Laboratories

As defined by the Bureau of Cannabis Control, Cannabis Testing Laboratories will be required to perform testing on cannabis goods to measure: cannabinoids, foreign material, heavy metals, microbial impurities, mycotoxins, moisture content and water activity, residual pesticides, residual solvents and processing chemicals and terpenoids. Additionally, edible cannabis products that contain more than one serving per unit will be tested for homogeneity to endure consistent concentrations of tetrahydrocannabinol (THC) or cannabidiol (CBD). Upon completion of the test, the laboratory generates a certificate of analysis that contains the results of the testing and whether the tested batch passed or failed. The owners of any testing laboratories are prohibited by law from having any level of ownership in any other type of cannabis business.

The Bureau of Cannabis Control has only issued 28 licenses for testing laboratories in all of California. These laboratories tend to be located in areas with a large amount of both cultivation and manufacturing. Since Oxnard has thus far banned all commercial cannabis activities, it seems unlikely that the City would be home to a testing laboratory in the near future. However, should the City choose to permit, regulate and encourage other cannabis business types, it is certainly possible that it may become an attractive location at some point in the future. Thus far it is assumed the City could support operation of one testing laboratory. The City has received one inquiry for operation of a cannabis testing laboratory in the City.

Summary of Pros and Cons:

1. City has the ability to develop additional security and inventory control measures while items are stored on-site and transported.
2. Testing labs don't have a possessory interest in the cannabis product. No ownership of actual product.

3. City has the ability to impose more rigorous testing requirements if desired. However, this would require a level of regulatory expertise that most cities don't possess.
4. Testing labs pose lower public safety challenges because they have so little cannabis on the premises compared to other license types that they are far less likely to attract criminal activity, or to become a source of diversion.

Cultivation

Cannabis cultivation is generally divided into four basic categories: outdoor, indoor, mixed light (utilizing both natural and artificial light) and nursery. A combination of these cultivation techniques may occur at a site. Cultivation licenses allow for activities involving planting, growing, harvesting, drying, curing, grading and trimming. Depending on the cultivation method, the size, location, and setting of cannabis cultivation sites could vary.

Neighboring Santa Barbara County has the highest amount of licensed cannabis cultivation in California, but this has been accommodated largely through adaptive reuse of vacant industrial greenhouse infrastructure that Oxnard does not have. Any cannabis cultivation in Oxnard would likely be limited to indoors due to both the coastal climate and the urban environment. Oxnard has a large amount of Light Industrial-zoned properties, mostly located on the eastern edge of the City, with easy access to Highway 101.

The cannabis cultivation market in California has already exceeded its saturation point 3-times over, which suggests that there is not enough room for those growers already licensed, much less new entrants into the market.

Summary of Pros and Cons:

1. Revenue Potential.
2. Potential odor generated by cannabis use.
3. Potential theft/criminal activity.
4. Increase in use of water and electricity.
5. Dependent upon how the facility is designed, potential light pollution and light spill onto adjacent properties for green houses only.
6. Potentially high failure rate due to oversupply which may lead to volatile revenues and vacant properties/buildings.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to build relationships and create opportunities within the community for safe and vibrant neighborhoods, which will showcase the promising future of Oxnard. This item supports the following goals and objectives:

Objective 1d. Examine options for long term sustainability of public safety services to ensure an efficient and effective public safety service delivery model.

Goal 2. Increase transparency with Council, community and staff related to the City's budget and financial management processes.

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to develop and enhance Oxnard's business climate, promote the City's fiscal health, and support economic growth in a manner consistent with the City's unique character. This item supports the following goals and objectives:

Goal 1. Create vibrant and economically sustainable commercial, industrial and retail industries throughout the City.

Goal 2. Enhance business development throughout the City.

Objective 2a. Develop a strong citywide economy which attracts investment, increases the tax base, creates employment opportunities, and generates public revenue.

Objective 2d. Public safety will collaborate with the business community to promote an environment that supports economic development.

Goal 3. Enhance business retention and attraction.

Objective 3a. Implement an economic development plan for attracting and retaining business.

FINANCIAL IMPACT

There is no immediate financial impact to the City associated with this study session item. No action is anticipated for this item that would carry any immediate financial impact to the City. The precise amount of revenue to be generated is based upon the tax rate imposed and number of businesses. This estimate is not inclusive of any delivery tax revenue which could potentially be generated.

If the tax measure does not pass, then there is no tax revenue. The City would have the ability to collect the actual cost associated with the processing of permits, enforcement, inspection, and other legitimate governmental costs related to regulation of specific permittees. The following provides a comprehensive summary of the range of revenue potential:

Business Type	Number	Low tax rate	Revenue	High Tax Rate	Revenue
Retailer	13	4.0%	$852,733	6.0%	$1,279,100
Manufacturer	8	2.5%	$500,000	4.0%	$800,000
Distributor	3	2.0%	$150,000	3.0%	$225,000
Testing Lab	1	1%	$20,000	2.5%	$50,000

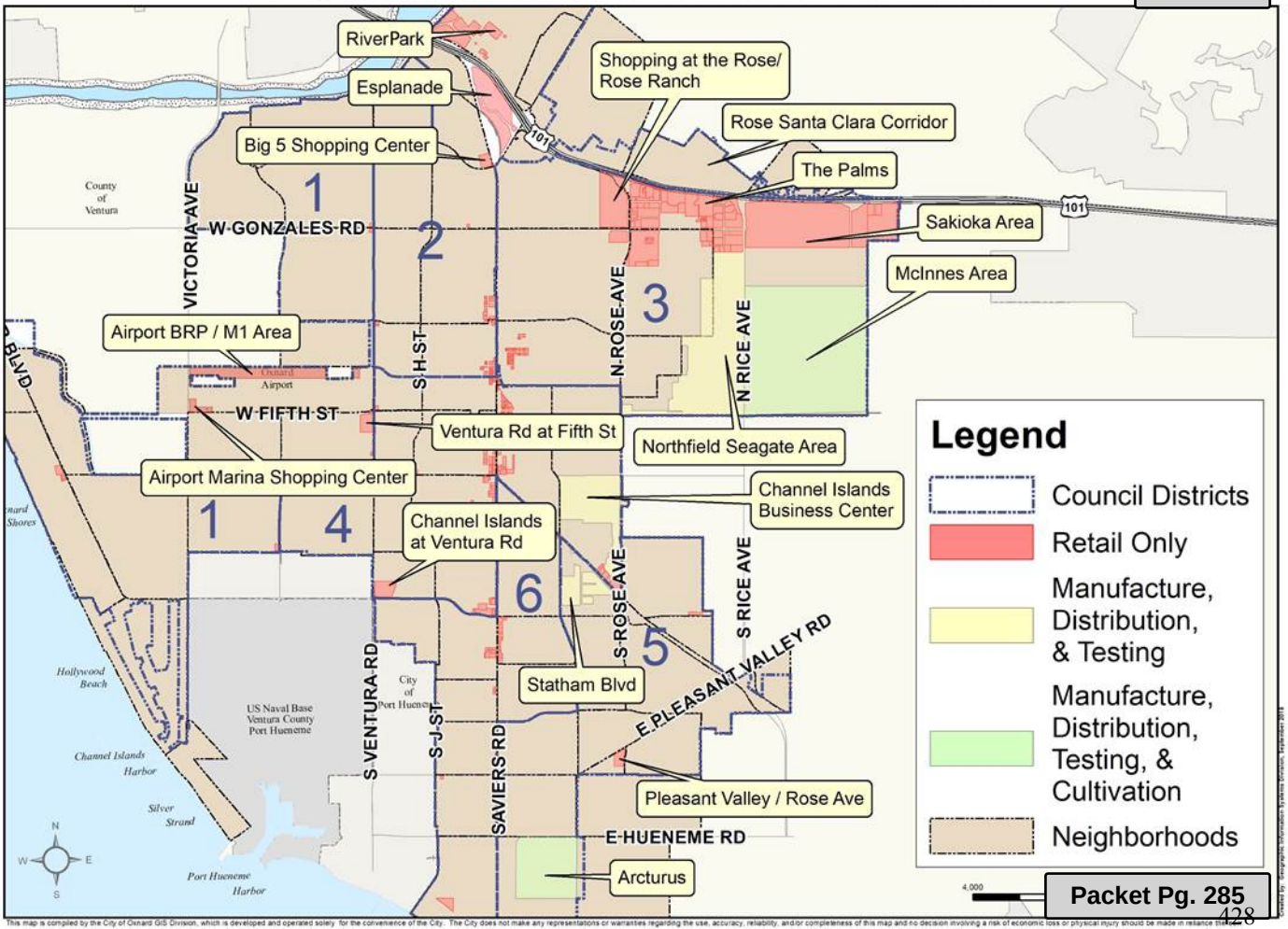
Cultivation	2	1.4%	$224,000	2.0%	$320,000
Total			**$1,746,733**		**$2,674,100**

ATTACHMENTS:

Attachment A: Oxnard Tax and Feasibility Analysis FINAL

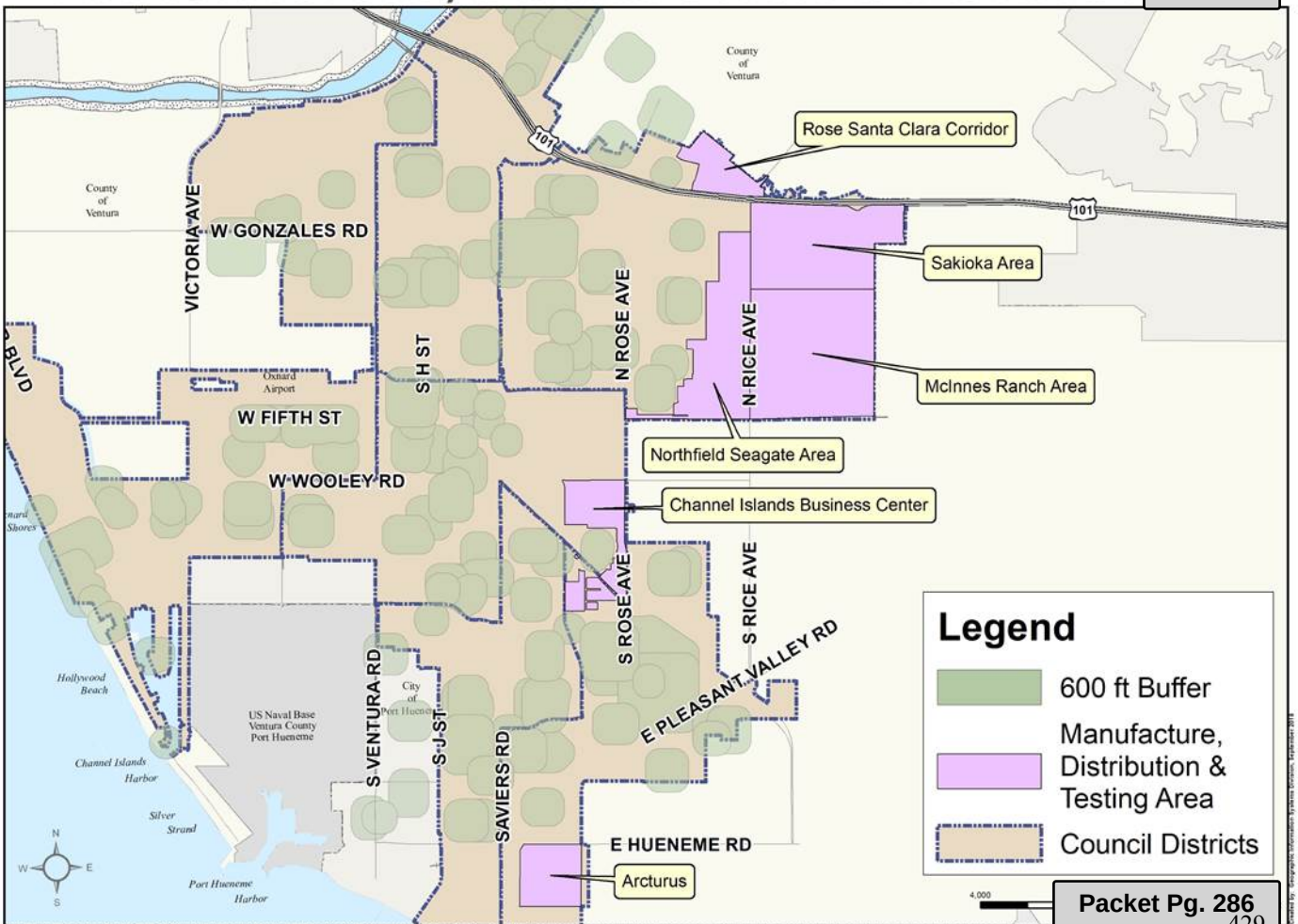
POTENTIAL CANNABIS AREAS

N.2.b



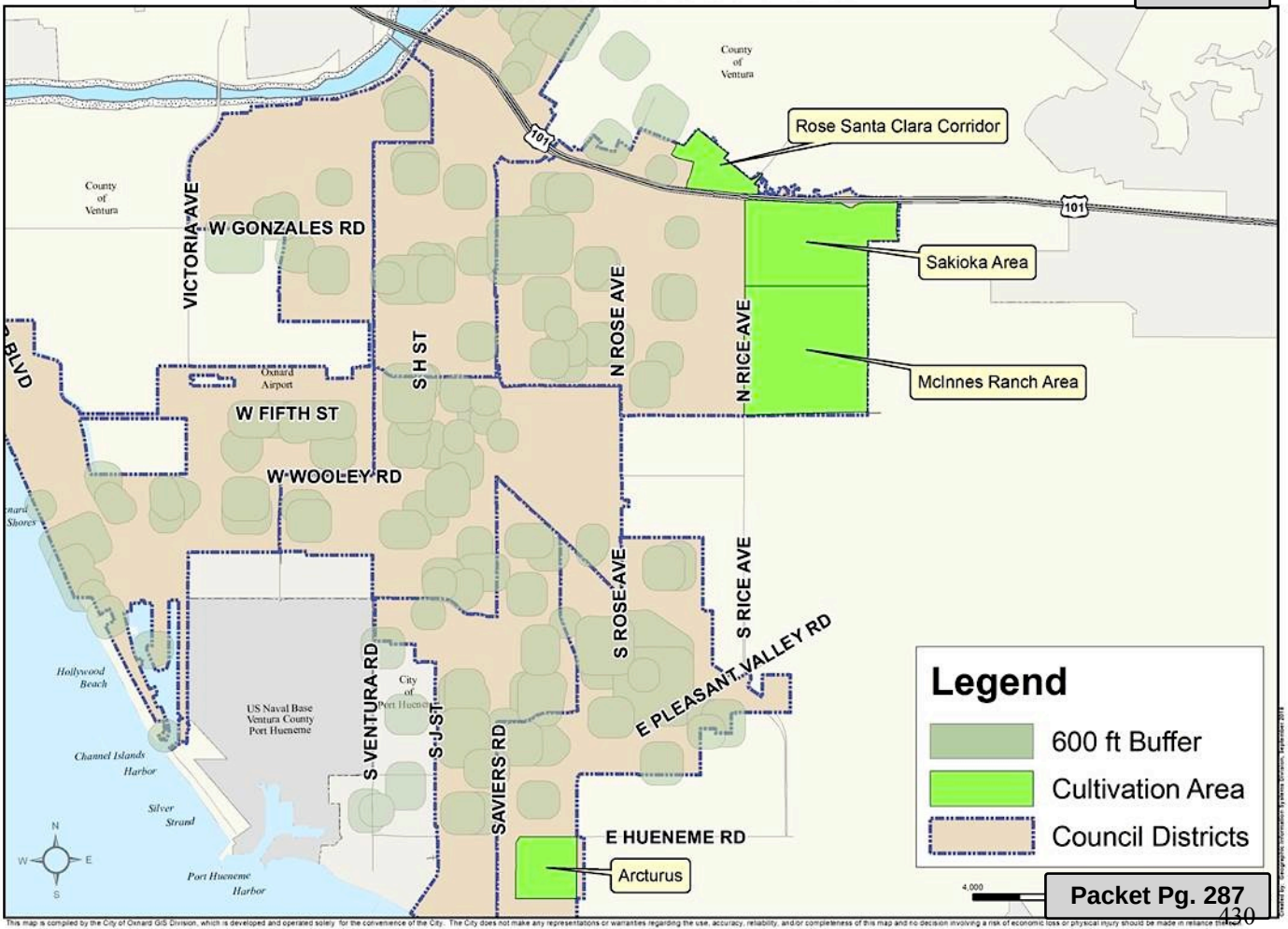
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

MANUFACTURE, DISTRIBUTION & TESTING MAP



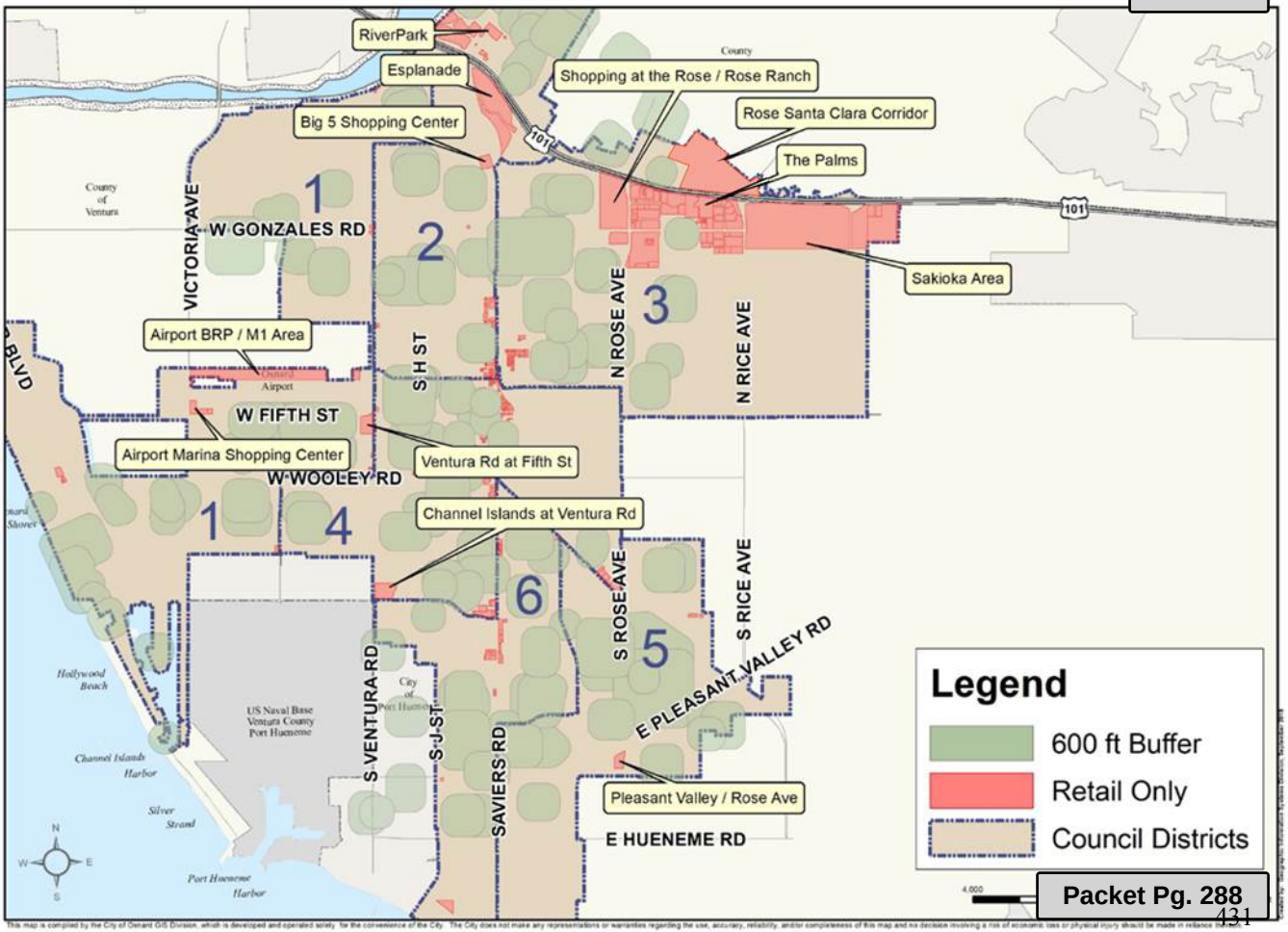
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

CULTIVATION MAP

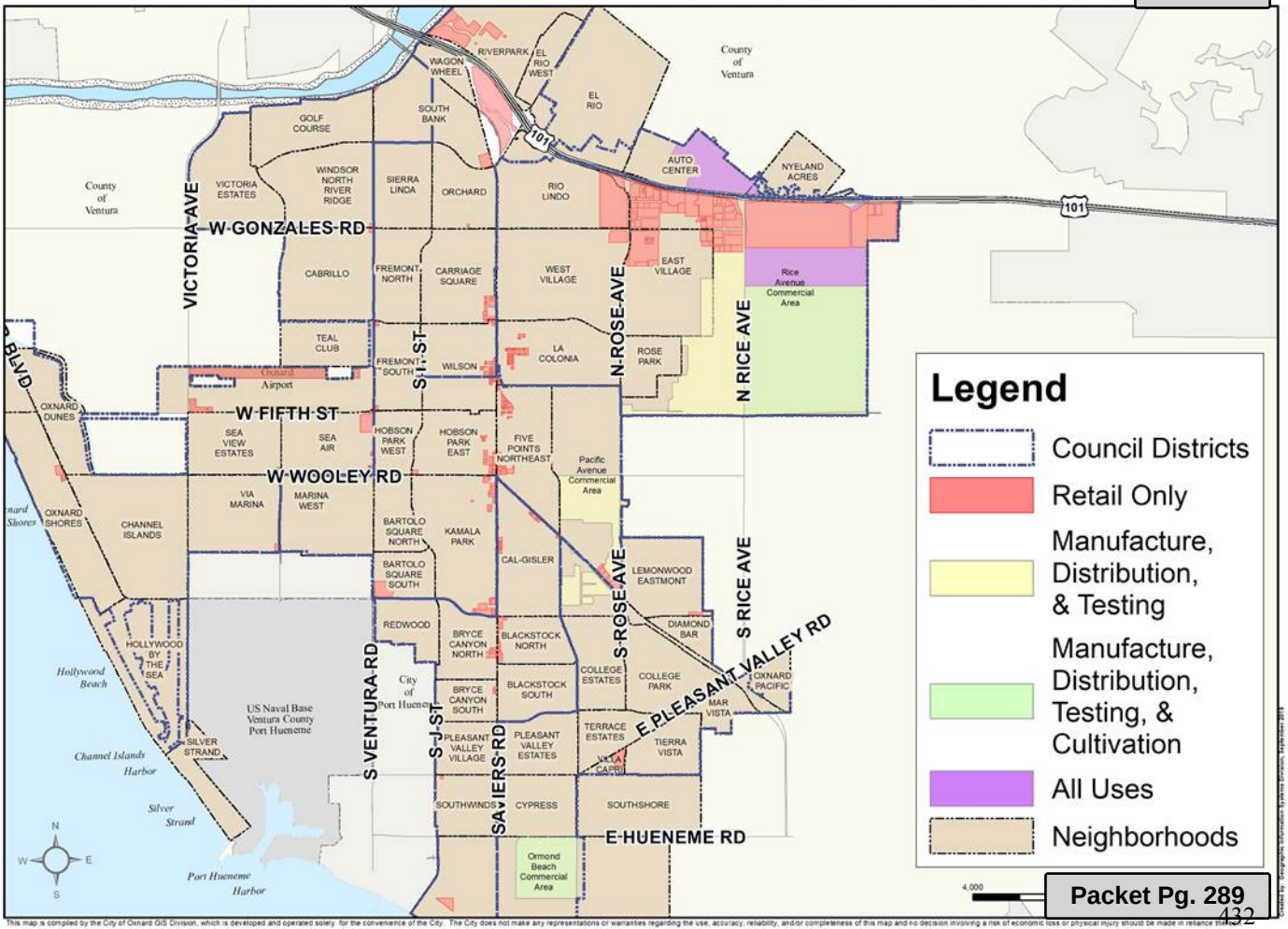


This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP


RiverPark
Esplanade
Shopping at the Rose / Rose Ranch
Rose Santa Clara Corridor
Big 5 Shopping Center
The Palms
Sakioka Area
Airport BRP / M1 Area
Airport Marina Shopping Center
Ventura Rd at Fifth St
Channel Islands at Ventura Rd
Pleasant Valley / Rose Ave
County of Ventura
County
101
W GONZALES RD
VICTORIA AVE
S H ST
N ROSE AVE
N RICE AVE
W FIFTH ST
W WOOLEY RD
S ROSE AVE
S RICE AVE
E PLEASANT VALLEY RD
S VENTURA RD
S J ST
SAVIERS RD
E HUENEME RD
1
2
3
4
5
6
Oxnard Airport
Hollywood Beach
US Naval Base Ventura County Port Hueneme
City of Port Hueneme
Channel Islands Harbor
Silver Strand
Port Hueneme Harbor
N
S
E
W
Legend
600 ft Buffer
Retail Only
Council Districts
4,000

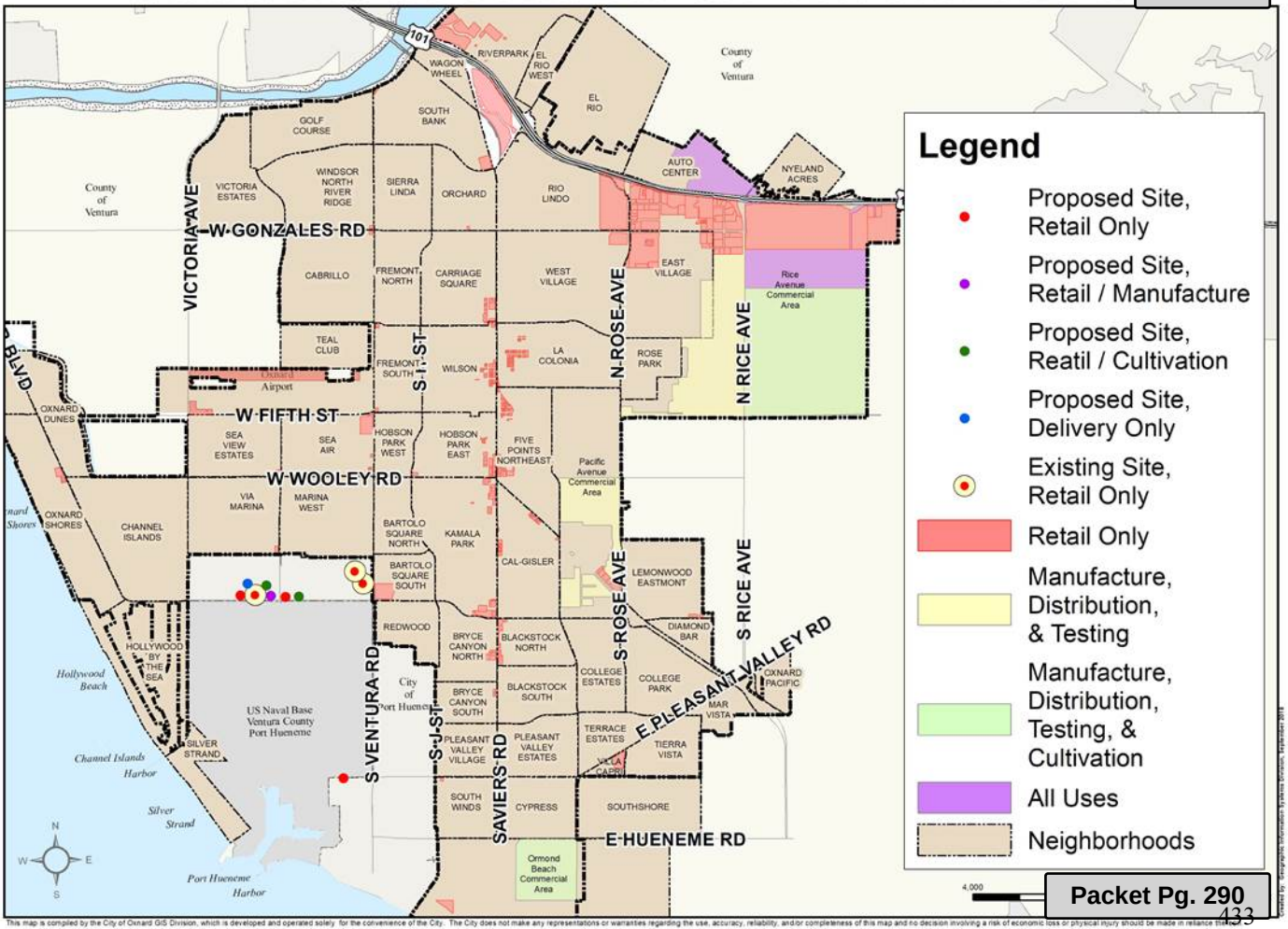
POTENTIAL CANNABIS BY NEIGHBORHOOD



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

CANNABIS IN OXNARD & PORT HUENEME

N.2.f



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

Attachment G
Best Practices
Cannabis License Types

In addition to required State law provisions, some best practices are generic to all cannabis businesses, regardless of their specialized activity.

Summary of Best Practices Relevant to all Cannabis Businesses:

- On-site Security: Require business to have on-site security personnel, licensed by the California Bureau of Security and Investigative Services.
- Plan for Community Benefits: In-kind donations to local non-profits or community based organizations; support, financial and otherwise, for local non-profits, civic organizations, parks and recreation
- Emergency Response Plan: Requires plan that includes a fire evacuation plan, addresses robberies/other emergencies
- Properly Monitored Alarm System and yearly inspections
- First Responder Access/Know Box for all commercial cannabis facilities
- Plan for Cash Handling (Likely: only retail, manufacturing)

CULTIVATION

Summary of Best Practices:

1. Do not allow outdoor cultivation, to minimize nuisance complaints due to odor
2. Develop a general nuisance odor ordinance, if one is not currently enacted
3. Require Odor Control Plans that identify and contain on-site odors within the CCB
4. Require Renewable Energy Plans
5. Require a Water Management Plan
6. Restrict exterior artificial lighting
7. Require Security Plans that include surveillance camera coverage without blind spots
8. Consider distance requirements from what may be additional sensitive uses, depending on the community (residences, churches, libraries rehabilitation facilities, etc.)

DISTRIBUTION

Summary of Best Practices:

1. Require reporting/verification pertaining to Distributors' responsibilities:
    a. Goods Movement: Expertise in product movement required; plan for goods movement
    b. Testing: Responsibility to arrange for testing of cannabis and cannabis products and confirmation of testing results, prior to transportation to any retail location for commercial sale (key to enforcement of state health & safety standards)

HdL Companies

   c. Tax Collection: Collection of both state cultivation tax and state excise tax
   d. Verification of adherence to state packaging and labelling requirements
2. Allow Distribution operations in Industrial zones (M-L, M-1, M-2); Avoid CIA
3. State law prohibits locating within 600 ft of sensitive receptor (schools, day cares, youth centers, parks); consider expanding buffer
4. Require the entire distribution facility to be designated as a limited access facility, preventing visitor, contractors or non-employees from entering; consider security escort plan
5. Require a secured room plan; approve the safe, vault or secured room prior to issuance of license and prior to building permit issuance
6. Inspect the safe, vault or secured room prior to issuance of license
7. Require that all vehicles used to transport inventory be equipped with GPS
8. Require that a computer-generated manifest occur prior to transportation of inventory
9. Prohibit non-authorized employees within vehicles during deliveries to licensed businesses
10. Require that inventory be locked and secured in an approved case, safe or cabinet, including when in transit
11. Require criminal background check for all employees
12. Structure ordinance/permit issuance so that reporting of transport incidents are reported to City and incidents impact renewability of license

MANUFACTURING

Summary of Best Practices:

1. Require detailed, full disclosure of the nature of the manufacturing operation as part of the permitting process. If a business plans to conduct volatile extraction, the application and the interview should elicit that information. Some jurisdictions have allowed themselves to be misled into believing the business would be operating a cannabis bakery, when extraction (at that time completely illegal) was occurring on-site.
2. For businesses with engaged extraction, reaffirm compliance with the state requirement for a closed loop system. Require submittal of engineered plans reflecting closed loop system.
3. Require detailed disclosure and storage plans during the permitting process and through building permit (storage and handling plans for the large quantities of volatile gases and industrial solvents that will be stored on-site).
4. Require that all extraction activities occur in a room solely dedicated to the extraction process.
5. Require that all waste be disposed of in a manner so that it cannot be detected or used for any other purpose.
6. If the business is performing extraction using volatile gases, require that the room be constructed to meet National Fire Protection Association (NFPA) C1-D1 hazardous location classifications.
7. Allow cannabis manufacturing operations in light Industrial and manufacturing zones (M-L, M-1 and M-2).

HdL Companies

8. State law prohibits locating within 600 ft of sensitive receptor (schools, day cares, youth centers, parks); consider expanding buffer
9. Require installation in the manufacturing facility of fire suppression systems and flammable gas detection devices
10. Require notification of any change to product line and use of extraction solvents
11. Require all extraction equipment be inspected by an industrial hygienist
12. Require all extraction technicians be trained and certified
13. Expressly require the business to include required food handling safety training in Employee handbook, if any of the manufactured products will be cannabis edibles.
14. Require the establishment of clearly defined administrative hold and product recall procedures
15. Require that all employees be subject to a criminal background check.

RETAIL

Summary of Best Practices:

1. Some jurisdictions have opted for Non-Store Front Retail, as it can generate revenue without having traditional store fronts and related public safety concerns
2. Require on-site security officer; part of daily business operations
3. Submittal of verification data for compliance with track-and-trace
4. Require business' to have robust inventory control policy to include regular, systematic inventory checks/reconciliation
5. Require installation of surveillance cameras with zero blind spots
6. Require written cash handling procedures, including plan for periodic deliveries to bank (random times, not regularly scheduled)
7. Allow in Commercial zones (Specific Plan Areas, C-2, BRP – verification with County Dept. of Airports)
8. State law prohibits locating within 600 ft of sensitive receptor (schools, day cares, youth centers, parks); consider expanding buffer
9. Require all inventory (including edibles and concentrates) be locked and secured in a safe, vault or secured room when the business is closed
10. Require that the Standard Operating Procedures provide ongoing point of sale and inventory tracking data entry training to all employees
11. Limit the amount of inventory on display to the equivalent of two days sales (increases inventory accountability and reduces volume of odor)
12. Require the business to assign one individual to the position of inventory manager. Require inventory control plans
13. Require crime prevention through environmental design or CEPTED plan as part of permitting and building permit review
14. Require that all employees be subject to a criminal background check
15. Require that all inventory and sales transactions be reconciled by end of business day
16. Require business to have written training procedures re: point of sale and inventory control data to ensure proper data entry and minimize diversion

HdL Companies

TESTING LABORATORIES

Summary of Best Practices:

1. Require testing labs to observe all the mitigation measures listed for the other licensees, particularly with regard to odor control, waste disposal, and routine maintenance of interior and exterior of facility
2. Require a robust security and inventory tracking system to facilitate chain of custody; review and approve plan as part of building permit process
3. Require periodic submittal of documentation for verification of lab's compliance with state standards for testing equipment, specifically in regard to cleaning and calibration
4. Submittal of verification data for compliance with track-and-trace; chain of custody procedures
5. Allow in Light Industrial and Manufacturing zones.
6. State law prohibits locating within 600 ft of sensitive receptor (schools, day cares, youth centers, parks); consider expanding buffer
7. Require testing lab to be designated as a limited access facility, preventing visitor, contractors or non-employees from entering; consider security escort plan
8. Require a secured room plan; approve the safe, vault or secured room prior to issuance of license and prior to building permit issuance
9. Inspect the safe, vault or secured room prior to issuance of license
10. Require that all employees be subject to a criminal background check

HdL Companies

Cannabis Land Use Options

Kathleen Mallory
Planning & Environmental Services Manager
Development Services Department

October 2, 2018

CITY OF OXNARD CALIFORNIA

BACKGROUND

- November 8, 2016 - Adult Use Medical Act (AUMU) passed
- April 3, 2018 – Council adopted ordinance banning cannabis use; and allowing delivery of medical cannabis within City
- June 5, 2018 – Council approved placing a cannabis tax on November 2018 General Election ballot

CITY OF OXNARD CALIFORNIA

BACKGROUND (continued)

- June 26, 2018 - Council study session evaluated cannabis uses to be permitted in the City

- June 2018 – Fiscal analysis study prepared by HdL presented; Council discussed and provided feedback regarding Retail Dispensaries (medical and non-medical), Manufacturing, Distribution, Testing Laboratories, and Cultivation cannabis uses

CITY OF OXNARD CALIFORNIA

BACKGROUND (continued)

- June 2018 Council staff report evaluated feasibility of various cannabis business types and number of these uses
- Since June evaluation of state law, City land use regulations, zoning, and best practice
- Identification of approach and potential cannabis areas

Cannabis Business Type	Go Slow Approach Recommended Maximum Number	HdL Feasibility Study Range (June 2018 study)
Retail	8	8-18
Manufacturer	8	6-12
Distributor	3	3
Testing Lab	1	1
Cultivation	2	2

CITY OF OXNARD CALIFORNIA

SITING CRITERIA

- Per State regulations, any cannabis use cannot be located closer than 600-feet ("buffer") from a sensitive use.
    - *Sensitive use is a public/private or charter K-12 school, commercial day care center (not family day care), youth center, or public park*
- Measurement is parcel line to parcel line
- Jurisdiction can reduce and expand buffer if codified in a local ordinance
- Per State law a "buffer" from a residential use to a "cannabis use" is NOT required

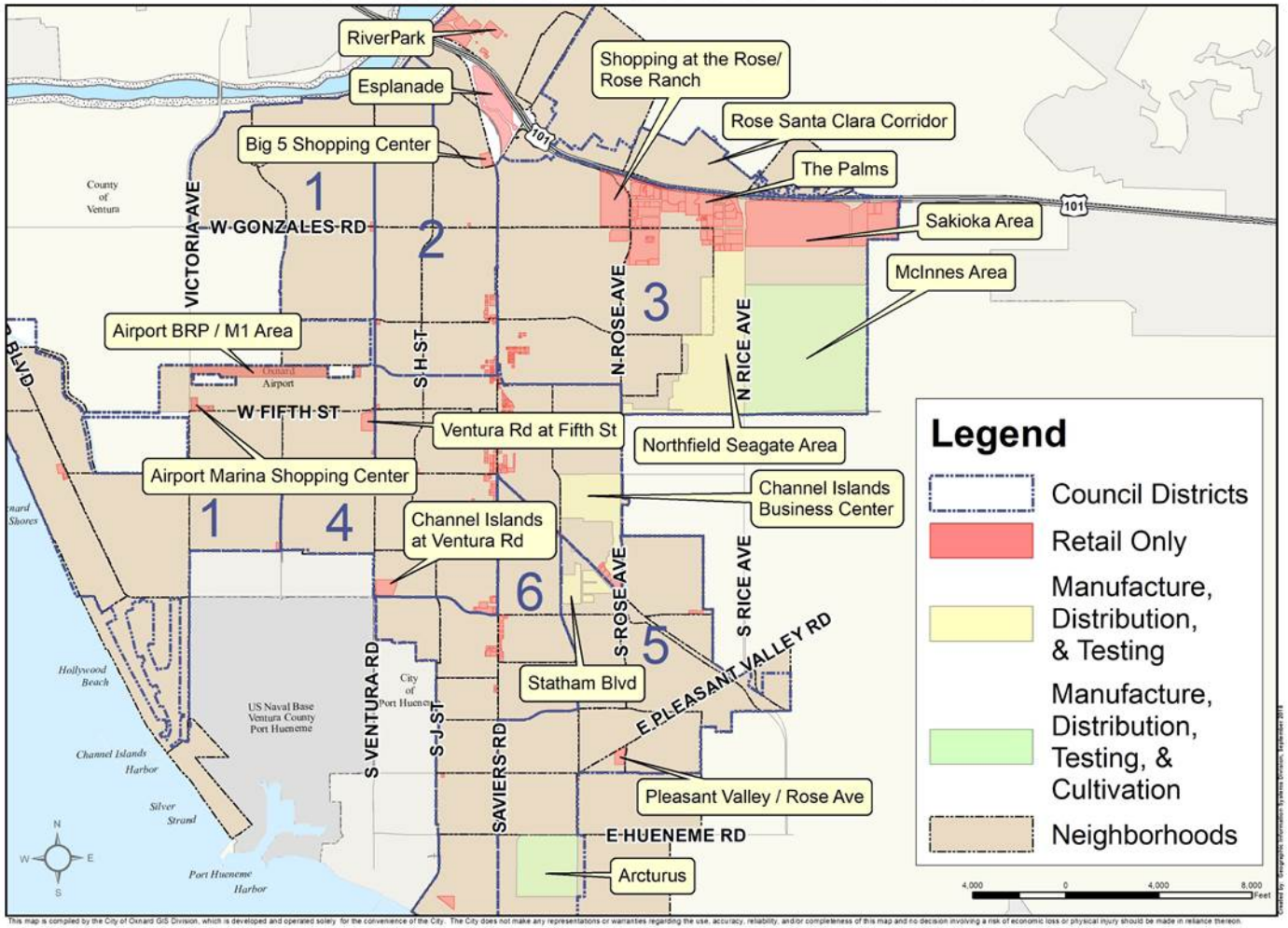
CITY OF OXNARD CALIFORNIA

OVERVIEW OF MAPS

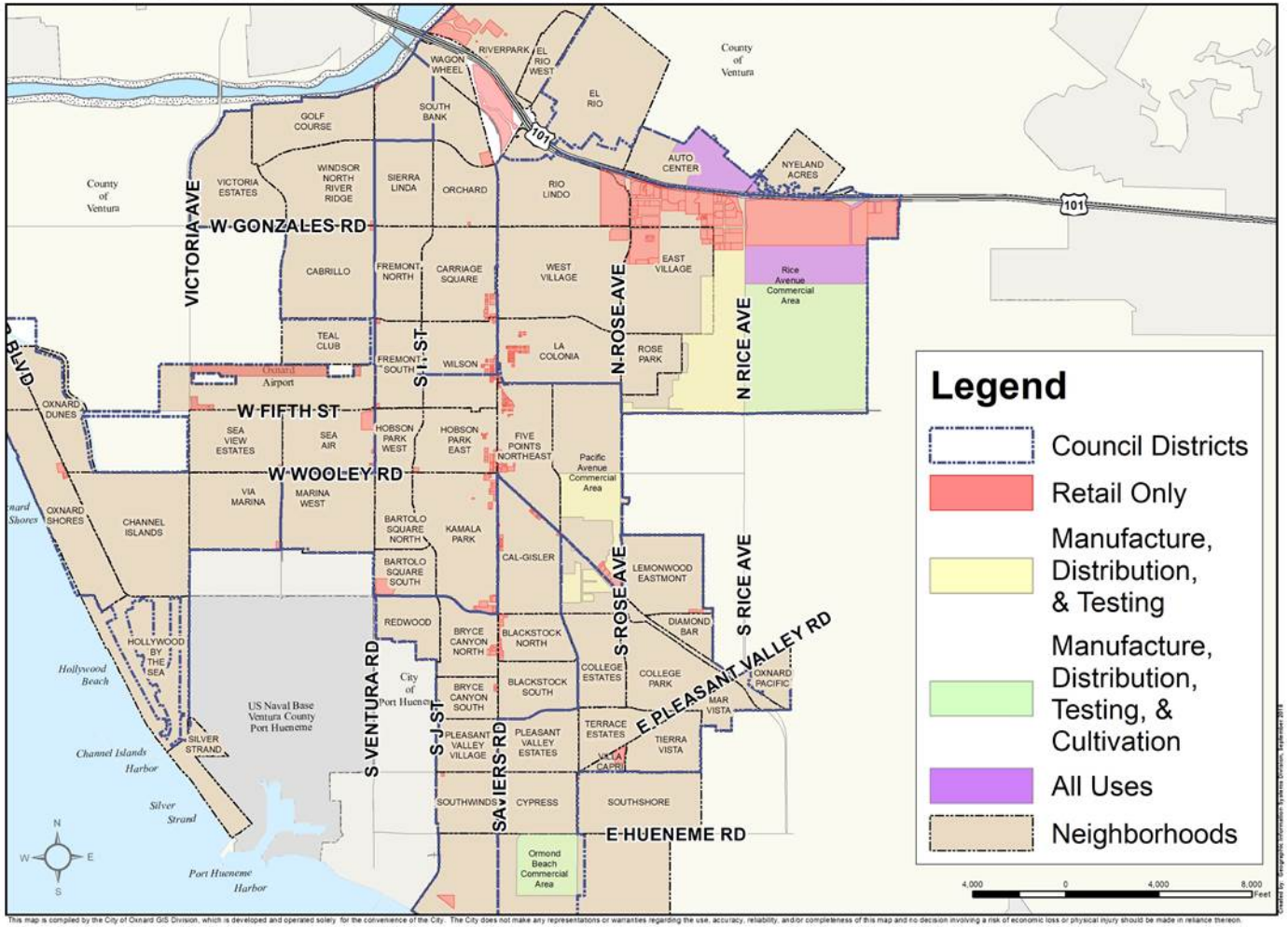
- Maps on the following slides identify potential cannabis locations; implements 600-foot State buffer requirement
- Identify retail locations by shopping center and stand alone commercial parcels which meet the definition of feasible commercial parcels
- Commonalities and best practices with cannabis distribution, manufacturing, and testing/laboratories supports analysis as one group
- Retail and cannabis cultivation uses evaluated independently

CITY OF OXNARD CALIFORNIA

POTENTIAL CANNABIS AREAS

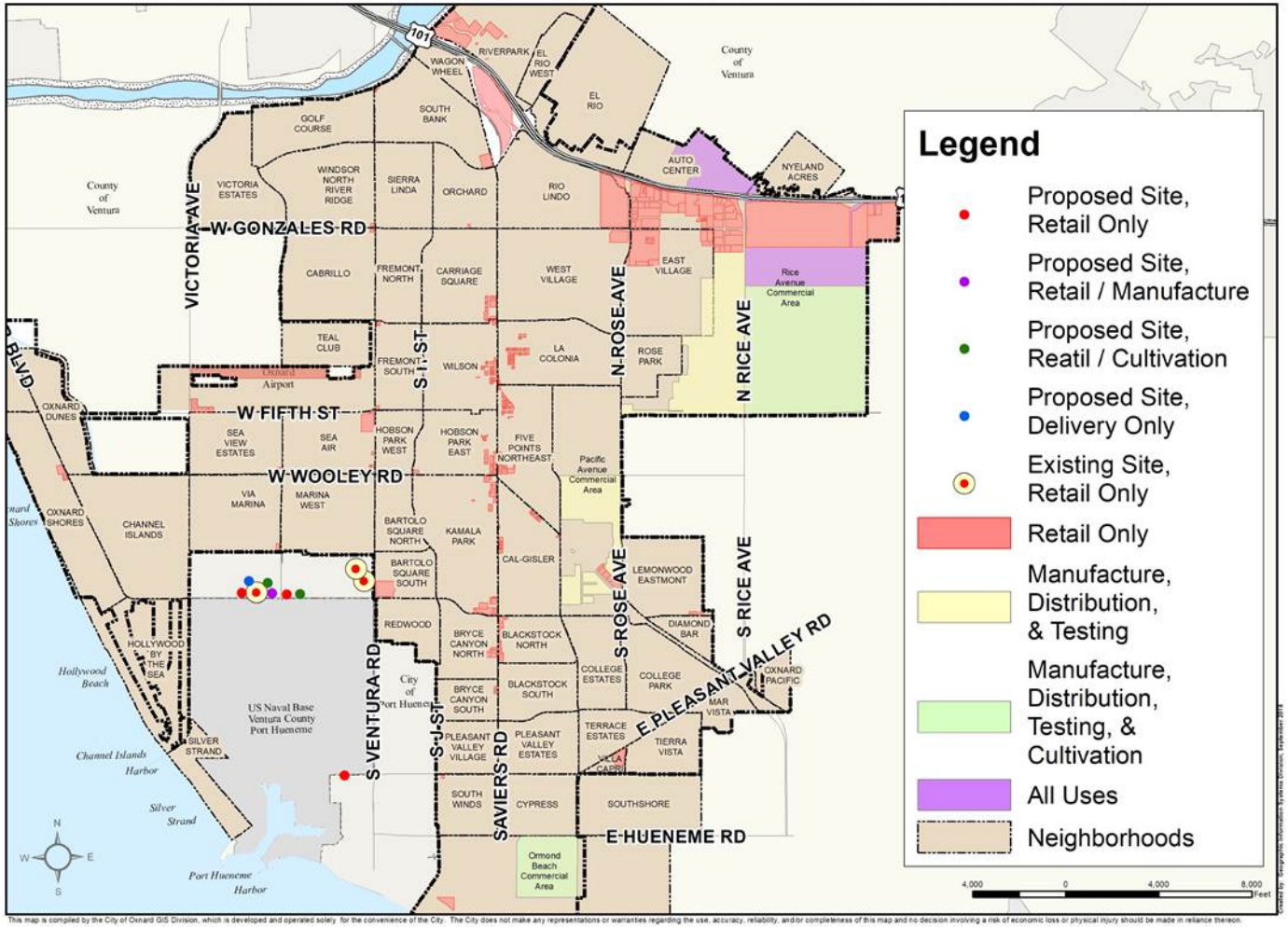


POTENTIAL CANNABIS BY NEIGHBORHOOD



CITY OF OXNARD CALIFORNIA

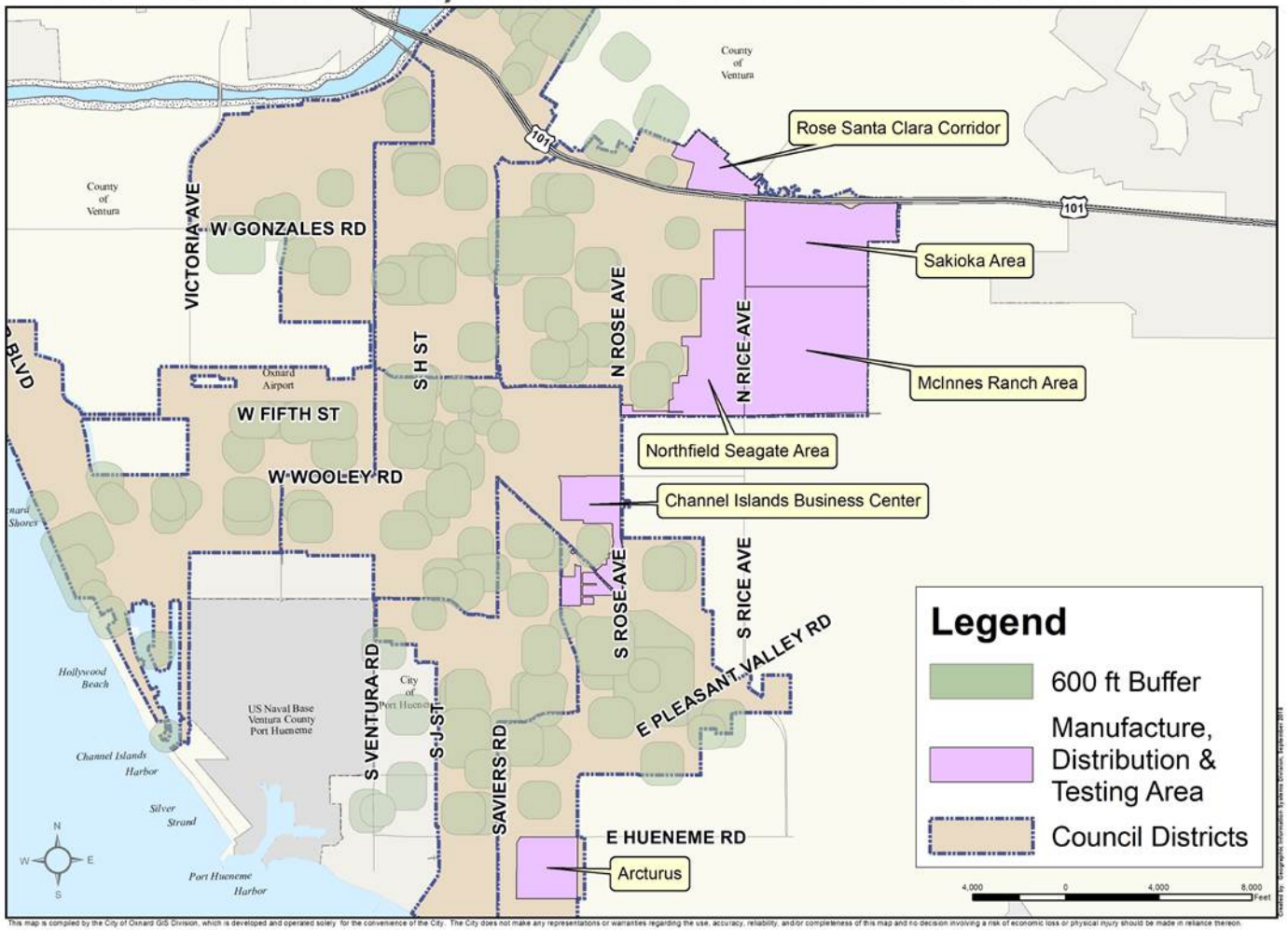
CANNABIS IN OXNARD & PORT HUENEME



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

CITY OF OXNARD CALIFORNIA

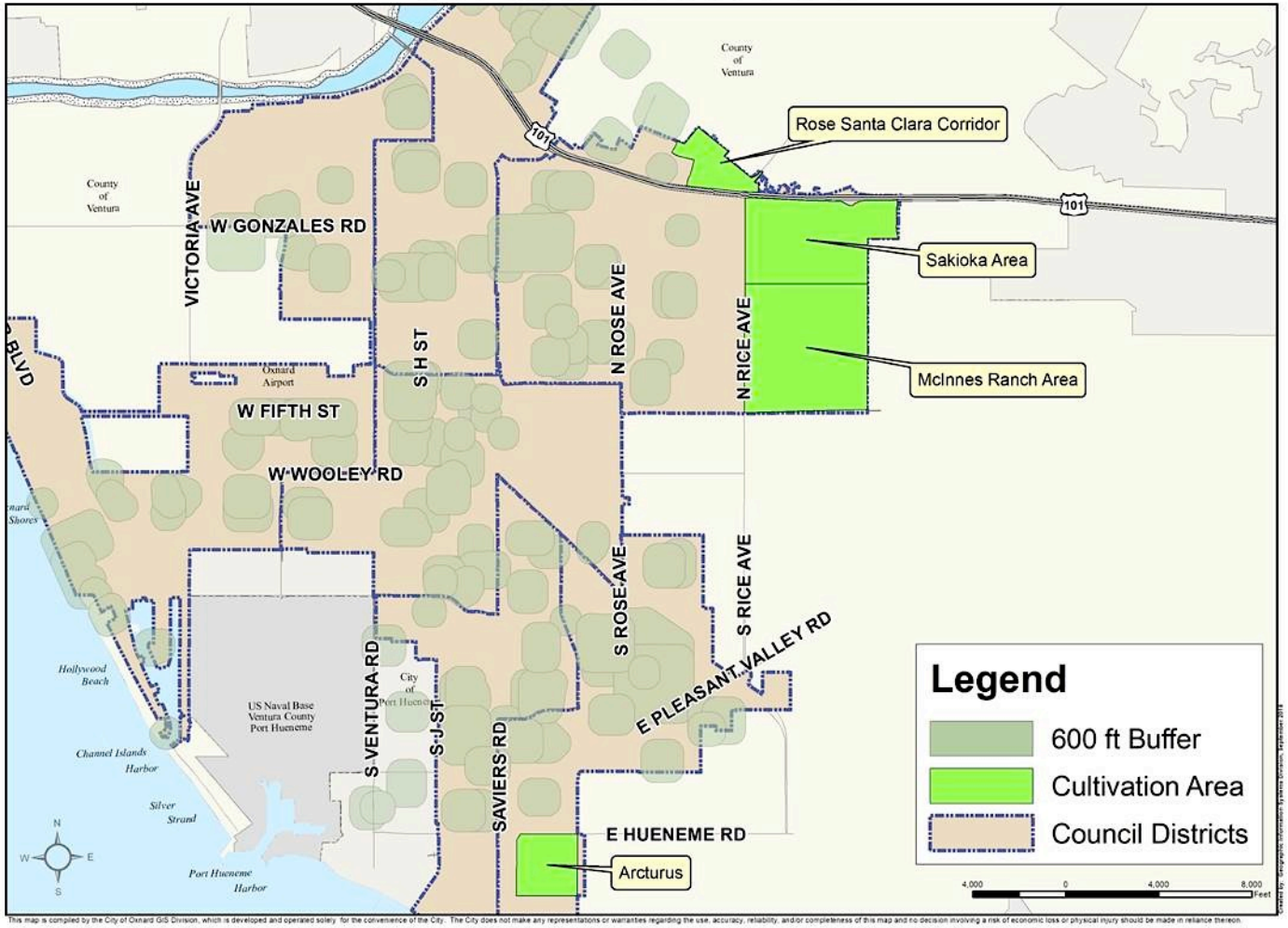
MANUFACTURE, DISTRIBUTION & TESTING MAP



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

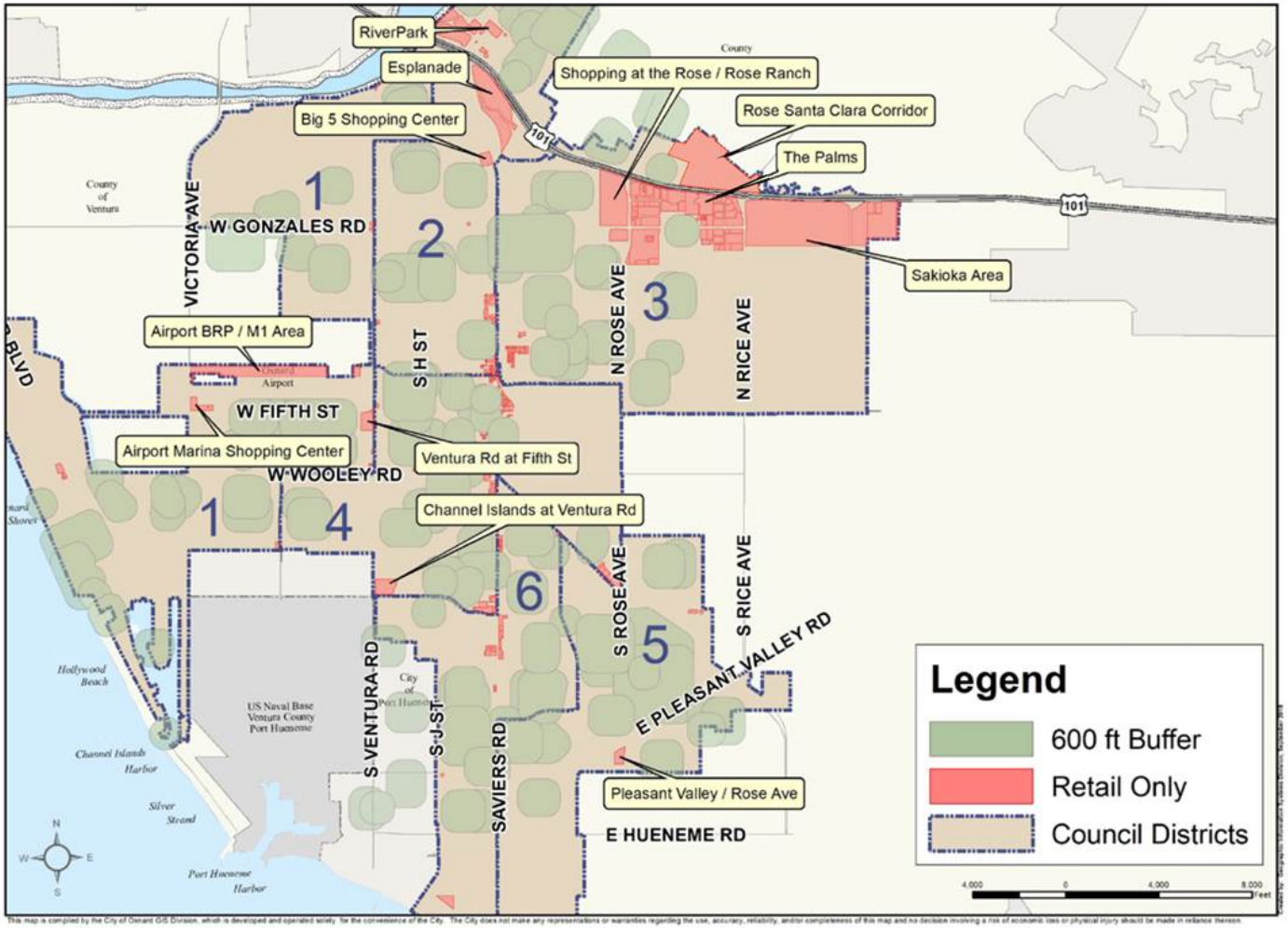
CITY OF OXNARD CALIFORNIA

CULTIVATION MAP

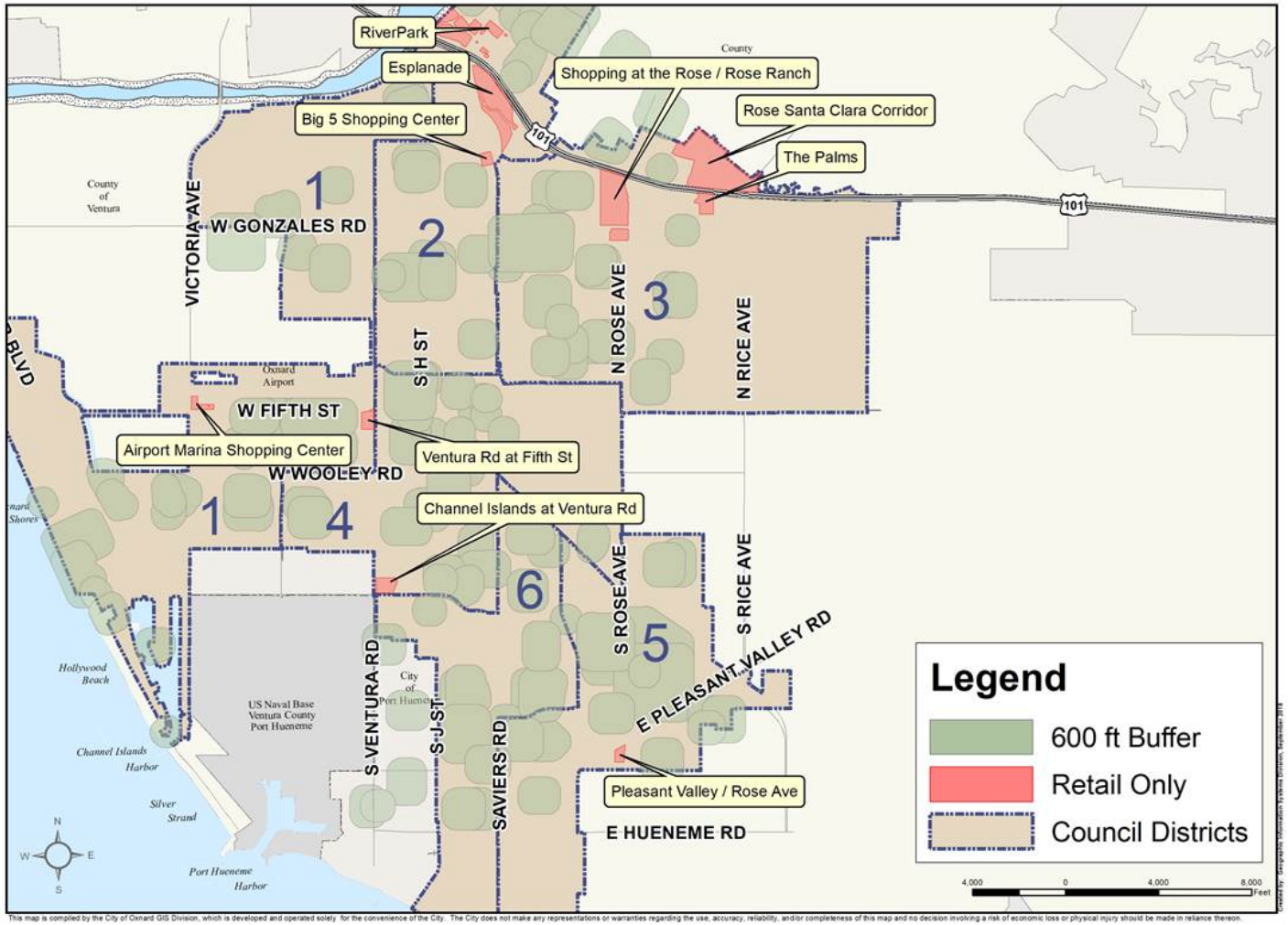


This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP


RiverPark
Esplanade
Shopping at the Rose / Rose Ranch
Rose Santa Clara Corridor
Big 5 Shopping Center
The Palms
Sakioka Area
Airport BRP / M1 Area
Airport Marina Shopping Center
Ventura Rd at Fifth St
Channel Islands at Ventura Rd
Pleasant Valley / Rose Ave
W GONZALES RD
VICTORIA AVE
W FIFTH ST
W WOOLEY RD
S H ST
N ROSE AVE
N RICE AVE
S ROSE AVE
S RICE AVE
E PLEASANT VALLEY RD
E HUENEME RD
S VENTURA RD
S J ST
SAVIERS RD
101
1
2
3
4
5
6
Legend
600 ft Buffer
Retail Only
Council Districts

RETAIL MAP - SHOPPING CENTERS



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

CITY OF OXNARD CALIFORNIA

RETAIL NEXT STEPS

If Council supports dispensaries, staff will begin a 6-month period of community engagement:

- Meet with Neighborhood Council's
- Review best practices, quantitative and semi-quantitative buffer provisions and solicit input on these
- Discuss particular neighborhood concerns with Neighborhood Council
- Meet with interested operators and solicit input
- Summarize input, findings, and develop recommendations to bring to Council

CITY OF OXNARD CALIFORNIA

OVERALL TIME FRAME

If supported by Council:

- Manufacturing, Distribution, and Testing/Laboratory Ordinance (Estimated 4 months)
- Cultivation Ordinance (Estimated 8-12 months)
- Retail Dispensary Ordinance – Conduct community engagement (Estimated 6 months); and report back to Council (Estimated 6-9 months)

CITY OF OXNARD CALIFORNIA

RECOMMENDATION

That City Council:

1. Receive a presentation regarding land use and siting (location) options associated with cannabis land uses in zoning designations throughout the City of Oxnard;

2. Direct staff to prepare draft land use and permit regulations that would allow cannabis distribution, manufacturing, and testing/laboratory operations in the City of Oxnard;

3. Review potential indoor and outdoor cannabis cultivation and provide input on land use locations, if any; and

4. Review potential medical and non-medical cannabis dispensary (i.e., retail dispensaries) locations and direct staff to conduct community outreach to solicit input pertaining to potential dispensary locations in the City of Oxnard.

CITY OF OXNARD CALIFORNIA

EXHIBIT 4

Retail Dispensaries Cannabis

Kathleen Mallory
Planning & Sustainability Manager
Community Development Department

INCO Presentation – July 10, 2019

CITY OF OXNARD CALIFORNIA

BACKGROUND

- June 26, 2018 - Council study session evaluated cannabis uses in the City. City could support 8 to 18 retail dispensaries
- October 18, 2018 – Potential siting options presented. “Go Slow” approach implemented; maximum of 8 retail dispensaries within City
- INCO - Jan. 9, 2019 regarding manufacturing, testing, and distribution of cannabis
- INCO - April 3, 2019 regarding dispensaries
- Council adoption of cannabis M, T, and D Ord. effective July 19, 2019. Applications available – est. early August
- July 2, 2019 – City Council report on fees; July 30th estimate adoption

CITY OF OXNARD CALIFORNIA

PERMIT PROCESS

1. Commercial cannabis business application review, and ranking
2. Interview and second ranking; review based upon evaluation criteria which will be developed through the City Manager's office
3. Final approval and allowance to submit an application for a Commercial Cannabis Business Permit (allowance to submit an application for a Special Use Permit/Development Design Review)
4. Submittal of a SUP or DDR

CITY OF OXNARD CALIFORNIA

CANNABIS PROCESSING STEPS

- Permit process the same regardless of type of cannabis business
- Requirements and vetting of applications through a competitive multi-step process
- Ensures City received most viable and desirable cannabis businesses
- Applications and fee payments required for each step in the permitting process; must receive favorable recommendation to advance through the permit process

CITY OF OXNARD CALIFORNIA

OVERVIEW OF MAPS

- Maps on the following slides identify potential cannabis locations; implements 600-foot State buffer requirement
- Identify retail locations by shopping center and stand alone commercial parcels which meet the definition of feasible commercial parcels
- Expanded maps from April 2019 presentation; relooked at parcels and feasible sites with consideration to best practices and lessons learned in Port Hueneme

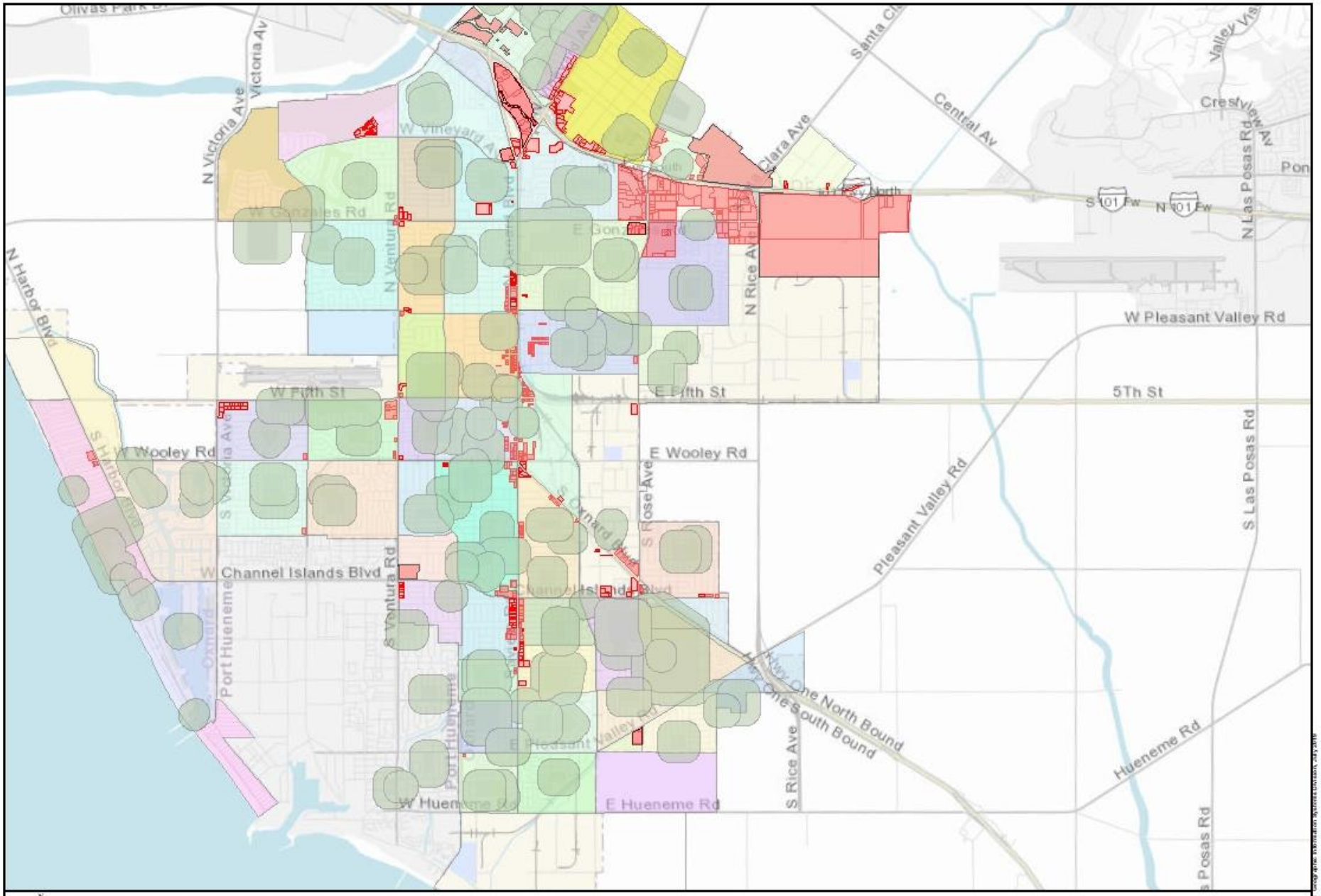
CITY OF OXNARD CALIFORNIA

SITING CRITERIA

- Per State regulations, any cannabis use cannot be located closer than 600-feet ("buffer") from a sensitive use.
    - *Sensitive use is a public/private or charter K-12 school, commercial day care center (not family day care), youth center, or public park*
- Measurement is parcel line to parcel line
- Jurisdiction can reduce and expand buffer if codified in a local ordinance
- Per State law a "buffer" from a residential use to a "cannabis use" is NOT required

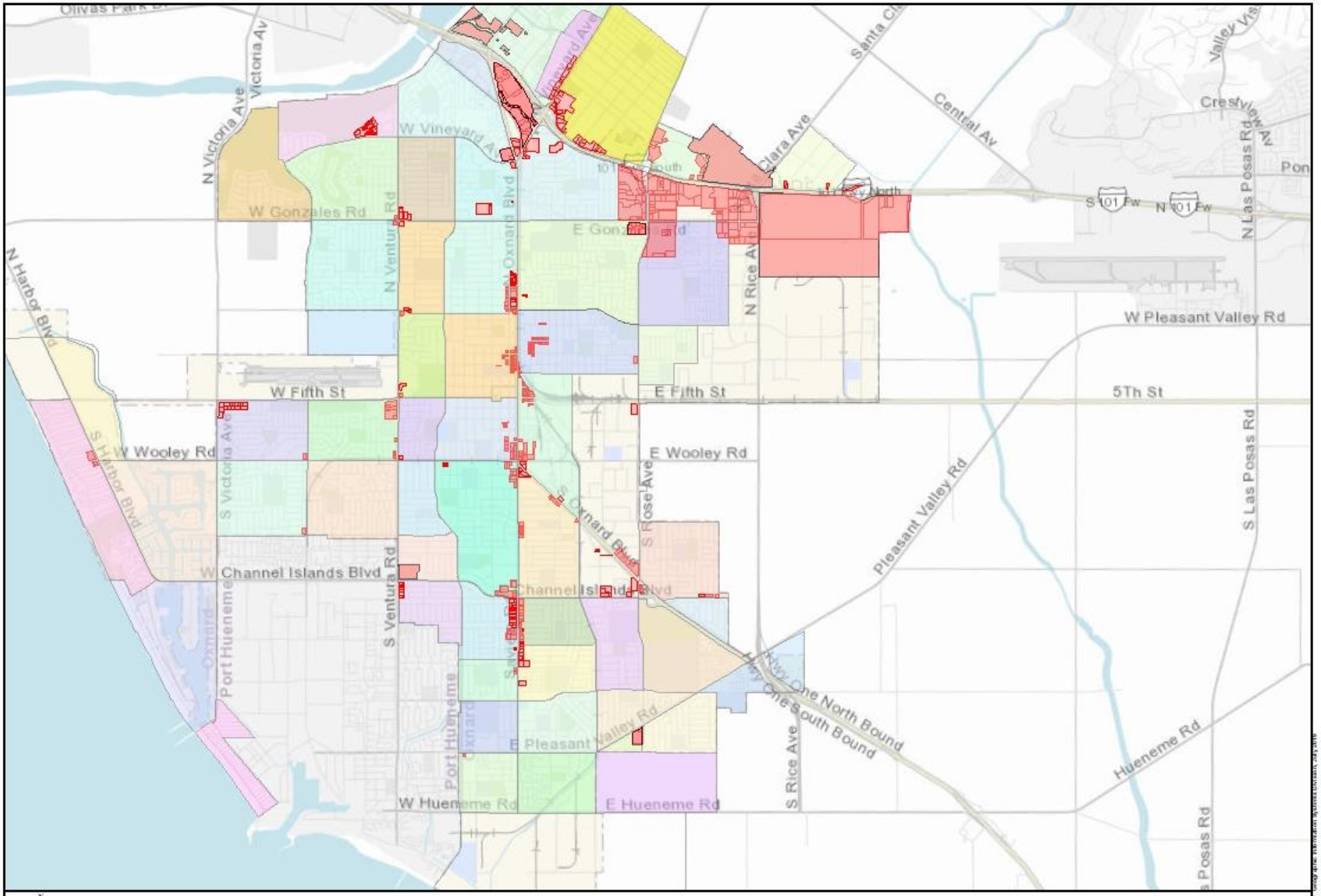
CITY OF OXNARD CALIFORNIA

RETAIL MAP



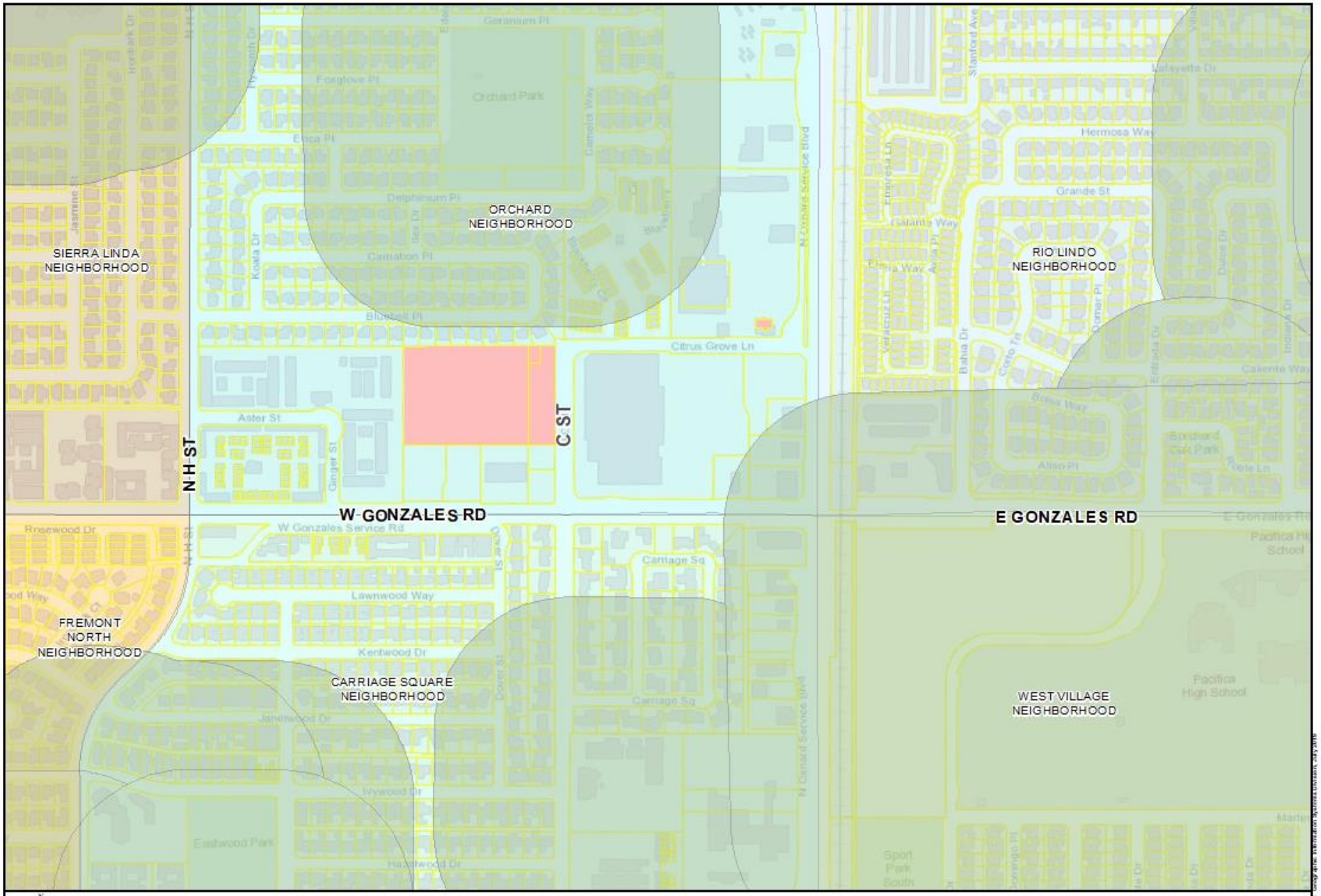
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP



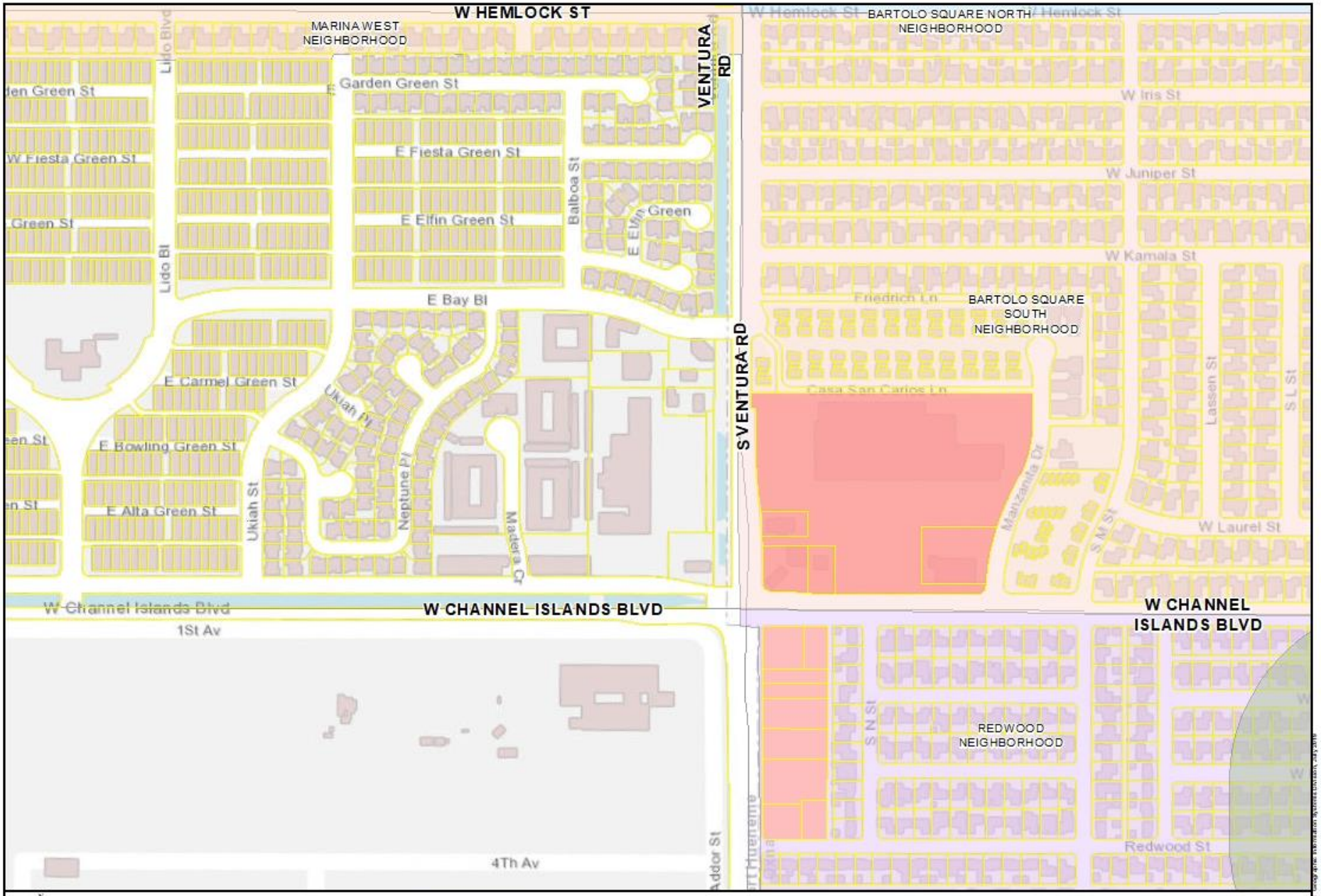
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP



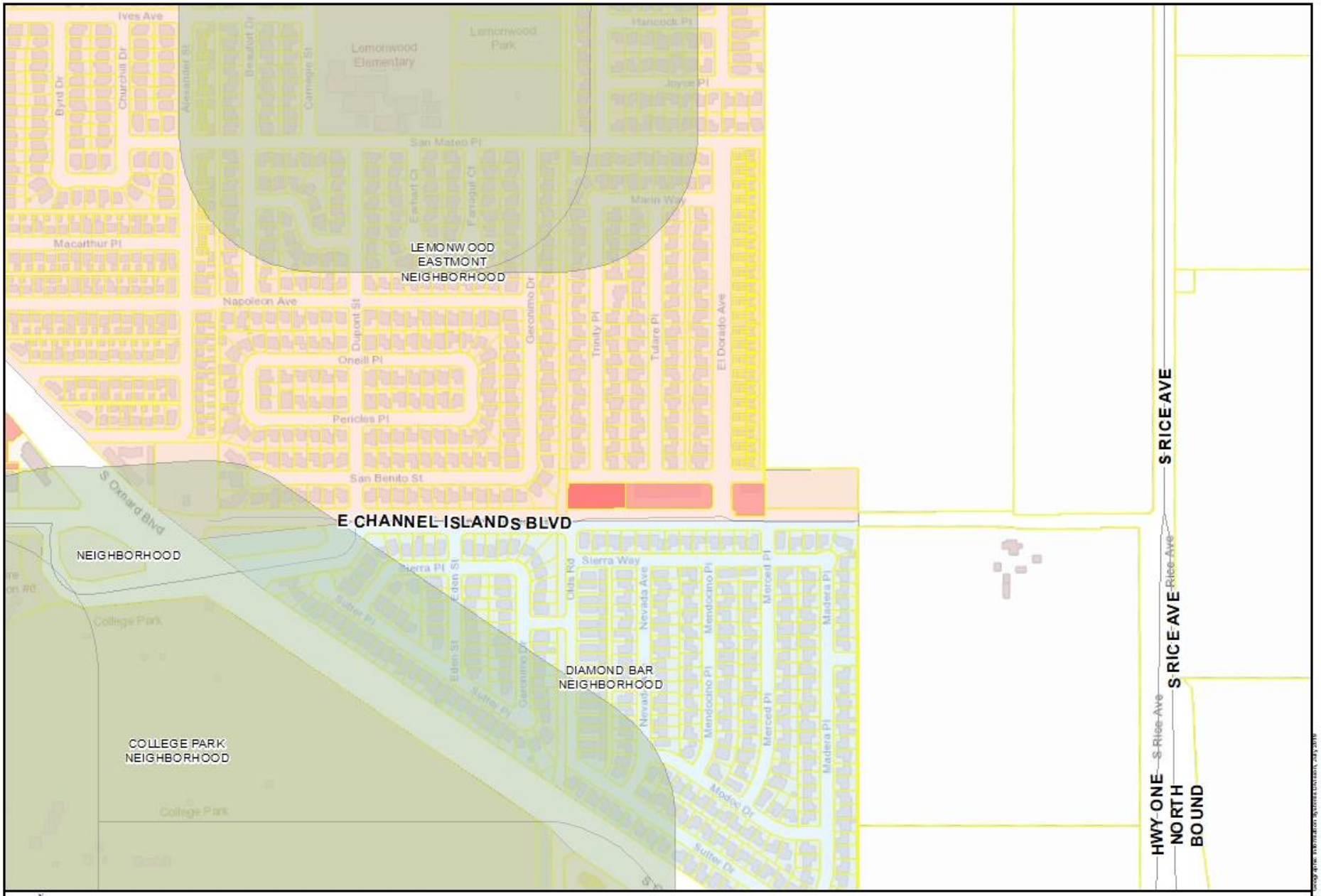
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

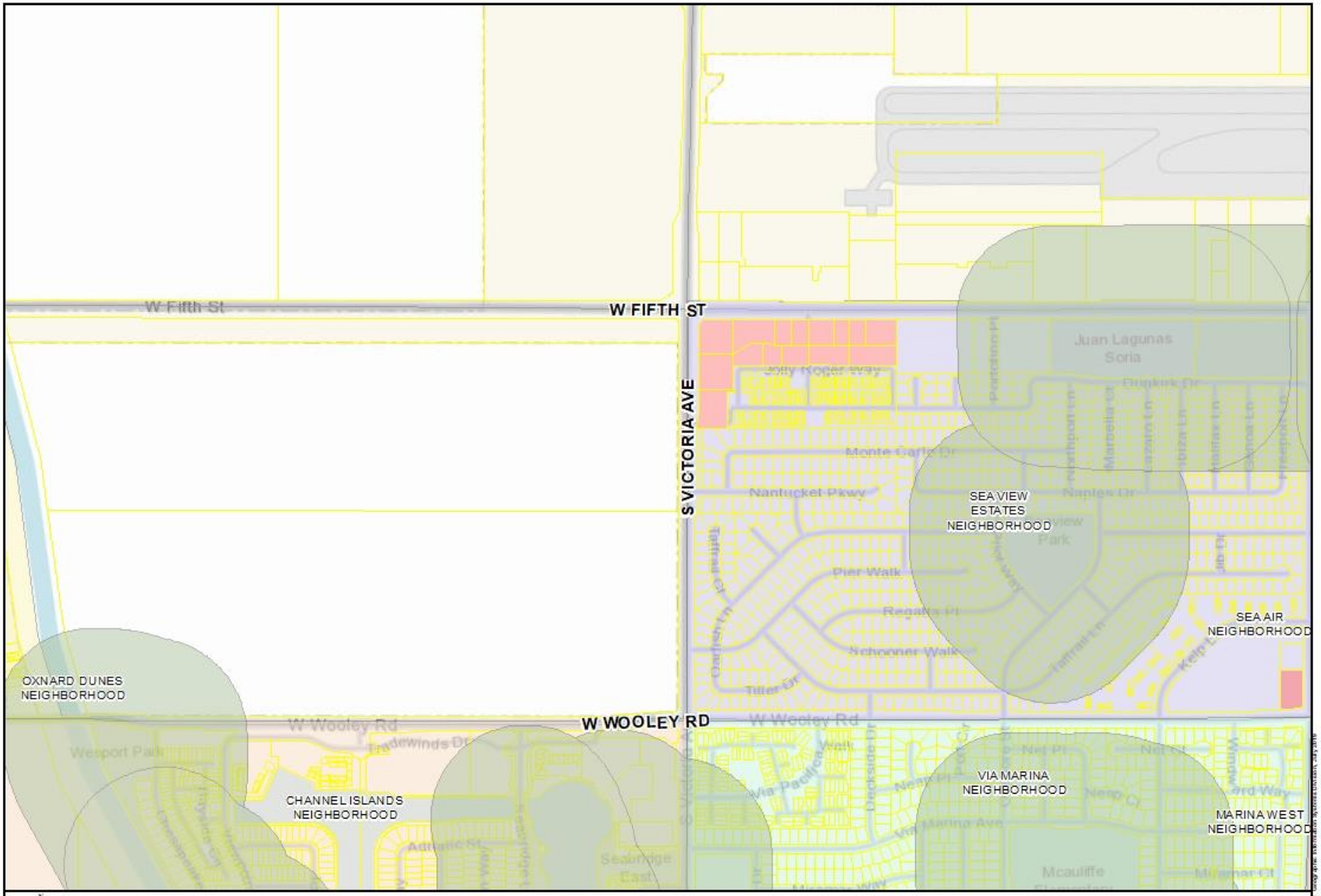
RETAIL MAP - CLOSE UP



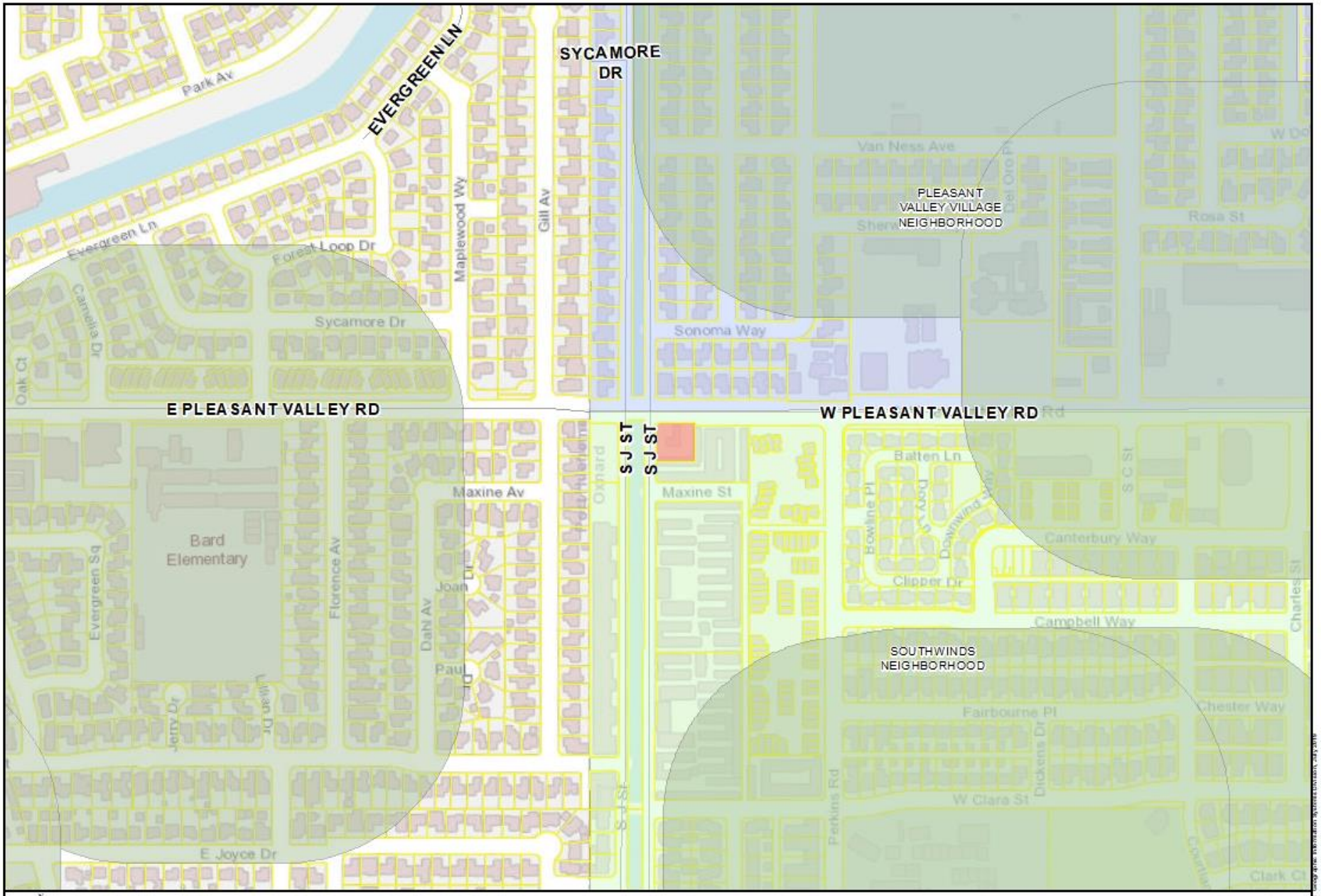
RETAIL MAP - CLOSE UP

This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP

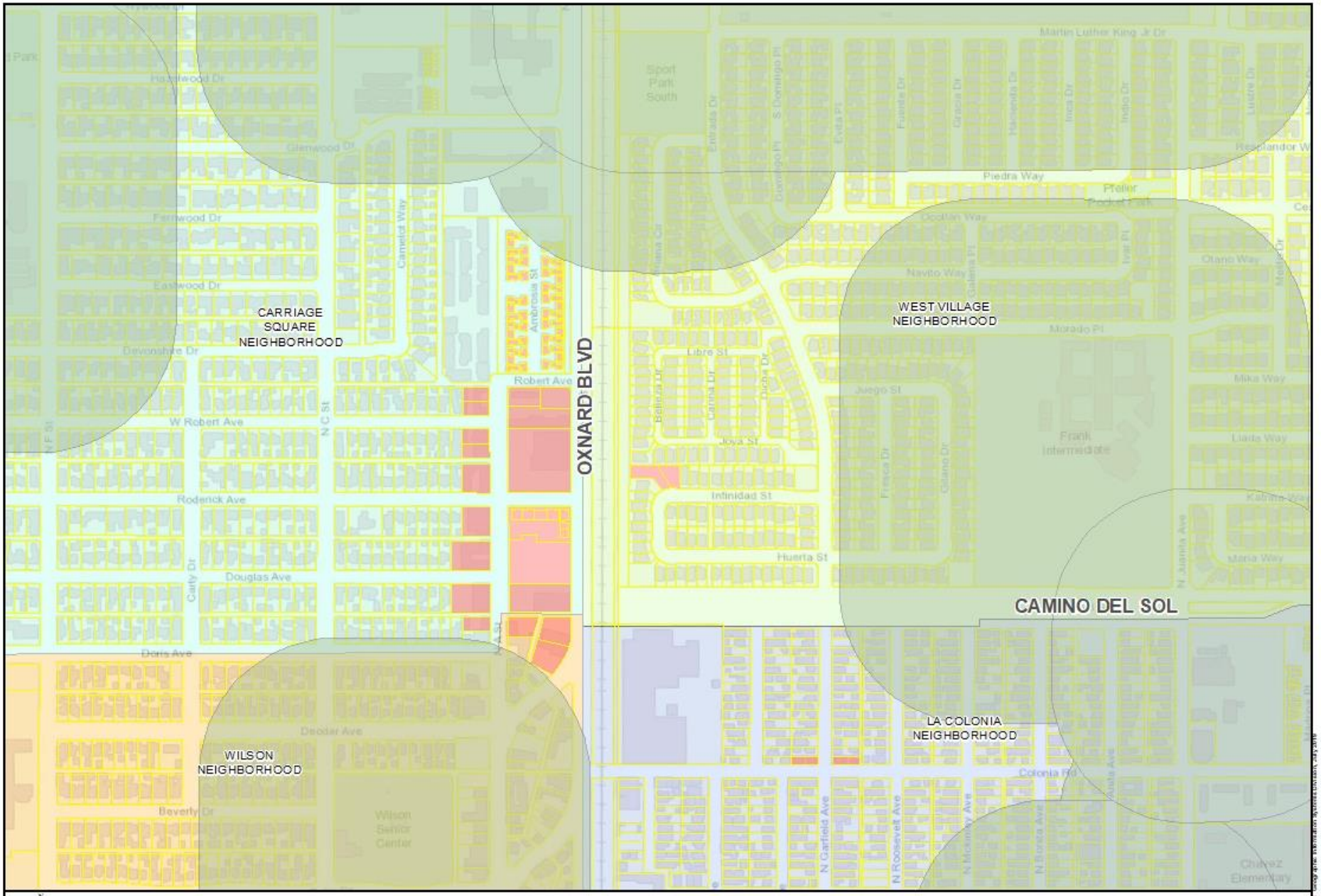


RETAIL MAP - CLOSE UP



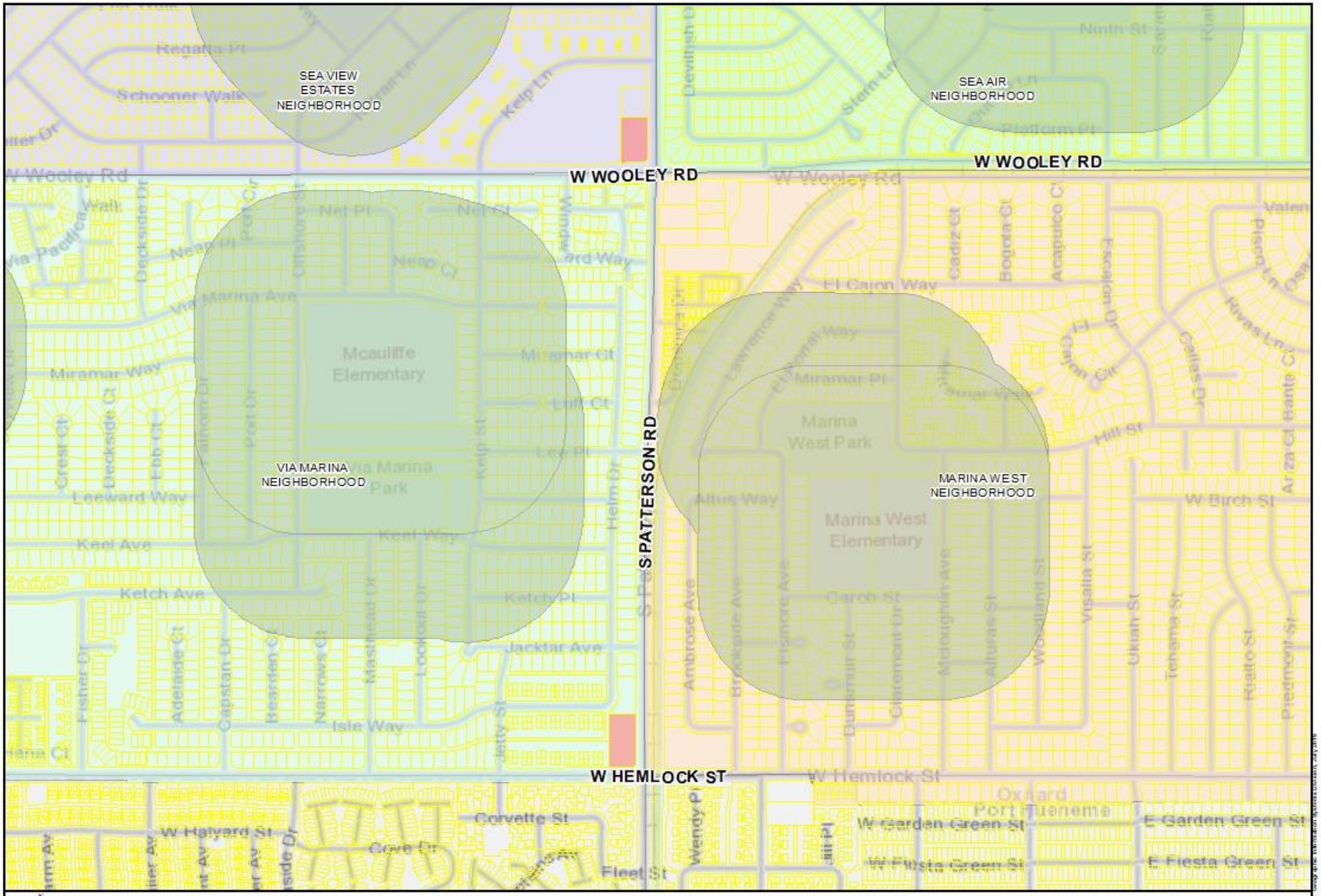
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP



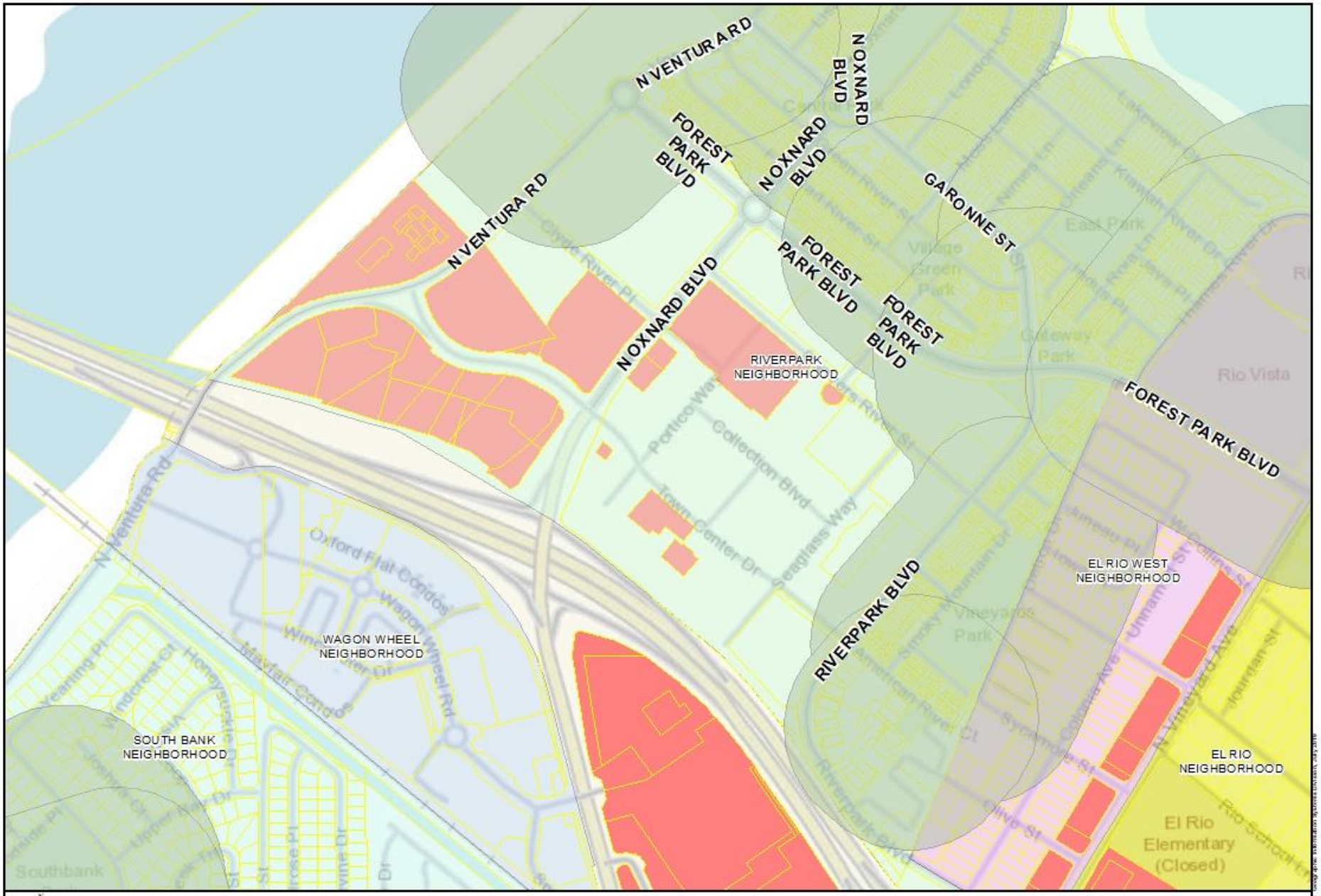
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP



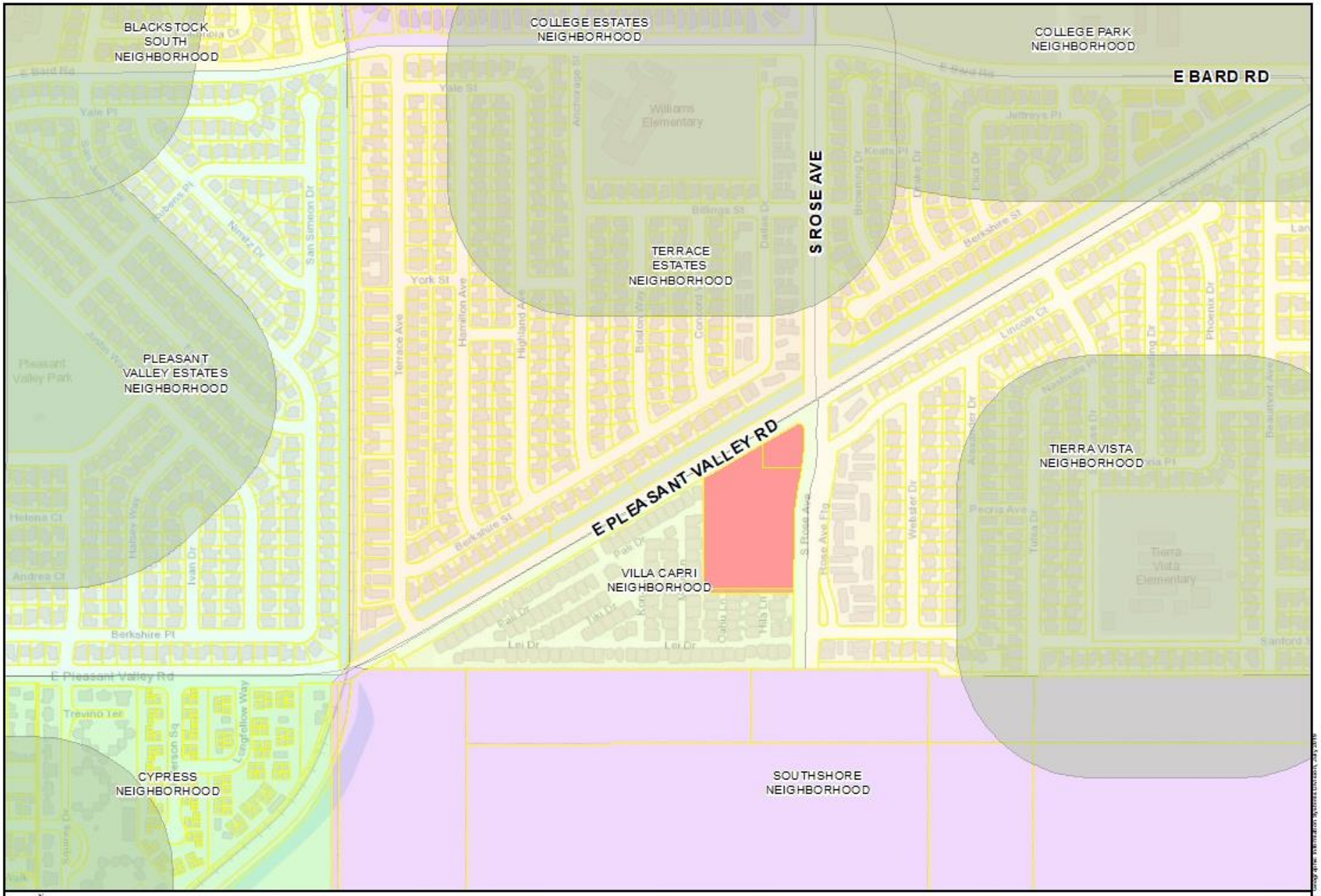
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP

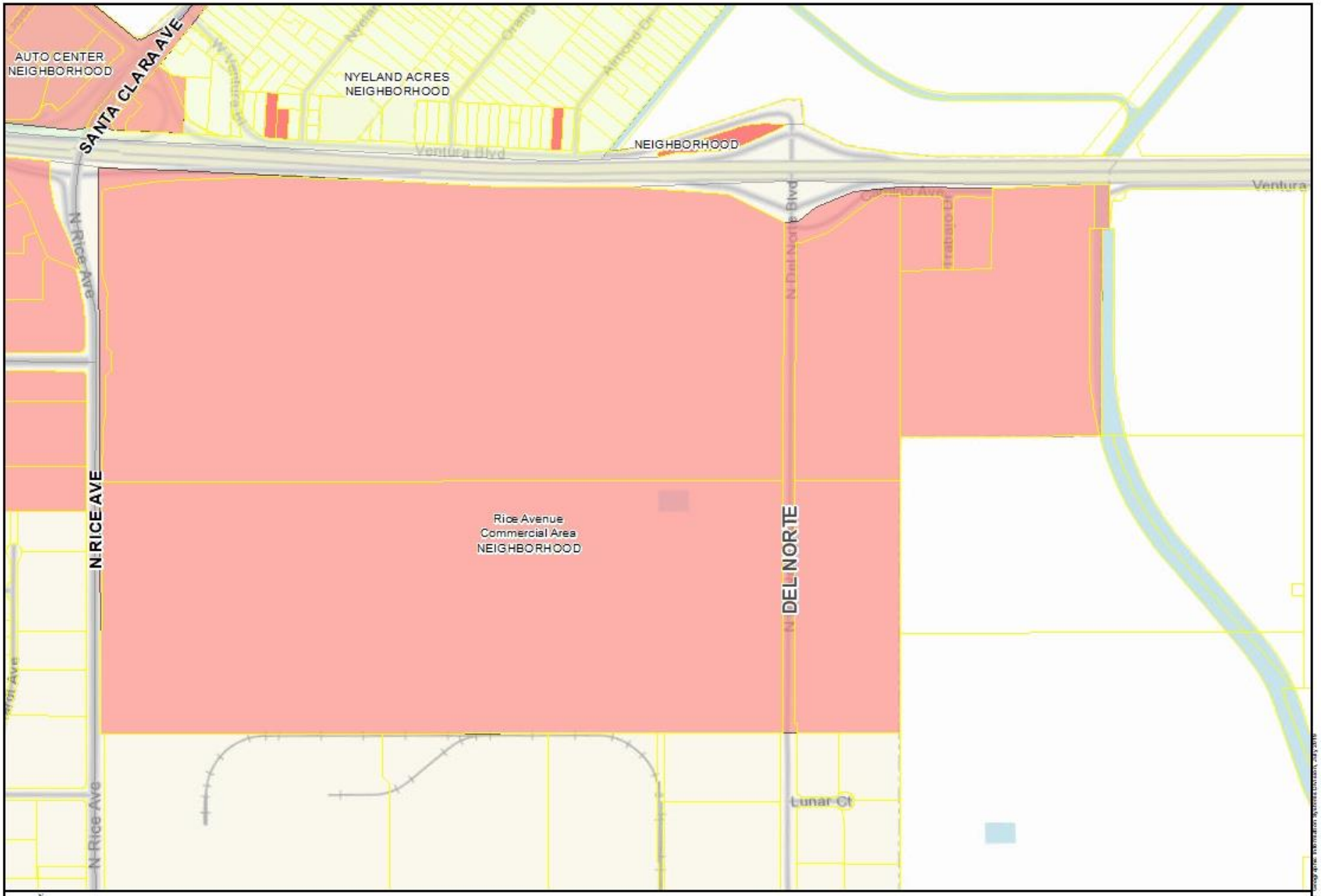


This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP

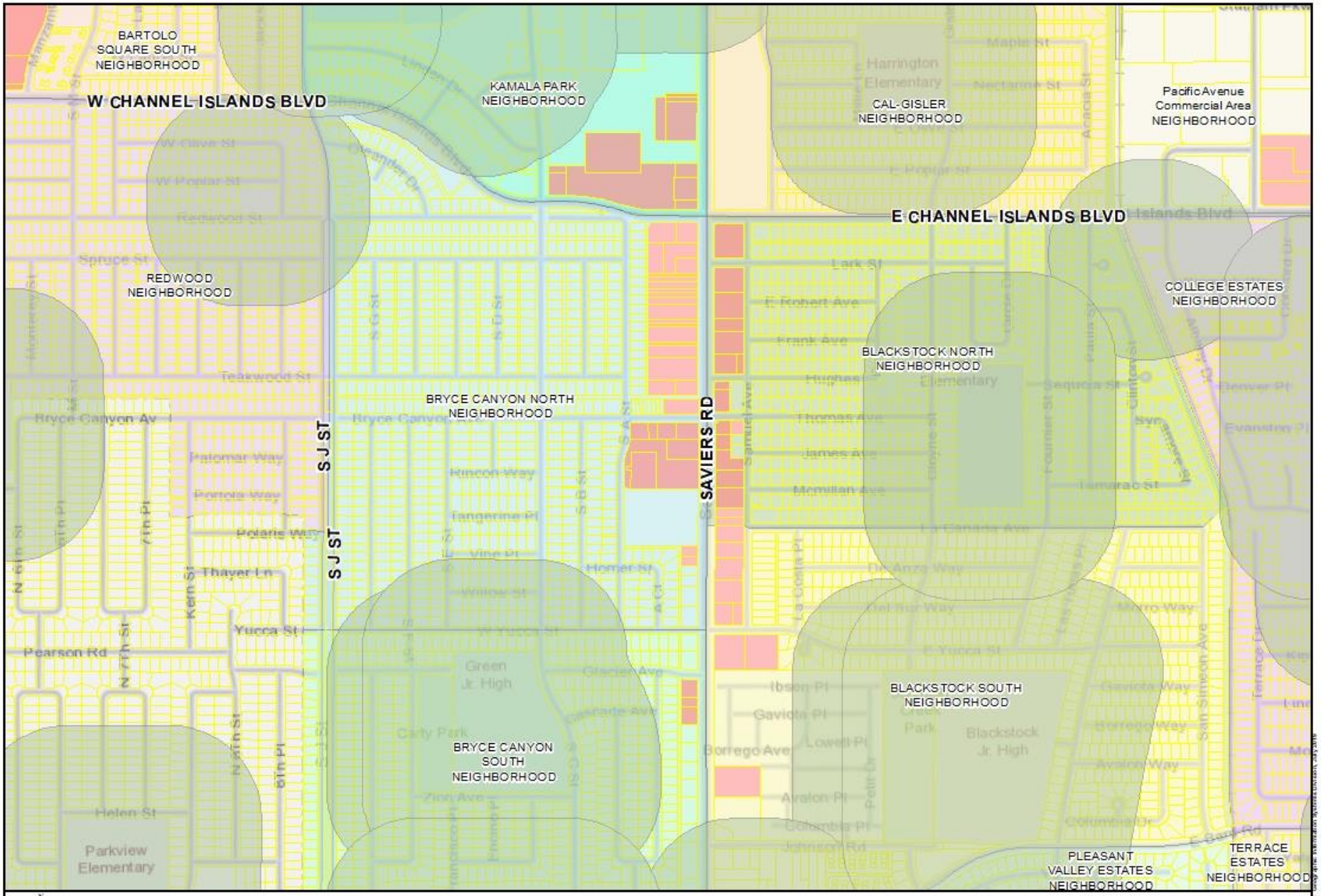


RETAIL MAP - CLOSE UP

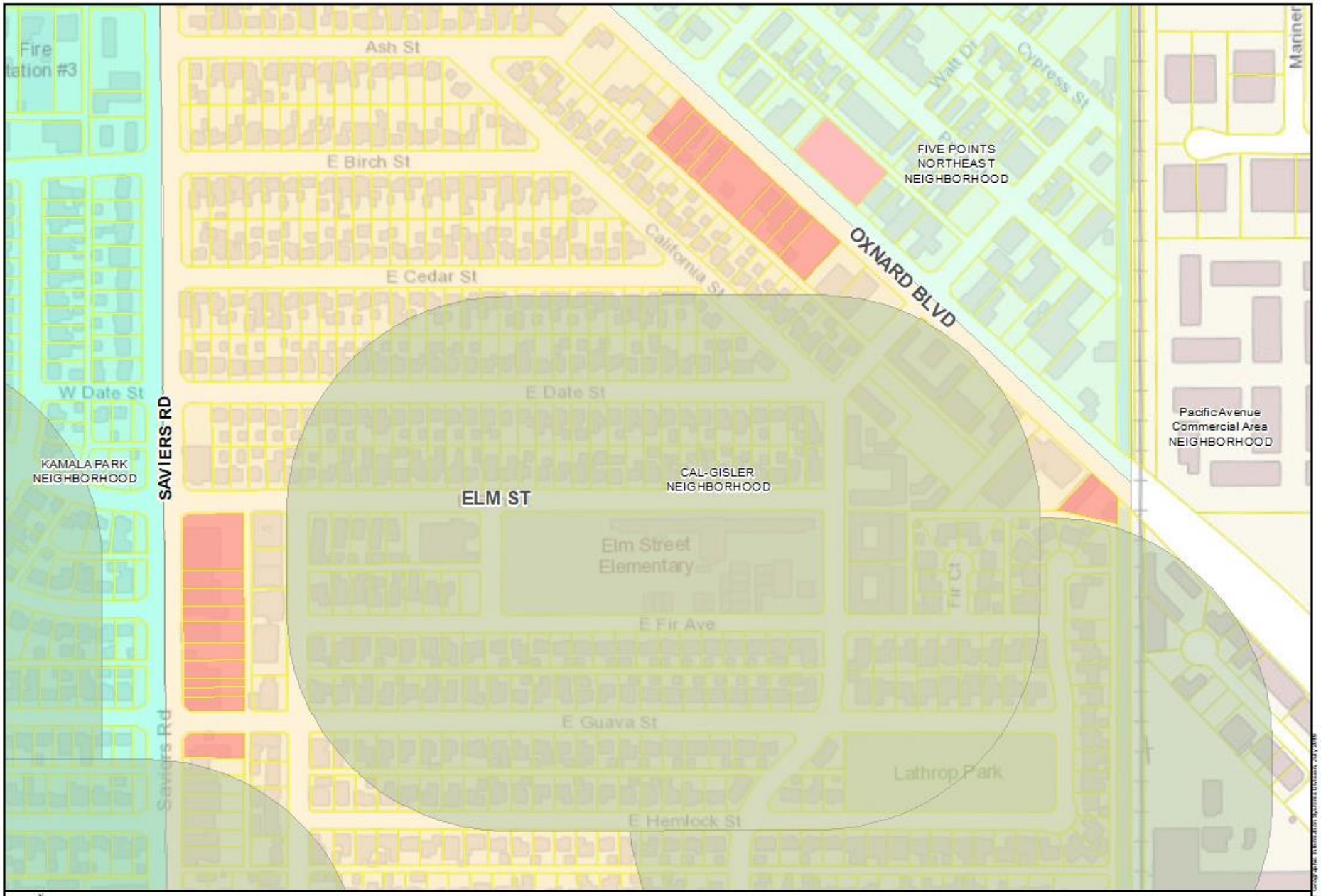


This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

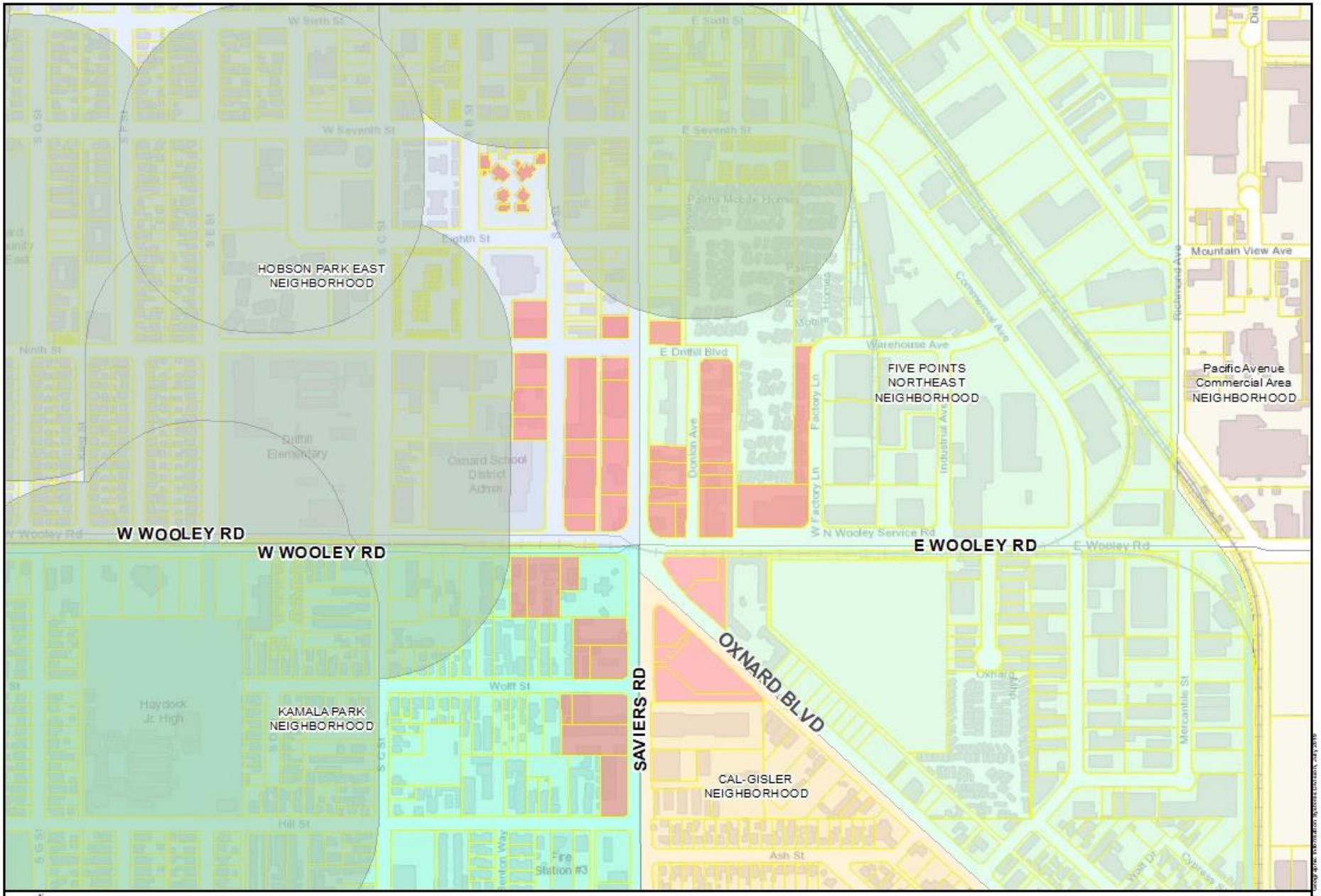
RETAIL MAP - CLOSE UP



RETAIL MAP - CLOSE UP

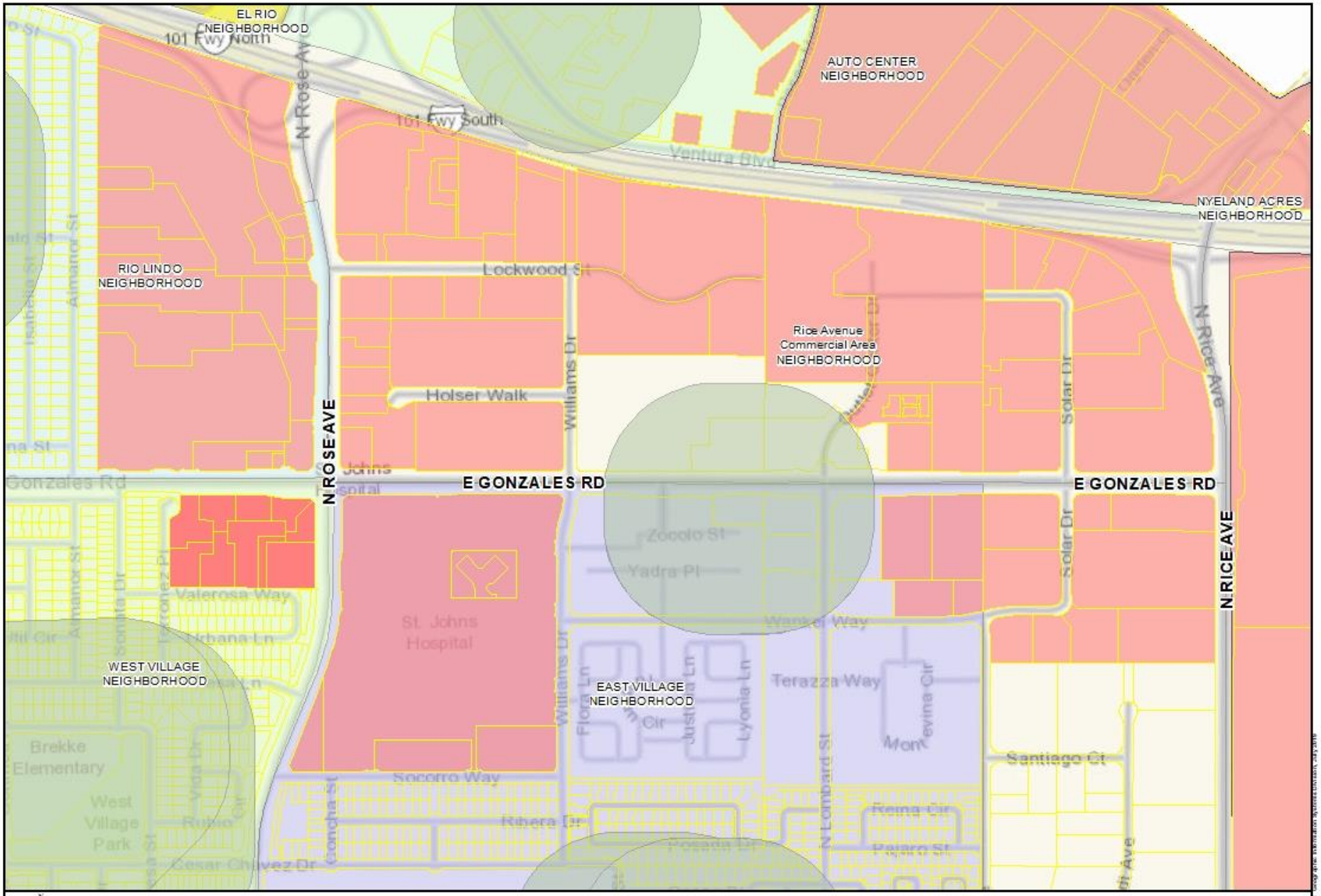


RETAIL MAP - CLOSE UP

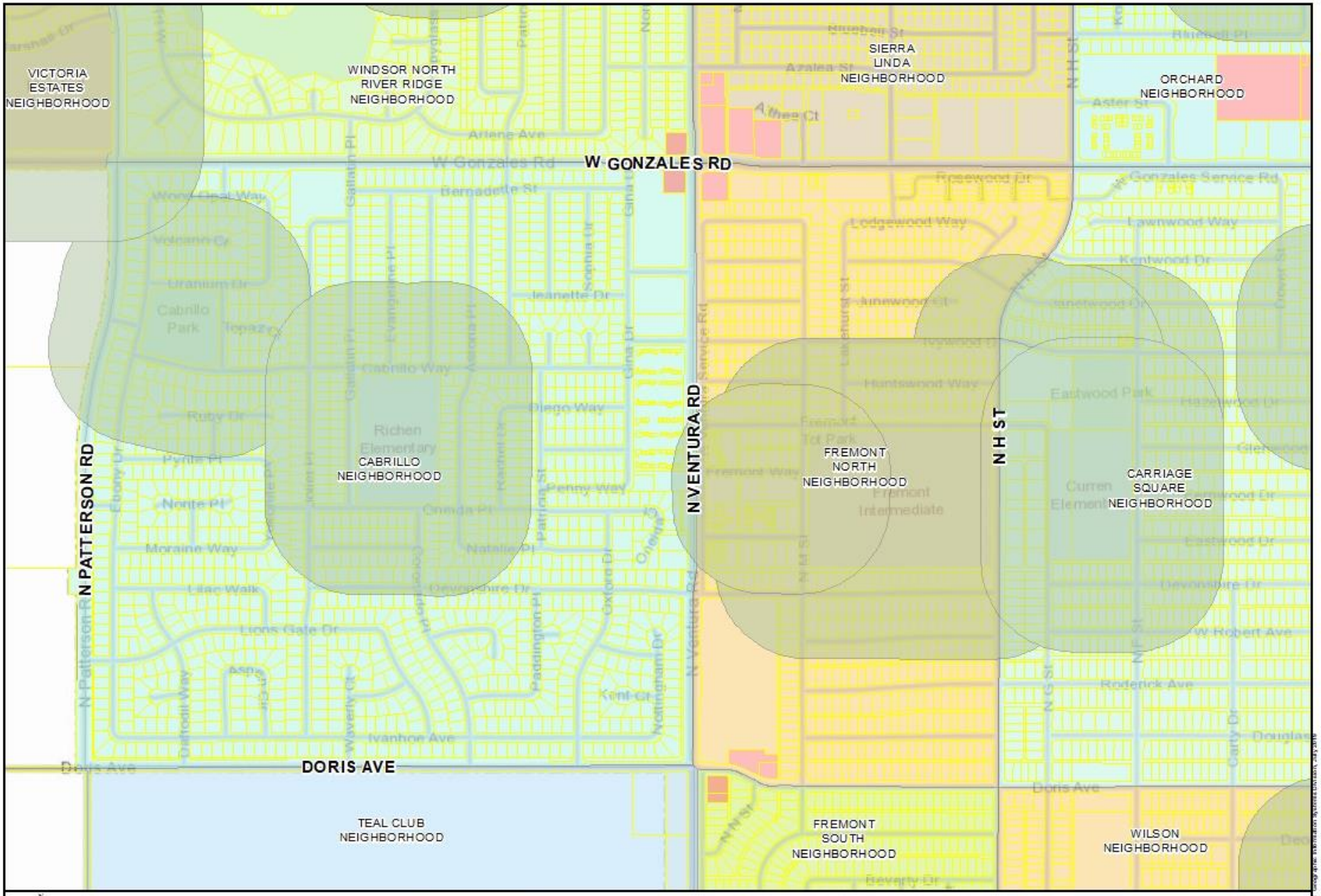


This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP

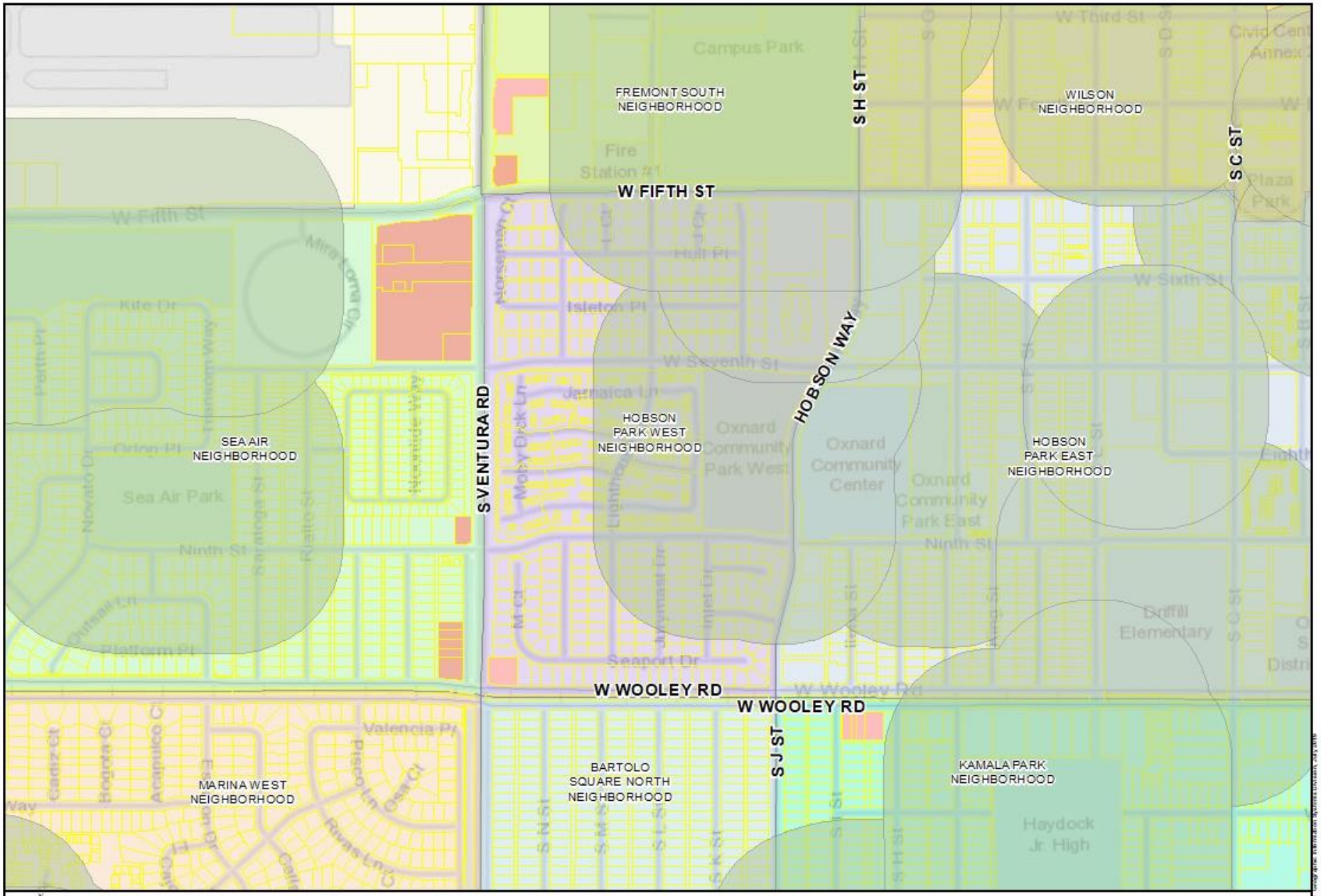


RETAIL MAP - CLOSE UP

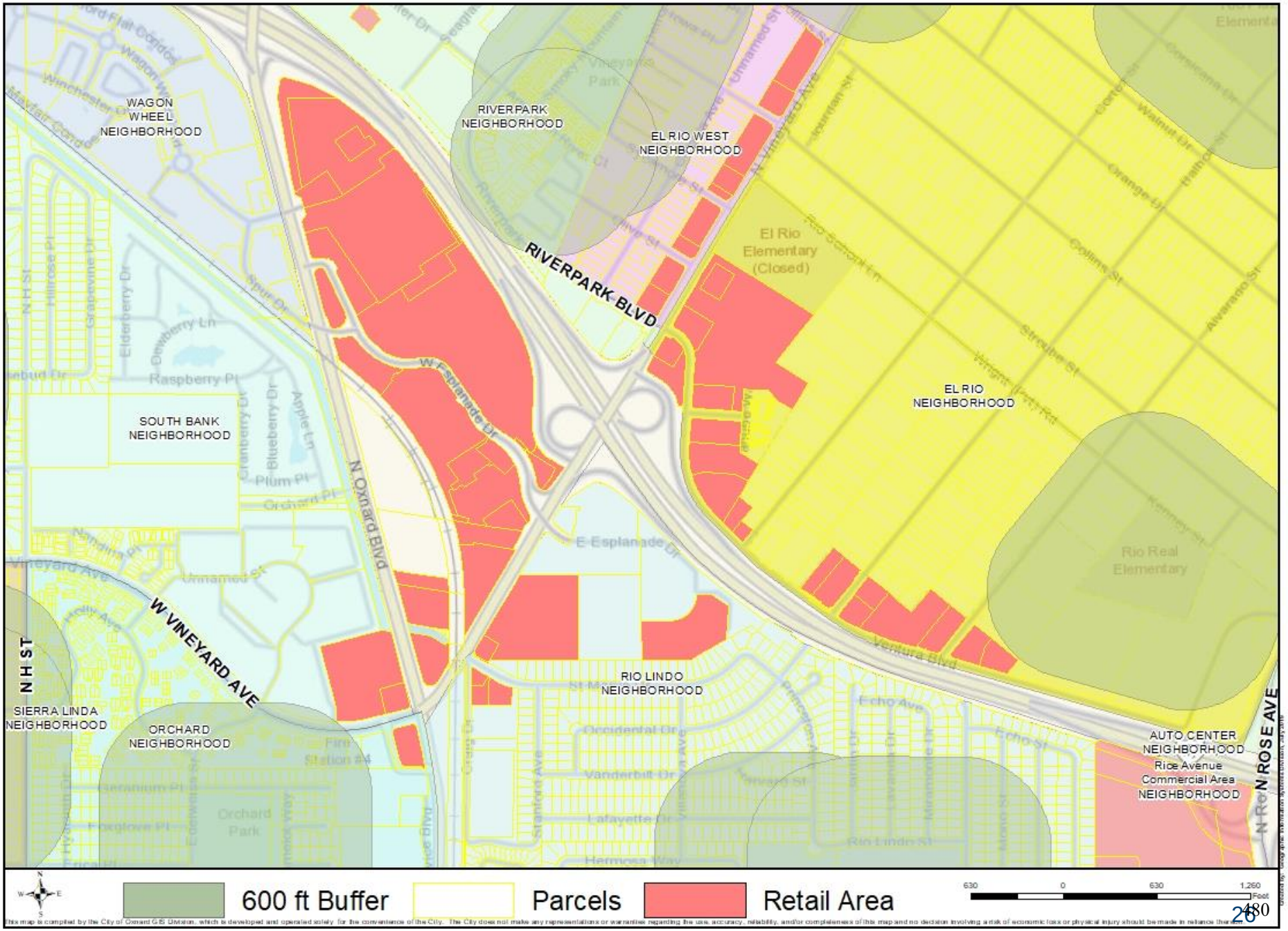


This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP



RETAIL MAP - CLOSE UP



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP

BEST PRACTICES

- On-site security personnel required
- Plan for community benefits (donations to nonprofits, community organizations)
- Emergency response plan required (fires, robberies, evacuations)
- Alarm system and yearly inspections required
- First responder access (emergency access)
- Cash handling plan required

CITY OF OXNARD CALIFORNIA

BEST PRACTICES (continued)

- Submittal of verification data (track and trace)
- Inventory control to include regular checks
- Surveillance cameras (monitor entire site)
- Siting in commercial zones
- Inventory secured when business is closed
- Ongoing training for all employees
- Limited inventory on display
- Employees subject to background check
- All inventory and sales reconciled each day
- Consideration to neighborhood compatibility – noise, traffic/parking
- Outreach and training materials – Council to consider requiring

CITY OF OXNARD CALIFORNIA

NEXT STEPS

- Retail Dispensary Ordinance out for public review on July 20th
- Planning Commission consideration of draft Retail Dispensary Ordinance Aug. 15, 2019
- City Council consideration of draft Retail Dispensary Ordinance Sept. 17, 2019

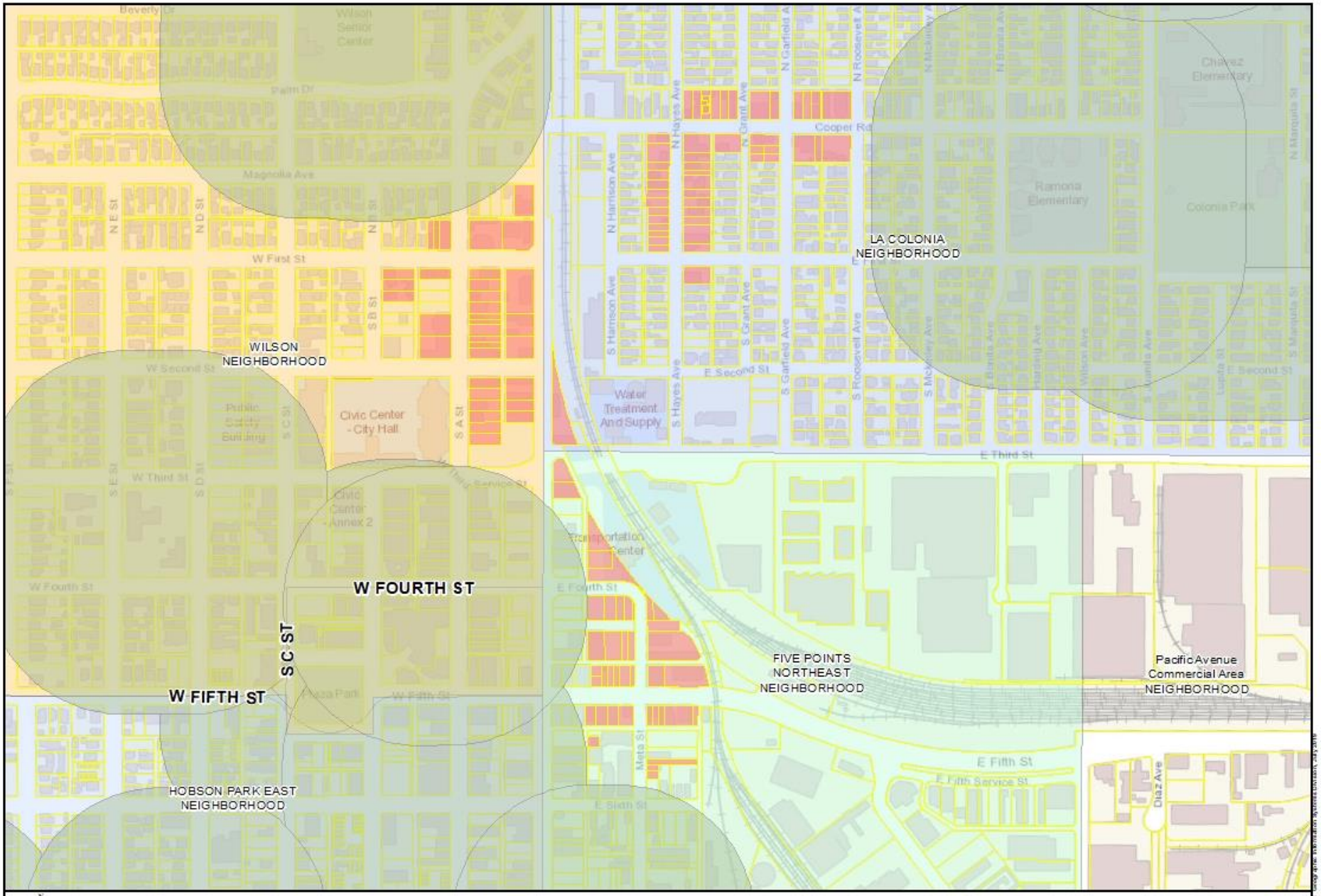
CITY OF OXNARD CALIFORNIA

Thank you

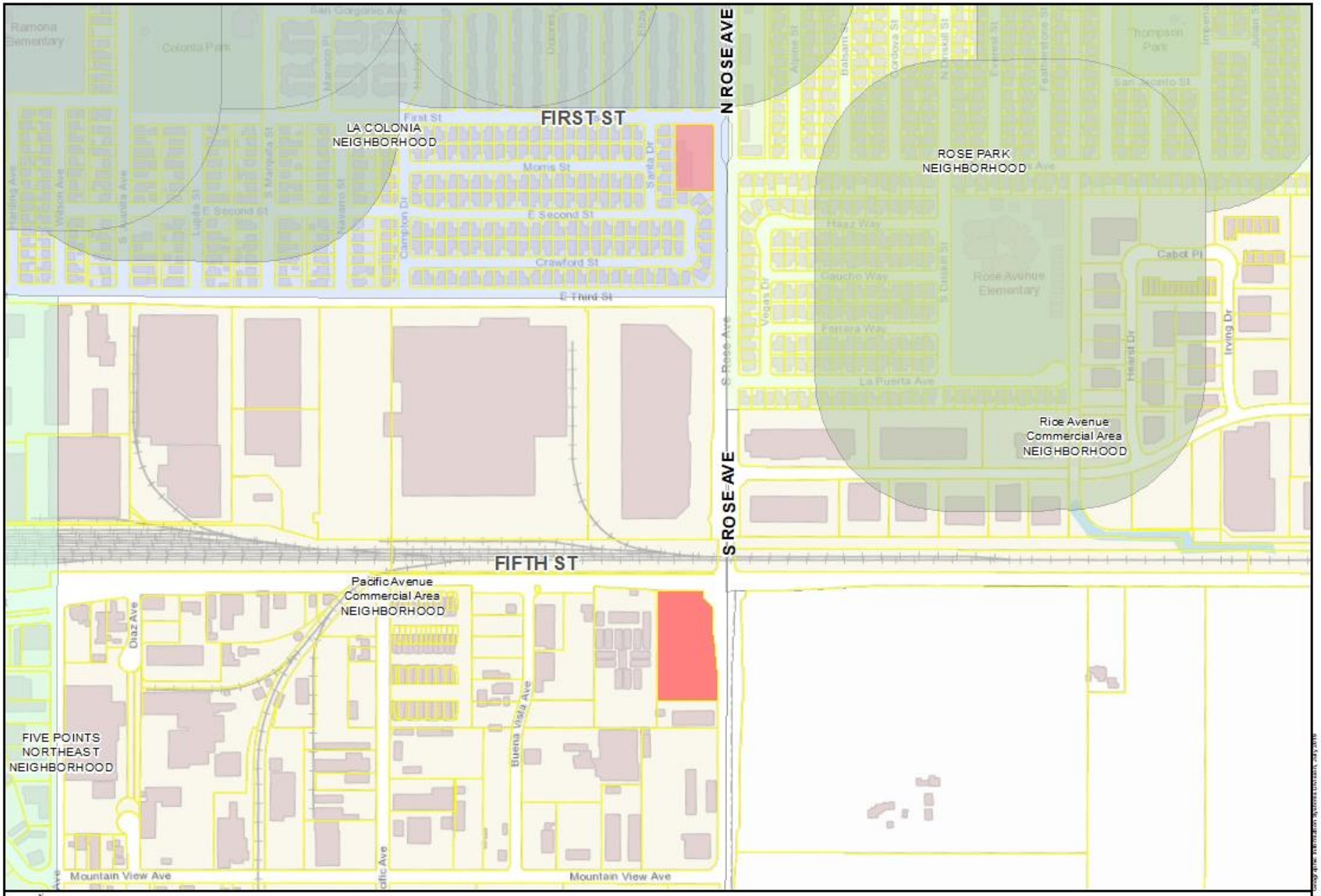
- Contact: Kathleen Mallory
  Kathleen.Mallory@oxnard.org
- www.oxnard.org/planning/cannabis
- (805) 385-7858

CITY OF OXNARD CALIFORNIA

RETAIL MAP - CLOSE UP

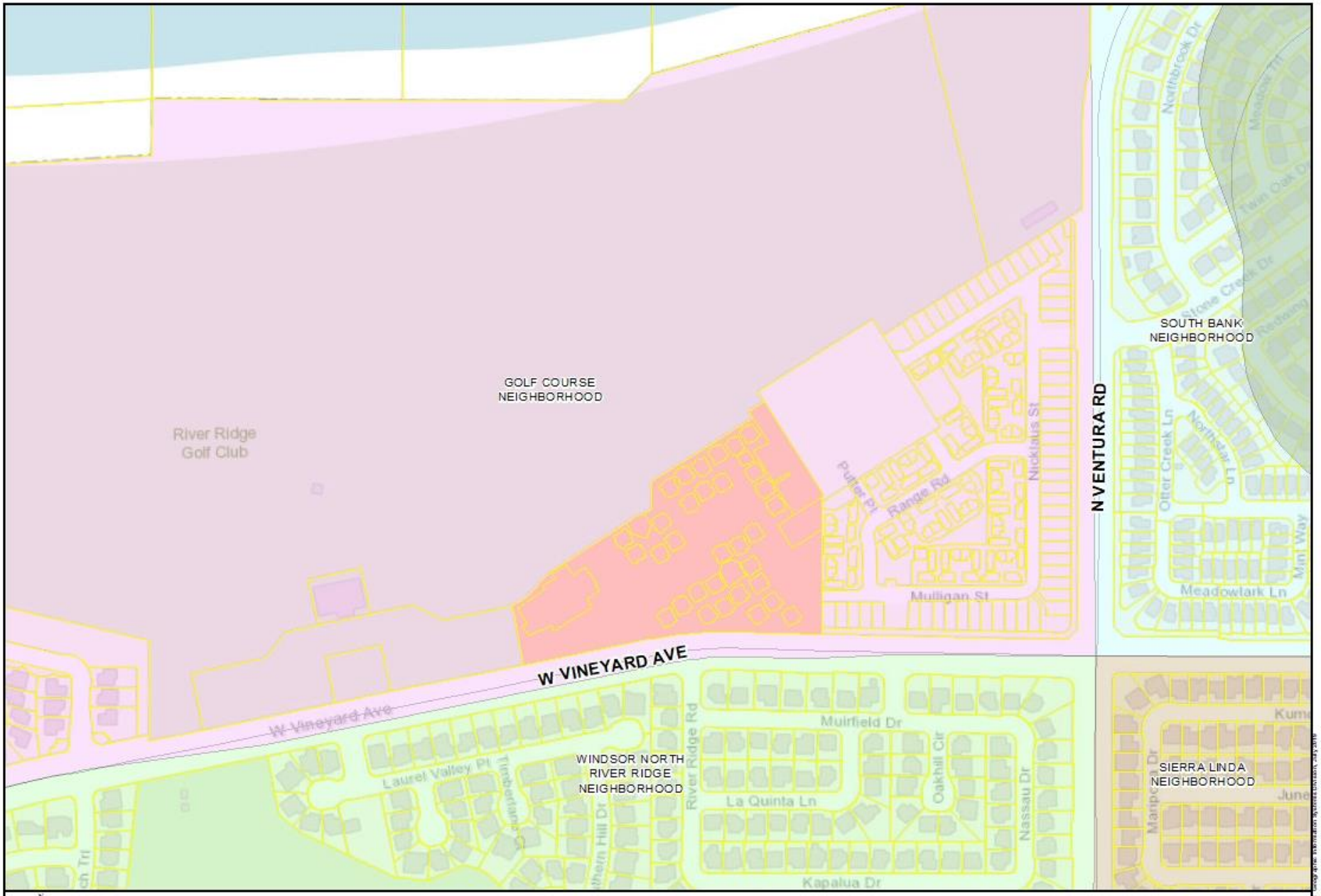


RETAIL MAP - CLOSE UP



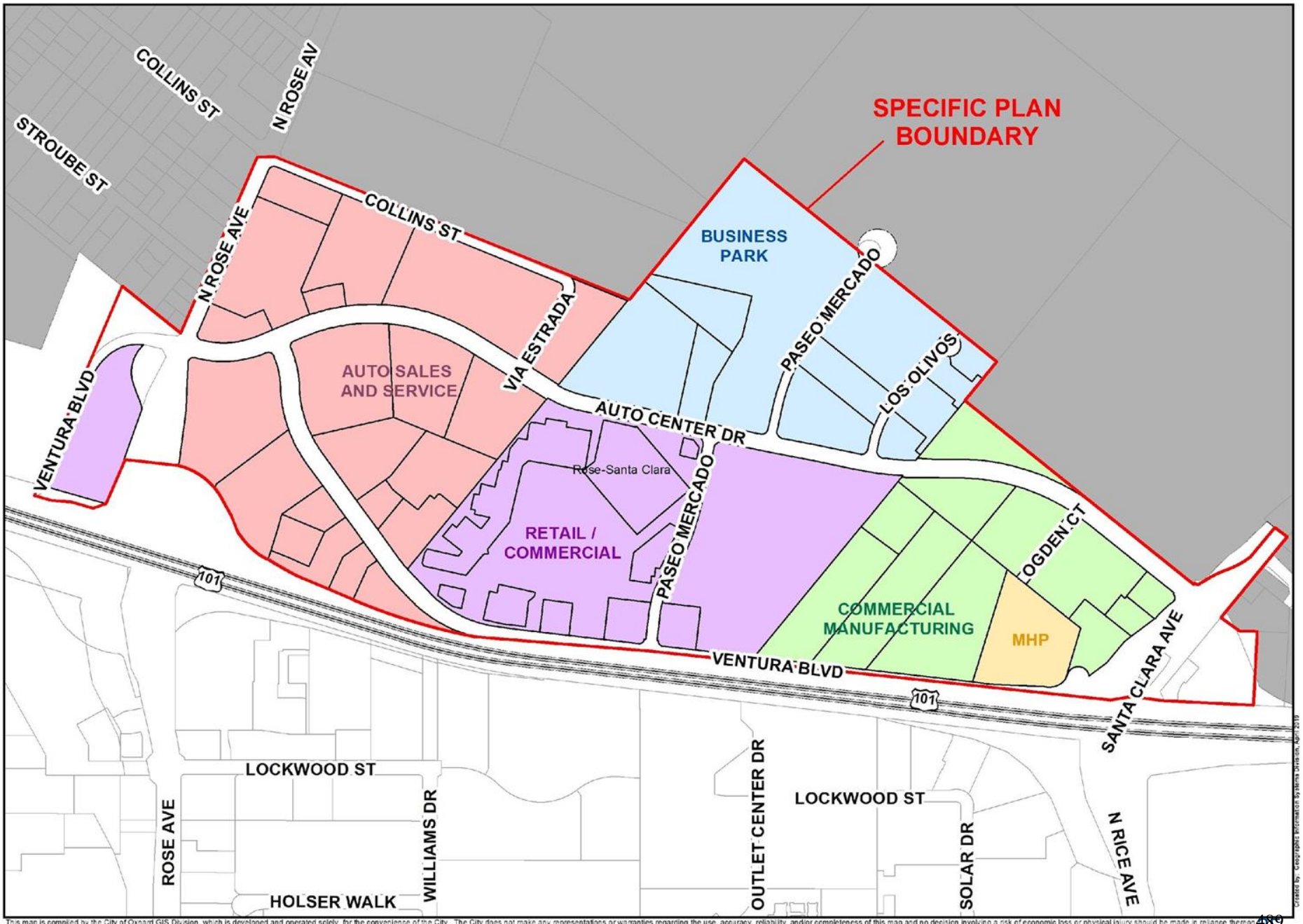
This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

RETAIL MAP - CLOSE UP



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

ROSE / SANTA CLARA



This map is compiled by the City of Oxnard GIS Division, which is developed and operated solely for the convenience of the City. The City does not make any representations or warranties regarding the use, accuracy, reliability, and/or completeness of this map and no decision involving a risk of economic loss or physical injury should be made in reliance thereon.

SHOPPING CENTERS

Benefits to locating dispensaries within shopping centers (compared to stand alone parcels not within a center):

- Easier to regulate businesses in the same location
- Land use compatibility
- Easier for police to monitor
- Site visits to one location easier for regulators
- Convenient for businesses /collaborative management
- Effective regulatory tool if only one outlet allowed per site

CITY OF OXNARD CALIFORNIA

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD APPROVING THE APPEAL AND OVERTURNING THE PLANNING COMMISSION DENIAL OF PLANNING AND ZONING PERMIT NO. 21-516-24 (COMMERCIAL CANNABIS RETAIL) TO ALLOW A COMMERCIAL CANNABIS RETAIL FACILITY WITHIN AN EXISTING 1,740 SQUARE-FOOT COMMERCIAL SUITE OF A 17,615 SQUARE-FOOT MULTI-TENANT COMMERCIAL BUILDING ON A 2.39-ACRE SITE LOCATED AT 1015 HARBOR BOULEVARD (APN: 191-0-075-015), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY KRISTINE BYERS, 2801 B STREET UNIT 161, SAN DIEGO, CA 92101 ON BEHALF OF TD ENTERPRISES, LLC., DBA OXNARD HOLISTICS.

WHEREAS, on August 23 2021, Kristine Byers (the **"Applicant"**), submitted a request to permit the operation of a commercial cannabis retail facility within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building on a 2.39-acre site located at 1015 Harbor Boulevard (APN: 191-0-075-015) within the Commercial Neighborhood Convenience (CNC) 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 (collectively, the "**Project"**); and

WHEREAS, on January 13, 2022, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, received public testimony, and considered an application for Planning and Zoning Permit No. 21-516-24 filed by Kristine Byers on behalf of TD Enterprise LLC dba Oxnard Holistics in accordance with Section 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, on January 13, 2022, the Planning Commission also reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on January 13, 2022, the Planning Commission voted on two motions and failed to approve or deny Planning and Zoning Permit No. 21-516-24. The first was a motion to Approve the project as submitted as the Resolution included all of the required Special Use Permit Findings found in OCC Section 16-531, and the second motion was a Motion of Intent to Deny the project as Findings 2 (general welfare) and 4 (highway - incompatibility) could not be made. Both of these motions failed as a result of two consecutive tie votes (3 to 3, with one Commissioner recused) without any possibility to break the tie votes. Based upon the failure by the Planning Commission to either approve or deny the Special Use Permit- Cannabis Retail,

legal counsel ruled that – for due process purposes – the inaction by the Planning Commission would be deemed a denial; and

WHEREAS, on January 20, 2022, the Appellant filed a timely Appeal application with the City of the decision of the Planning Commission's denial of Planning and Zoning Permit No. 21-516-24 within 18 days after the Planning Commission action pursuant to Sections 16-544 and 16-545 of the Oxnard City Code ("OCC"); and

WHEREAS, on February 15, 2022, the City Council conducted a duly noticed public hearing to consider the Appellant's Appeal of the Planning Commission's Denial of Planning and Zoning Permit No. 21-516-24 (Special Use Permit) in accordance with Oxnard City Code Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Section 15301 (Existing Facilities) Categorical Exemption. Further, the project does not trigger any of the Exceptions to the Exemptions (Section 15300.2) to defeat the Exemption:

(a) Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site is located within the 2030 General Plan/Local Coastal Plan land use designation of Visitor Serving Center (VSC) and a Coastal Zoning designation of Coastal Neighborhood Commercial (CNC). The Project is surrounded by commercial and residential buildings. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

(b) Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The proposed cannabis retail facility is consistent with the 2030 General Plan, Local Coastal Plan, and the Oxnard City Code and is compatible with the scale and character of other commercial development in the project area. Any projects requiring discretionary approval would be analyzed with the 2030 General Plan, Local Coastal Program, and the Oxnard City Code for consistency and CEQA

for any potential impacts. Therefore the project will have no significant cumulative impact.

(c) Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The proposed cannabis retail facility will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The project will not alter the commercial uses of the surrounding development and the property does not contain any unusual environmental characteristics as the property is surrounded on all sides by an established commercial and residential development. Therefore, the project will not have a significant effect on the environment due to unusual circumstances.

(d) Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The project is not located in or adjacent to a State designated scenic highway.

(e) Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code as confirmed by staff on December 22, 2021.

(f) Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, on February 15, 2022, the City Council also reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission and City Council, as well as other pertinent information; and

WHEREAS, on February 15, 2022, the City Council deliberated the merits of the Project and Appeal and made a motion to Approve the Appeal and overturn the Planning Commission's Denial of Planning and Zoning Permit No. 21-516-24 finding that the Appellant has provided substantial evidence to support the Appeal.

WHEREAS, the proposed project is consistent with the following:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD HEREBY APPROVES PLANNING AND ZONING PERMIT NO. 21-516-24 (COMMERCIAL CANNABIS BUSINESS RETAIL SPECIAL USE PERMIT), SUBJECT TO THE FOLLOWING FINDINGS AND CONDITIONS:

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council and Planning Commission Staff Reports and all attachments thereto, the City Council finds:

1. **The proposed use is in conformance with the General Plan, Local Coastal Program, and other adopted policies of the City of Oxnard.**

   As described in the Staff Report, the proposed cannabis retail facility is an allowable use within the Coastal Neighborhood Commercial (CNC) zone , subject to approval of a Special Use Permit. As documented in the attachments to the staff report, the Project is in compliance with General Plan, Local Coastal Program, zoning and cannabis regulations. This Resolution includes 188 conditions of approval which were crafted for compliance with the requirements set forth pursuant to OCC Article XVII (Commercial Cannabis Activity) to ensure operational standards were met. Therefore, the proposed cannabis retail use is in conformance with the 2030 General Plan, Local Coastal Plan, Oxnard City Code, and the elements thereof and other adopted standards. Therefore, this Project meets this finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, the Project will allow cannabis retail within an existing building within an existing commercial shopping center. General and retail uses, and other more intense uses such as restaurants and specialty retail, are allowed uses within the CNC zone which do not require a Special Use Permit. The proposed retail cannabis use requires a Special Use Permit to ensure operational characteristics of the business will be both compatible with and not adversely affect or be materially detrimental to the other uses, buildings or structures within the shopping center.

As the Project will be located more than 600 feet from established commercial cannabis sensitive uses, the Project is consistent with public health, safety and general welfare by City standards. This Resolution includes 188 conditions of approval which were crafted for compliance with the requirements set forth pursuant to OCC Article XVII (Commercial Cannabis Activity) to ensure operational standards were met. After considering extensive testimony about the enhancements the proposal would bring to the tenant space, the Planning Commission finds the increase is customers to the shopping center and the decrease in crime rates experienced at other cannabis facilities with enhanced security, the Planning Commission also finds the Project will not aggravate policing issues when properly regulated through the imposition of and compliance with the conditions of approval. Based on these factors, the Planning Commission finds this business, responsibly managed, would not have an adverse impact on area crime or demand for police services. Conversely, the Planning Commission finds the proposed use would be a beneficial addition to the shopping center by bringing in new customers, making enhancements to the building and parking areas, and would introduce a private security component which would benefit all tenants within the shopping center. Furthermore, Port Hueneme Chief of Police Andrew Salinas has made public comments outlining the reduction in crime Port Hueneme has experienced in areas adjacent to commercial cannabis retailers as a direct result of their operational characteristics including the use of upgraded security systems, private security, and other site specific security plans. As such, this Project meets this finding.

3. **The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

As described in the Staff Report, the Project will be located within an existing development within the Coastal Neighborhood Commercial (CNC) zone which has previously been reviewed and approved to ensure the development is adequately proportional to the size of the property and served by public infrastructure. The existing project site is a developed 2.39-acre lot. Pursuant to the CNC zone, the Project will be located within an existing building designed to be consistent with the development and design standards included within the CNC zone, including, but not limited to, maximum building height, front, side and rear setbacks, landscaping, and equipment screening standards. The existing development is not consistent with the City's parking standards for bicycle parking (10 required). The parking lot will provide parking for a minimum of 108 vehicles, including 4 accessible parking spaces, 34 standard parking spaces, and 66 compact parking spaces, 4 motorcycle spaces, and the project has been conditioned to provide a total of 10 bicycle spaces within the whole of the shopping center's shared parking lot. The project site has a frontage and vehicular access on West Wooley Road, Harbor Boulevard, and Outrigger Way public alleyway. Proposed interior tenant improvements to the site will be reviewed for compliance with CNC zoning and Local Coastal Plan requirements. Given these circumstances, the site for the proposed use is adequate in

size and shape to accommodate the setbacks, parking, landscaping, and other City standards. Therefore, this Project meets this finding.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

As described in the Staff Report, the project is currently served by existing infrastructure and will continue to be accessed directly from West Wooley Road, Harbor Boulevard, and Outrigger Way public alleyway, which indirectly connects to Highway 101. The proposed cannabis retailer is not anticipated to generate significant traffic that would require improvements to infrastructure. Therefore, the site for the proposed retail of cannabis products will be served by highways adequate in width and improved as necessary to carry project-generated traffic.

The existing development is not consistent with the City's parking standards for bicycle parking (10 required). The parking lot as designed will provide parking for a minimum of 108 vehicles, including 4 accessible parking spaces, 34 standard parking spaces, 66 compact parking spaces, and 4 motorcycle parking spaces. Based on the configuration of the proposed cannabis retail facility the entire project site requires 2 loading spaces. The project will utilize an existing legal nonconforming loading zone at the souteast side of the building accessed by a service door entrance to the tenant space. The project is consistent with City parking requirements. The project has been conditioned to include a total of 10 bicycle parking spaces within the whole of the shopping center's shared parking lot, to design bicycle space during the building permit process, and provide these spaces prior to a Certificate of Occupancy being issued. The project also includes short and long term parking to support bicycle use. Therefore, the site will be served by streets, highways, transit and bike facilities adequate to provide access to the proposed building and its anticipated uses. As such, this Project meets this finding.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

As described in the Staff Report, the proposed Project will operate within an existing development with minor tenant improvements proposed. The Project has been reviewed by City Departments and divisions who have determined that the project is currently served by adequate electricity, sewerage, disposal, and water. The proposed use is not anticipated to generate utility demands in quantities that are different from other commercial uses which have previously occupied the building. Therefore, the site for the proposed use will be provided with adequate sewerage, water, fire protection and storm drainage facilities. As such, this Project meets this finding.

SECTION 2. The City Council, in accordance with the California Environmental Quality Act (CEQA), determined that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to Article 19, Section 15301 (Existing Facilities) of the State CEQA Guidelines pertaining to projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to retail cannabis products within an existing commercial building, the project request will not increase the square footage of the existing building. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, the City Council has determined that there is no substantial evidence that the Project will have a significant effect on the environment. The Planning and Environmental Services Manager is hereby authorized to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein, the City Council hereby approves the Appeal of the Planning Commission's denial and overturns the Planning Commission's denial of Planning and Zoning Permit No. 21-516-24 (Commercial Cannabis Business Retail Special Use Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the City Council shall be final.

SECTION 5. The City Clerk shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL FOR LAND USE PERMITS

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning Division
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic Division
PD	Police Department	B	Building Plan Checker
SC	Source Control	FD	Fire Department
PK	Landscape Design	CE	Code Compliance

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated February 15, 2022 ("the plans") on file with the Planning Division. The project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items. (PL, *G-2*)

3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Planning Manager allows the Applicant to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, *G-4*)

4. By commencing any activity related to the project or using any structure authorized by this permit, the Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein. (CA, *G-5*)

5. Developer agrees, as a condition of adoption of this resolution, at Developer's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process. (CA, G-6)

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail. (CA, *G-7*)

7. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager. (PL, *G-8*)

8. Applicant 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. (PL/B, *G-9*)

9. Before placing or constructing any signs on the project property, Applicantshall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the project property. (PL/B, *G-10*)

10. Applicant shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, *G-11*)

11. Applicant shall not permit any combustible refuse or other flammable materials to be burned on the project property, except as provided in a permit issued by the Fire Chief.

12. Applicant shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, *G-13*)

13. If Applicant, owner or tenant fails to comply with any of the conditions of this permit, the Applicant, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, *G-14*)

14. Prior to issuance of building permits, Applicant shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, *G-15*).

State Law and Regulations Compliance

15. The permittee shall comply with all relevant law, ordinance, or regulation of the State of California, City of Oxnard, and any other governmental entity Laws and Regulations at all times during the life of the permit.

16. Wherever a condition requires that something be initially "built," "constructed," "equipped," "installed," "provided" or the like in a certain fashion or per certain requirements or approvals, it also requires that the same shall at all times be "maintained" in accordance with the condition, requirement or approval.

PLANNING DIVISION STANDARD CONDITIONS

17. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

18. Before the City issues building permits, the Applicant shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director / Planning Commission in all sets of construction documents and specifications for the project. (PL, *PL-3*)

19. Before the City issues building permits, the Applicant shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Planning Commission. The Applicant may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

20. The Applicant may not modify any use approved by this permit unless the Planning Manager determines that the Applicant has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

21. During the plan check review process, the Applicant shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding factors such as tree locations, off-site or adjacent lighting. (PL)

22. Prior to issuance of building permits, the Applicant shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. The Applicant shall submit a plan showing both the lighting and landscape on the same sheet.

23. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. The Applicant shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. The applicant shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, *PL-8*)

24. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, *PL-9*)

25. Applicant agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, *PL-14*)

26. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, *PL-15*)

27. Prior to issuance of building permits, Applicant shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, *PL-16*).

28. Applicant shall participate in the City's Public Art Program by paying the Public Art fee prior to issuance of building permits, in accordance with City Council Resolution No. 14,124. *(*PL*, PL-50)*

<u>COMMERCIAL</u>

29. Applicant shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Applicant shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, *PL-41*)

30. Applicant shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, *PL-42*)

31. For any exterior utility meter panels, Applicant shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, *PL-43*)

32. Prior to issuance of a certificate of occupancy, Applicant shall remove all construction materials and vehicles from the subject property. (PL/B, *PL-47*)

33. Applicant shall restripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)

Special Conditions of Approval

34. Prior to occupancy, faded striping in parking areas directly in front of the building shall be repainted per City standards.

35. In accordance with the proposed plans, parking facilities for 10 bicycles shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. The project plans shall be revised to identify bicycle racks, with a minimum of 10 bicycle spaces, to be provided on site near the main front entrance of the building located at 1001-1035 Harbor Boulevard. Bicycle parking area dimensions and location shall be a paved area at least 6’ x 1’6” for each required parking space. Staff shall review all construction documents prior to building permit issuance to assure that the bicycle rack has been provided and is not in conflict with the applicable development standards for building in the Coastal Neighborhood Commercial zone district.

    The applicant shall submit a bicycle parking plan to be reviewed and approved by the Community Development Director or his/her designee(s). All bicycle parking shall comply with AASHTO, NACTO, or APBP standards, as permitted by the California Building Code. The bicycle parking shall be designed to provide two (2) points of contact on the bicycle, be supported upright, and cause no stress onto tires. All provided bicycle parking shall be able to accommodate a standard U-lock. Bicycle parking area dimensions and location shall be a paved area at least 6’ x 1’6” for each required parking space and shall be located outside of pedestrian walkways, loading areas, landscape planters, etc. Where feasible, bicycle-parking areas should be covered.

36. In accordance with Oxnard City Code Section 16-638, parking facilities for 1 motorcycle space shall be provided, the configuration and location of which shall be as reviewed and approved by the City Planning Division. Staff shall review all

construction documents prior to building permit issuance to assure that the motorcycle space has been provided and is not in conflict with the applicable development standards for building in the Coastal Neighborhood Commercial zone district.

37. No final inspection or occupancy permit shall be granted until all construction and landscaping is complete in accordance with the plans approved and the conditions required herein.

38. All landscape materials shall be as represented to or as specified by the Planning Commission, and any deviation will require the express approval of the Chief of Police. Once constructed or installed, all improvements shall be maintained in accordance with the approved plans and in a manner acceptable to the Chief of Police. This includes landscape materials being maintained in a healthy and weed-free manner at all times.

PLANNING DIVISION CANNABIS CONDITIONS

Automatic Expiration

39. The Commercial Cannabis Business Permits shall expire, and be subject to the renewal process in Chapter 11 of the Oxnard City Code twelve (12) months after the date of issuance of the Certificate of Occupancy pursuant to the Oxnard City Code Section 11-459.

Renewal

40. All Commercial Cannabis Business Permits shall be renewed in accordance with Chapter 11, Article XVII of the Oxnard City Code.

Appeals

41. The permittee shall within ten (10) calendar days after the date of a decision of the City Manager or his/her designee(s) to revoke, suspend or deny a permit, or to add conditions to a permit, an aggravated party may appeal such action by filing a written appeal with the City Clerk setting forth the reasons why the decision was not proper. At the time of filing, the permittee shall pay the designated appeal fee, established by Resolution of the City Council from time to time.

Revocations of Commercial Cannabis Business Permits

42. Commercial Cannabis Business Permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to Sections 11-461, 11-462, 11-468, or 11-477 pursuant to any policy, procedure or regulation adopted by the City. The City Manager or his/her designee may immediately suspend operation of the uses approved by this permit pending a hearing on the revocation of this permit's

conditions and/or a license issued by the State of California, or by any of its departments or divisions, or if there is a single serious violent crime or single significant incident to which multiple police units or multiple police jurisdictions respond associated with the operations of this use, which is detrimental to the public safety or health. The City Manager or his/her designee shall immediately inform the Community Development Director and Planning Manager of the suspension and the Planning Manager shall schedule a hearing on the revocation of the permit by the Community Development Director or other competent hearing officer to be held no more than 30-days after the beginning of the suspension. In the hearing, notice will be provided establishing the causal factors that caused the suspension and determination shall be made with the below options:

a. End the suspension of the permit;
b. Continue the suspension of the permit pending other legal action;
c. Amend the permit conditions;
d. Direct the permittee to change operations or business practices that precipitated the suspension of the permit;
e. Or, any combination of the above;
f. And, provide benchmarks and timeline for corrective action to take place.

43. The Applicant agrees suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the City, until the State of California, or its respective department or division, reinstates or reissues the State license. Should the State of California, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

Enforcement and Compliance

44. For the life of the permit, the Applicant shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard, whether committed by the Applicant or any employee or agent of the Applicant, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

45. Applicant agrees to pay enforcement, compliance, and inspection fees set by the City's Fee Schedule. Applicant shall deposit the equivalent of 30 hours of the Planning Hourly Fee (currently $134.27 per hour) during plan check review to cover staff time, billed at an hourly rate, for conditions compliance, required inspection, and reporting associated with commercial cannabis project, PZ 21-516-24. Additional funds will be required as deposits are depleted to less than the equivalent of 10 hours of the Planning Hourly Fee or as additional funds are needed as determined by the Community Development Director.

46. All operators are subject to all penalties as outlined in Oxnard City Code.

Property Owner Authorization

47. Prior to the issuance of a zone clearance or business license, whichever comes first, the Applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner agrees to use of the property for a Commercial Cannabis Business Permits subject to Chapter 11, Article XVI, Section 11-475 of the Oxnard City Code.

Business Location Transfers

48. Commercial Cannabis Business Permits represent a land use entitlement and cannot be transferred from one location to another unless they comply with the transfer provisions outlined in Chapter 11, Article XVII of the Oxnard City Code.

Business Notification

49. The Applicant shall provide to the City, the name, telephone number, and email address of a community relations contact (community relations officer) designated by Applicant. The community relations contact shall be responsible for responding to complaints, should they arise between the hours of 10:00 p.m. and 7:01 a.m. Complaints shall be addressed within fifteen minutes of receiving the initial complaint

50. The Applicant shall provide the name/phone number/email address for the business community relations officer to all businesses and residences located within six hundred (600) feet of the commercial cannabis business before operation of the business. The contact name and number shall be prominently posted outside of the facility

51. During the first year of operation, the owner, manager, and community relations officer shall attend quarterly meetings with the City Manager or his/her designee(s), and other interested parties as deemed appropriate by the City Manager or his/her designee(s), to discuss conditions of approval, operations, and overall cannabis activities in the subject location.

52. After the first year of operation should no permit condition(s) violations be identified, the owner, manager, and community relations officer shall meet with the City Manager or his/her designee(s) when and as requested by the City Manager or his/her designee(s).

Inventory Tracking

53. Prior to issuance of a certificate of occupancy, the Applicant shall have in place a State of California approved point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale)

and other information which may be deemed necessary by the City. The commercial cannabis business shall ensure that such information is compatible with the City's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review at the request of the City. Furthermore, any system selected must be approved and authorized by the City Manager or his/her designee(s) prior to being used by the permittee.

54. All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

Onsite Restrictions

55. Sales of cannabis may only occur between the hours of 9:00 A.M. and 9:00 P.M. daily.

56. The Applicant shall conform with the following requirements to prevent minors from having access to cannabis products:
    a. Persons under the age of twenty-one (21) years, or eighteen (18) years with a medical marijuana card, shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Article for any person to employ any person at a commercial cannabis business who is not at least twenty-one (21) years of age.
    b. The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the commercial cannabis business.

57. Cannabis shall not be consumed by any employee or patron on the premises of any commercial cannabis business.

58. No outdoor storage of cannabis or cannabis products is permitted at any time.

Operational Requirements for Retailers

59. Sales and service of cannabis or cannabis products is limited to only the customer service area, which consists of approximately 1,740 square feet inside the building as identified on PZ No. 21-516-24 floor plans presented at the Planning Commission public hearing on January 13, 2022 and incorporated herein.

60. Access to the customer service area is to be controlled by an access door from a common lobby. A maximum of two (2) patrons may be served by one (1) budtender at any time. The budtenders and security personnel shall be readily identifiable personnel and are to monitor and control the behavior of customers in and around the premises.

61. There shall not be any amplified music or live bands unless the licensee has a valid Entertainment Permit issued by the City of Oxnard, pursuant to Oxnard City Code Section 11-187.

Odor Control

62. Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the Community Development Director or his/her designee(s) determine is a more effective method or technology:
    a. An exhaust air filtration system with odor control that prevents internal odors from being emitted externally; and
    b. An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

Signage and Notices

63. The permittee shall conform with the following Signage Specifications:
    a. In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a City sign permit.
    b. No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.
    c. Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.
    d. Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

e. Signage shall not be directly illuminated, internally or externally. No banners, flags, billboards or other prohibited signs may be used at any time.
f. No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business.

Community Benefits Agreement

64. Prior to issuance of a certification of occupancy, Applicant shall enter into a signed and recorded Community Benefits Agreement with the City. Said agreement shall include the following:

65. Retail
    a. One time payment of $250,000
    b. Donation of 1% of gross revenues to the City of Oxnard required to be paid with the associated yearly business license fee. This amount is in addition to the license fee and the City cannabis taxes.
    c. Requirement to hire 75% of the businesses employees from the City of Oxnard, as defined in Chapter 11 of the Oxnard City Code.

BILLING AND LICENSING CONDITIONS

Cannabis Business Tax Certificate

66. Prior to commencing operations, any business engaged in a Commercial Cannabis Business shall obtain a Commercial Cannabis Business tax certificate, pursuant to Article I. The Commercial Cannabis Business taxes imposed by Chapter 11, Article XVI of the Oxnard City Code shall be paid, in arrears, on a quarterly basis to the City Licensing Department.

67. The Applicant for a Commercial Cannabis Business shall secure from the Department of Billing and Licensing a commercial cannabis business tax certificate.

68. On applying for a Commercial Cannabis Business tax certificate, the applicant shall furnish to the tax administrator a sworn statement, on a form provided by the tax administrator setting forth the following:
    a. The exact nature of the Commercial Cannabis Business for which the Commercial Cannabis Business tax certificate is applied;
    b. The street address where such business is to be conducted, the street addresses of the residences of the owners of the business or names and street addresses of the officers or partners if a corporation or partnership;
    c. If the amount of the Commercial Cannabis business tax is measured by gross receipts, the applicant shall estimate the gross receipts for a period of one full calendar quarter. Such an estimate, if accepted by the tax administrator as

reasonable, shall be used in determining the amount of the Commercial Cannabis Business tax. However, the amount is only provisional.

d. At the end of the tax period, the tax administrator may request the certificate to verify gross receipts. Within 30 days of the request, the certificate shall report to the tax administrator the gross receipts during the Commercial Cannabis Business tax period, and the Commercial Cannabis Business tax will be redetermined. If the certificant underpaid the redetermined Commercial Cannabis Business tax, the certificant shall immediately pay the amount due.

Reporting and remittance of quarterly tax payments

69. The Commercial Cannabis Business tax shall be paid in arrears on a quarterly basis.

70. Each person owing Commercial Cannabis Business tax for a calendar quarter shall, no later than the last day of the month following the close of the calendar quarter, file with the tax administrator a statement of the tax owed for that calendar quarter and the basis for calculating the tax.

71. For the purpose of ascertaining the amount of Commercial Cannabis Business tax owed or verify any representations made by any taxpayer to the city in support of his or her calculation, proof of gross revenues (including but not limited to bookkeeping records, State and Federal income tax returns, and other records relating to the gross receipts of the business) must be provided prior to obtaining or renewing a Commercial Cannabis Business tax certificate.

72. Quarterly after commencing operations, Applicant shall allow the City of Oxnard officials or their designees to have access to the business's books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than twenty-four (24) hours after receipt of the City's request, unless otherwise stipulated by the City. The City may require the materials to be submitted in an electronic format that is compatible with the City's software and hardware.

73. At all times during the life of the permit, Applicant shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, state and local law. Each commercial cannabis business shall cooperate with the City with respect to any reasonable request to audit the Commercial Cannabis Business' books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

74. The Applicant shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a

Commercial Cannabis Business permit issued pursuant to Chapter 11, Article XVI, Section 11-476 of the Oxnard City Code), or at any time upon reasonable request of the City, each Commercial Cannabis Business shall file a sworn statement detailing the fiscal value of sales by the Commercial Cannabis Business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the City a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the City Manager or his/her designee(s)

Employee Work Permit

75. Prior to issuance of a certificate of occupancy for the Commercial Cannabis Business, all employees are required to comply with Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code which specifies the requirements for employees of cannabis operators; the Cannabis Employee Work Permit is required to be obtained from the City Licensing Department.

76. Cannabis Employee Permit Requirements shall comply with Chapter 11:
    a. Cannabis Employee Work Permit Application;
    b. Cannabis Employee Work Permit Fee $125.00, or as update by the City;
    c. Age and verification of applicant, copy of government ID required (must be at least 21 years of age);
    d. Investigation Questionnaire;
    e. Live Scan (fingerprinting and a recent photograph of the applicant); and
    f. A statement signed under penalty of perjury that the information is true and correct.

77. A Cannabis Employee Work Permit shall be valid for up to twelve (12) months from the date of certificate of occupancy and shall be renewed on an annual basis by the permittee/employer and all applicable employees. If a permit is issued for less than a 12-month basis, then the cost of such permit shall be adjusted on a pro-rata basis.

78. The Applicant and Commercial Cannabis Business employees will be issued a permit in the form of a personal identification card that shall be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

Employment Transfers

79. In the event a person changes employment from one Commercial Cannabis Business in the City to another, the work permit holder shall notify the applicable Department Head or his/her designee(s) in writing of the change within ten (10) days, or the work permit

shall be suspended or revoked, and such person shall not be permitted to work at any Commercial Cannabis Business within the City.

Revocation of Employee Work Permit

80. The City may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in Chapter 11, Article XVI, Section 11-455 of the Oxnard City Code or if facts become known to the City that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

Appeal of Employee Work Permit Revocation

81. The Applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the City Clerk within ten (10) days of the date the applicant received the notice of denial/ revocation. Revocation shall follow the provisions contained in Oxnard City Code Chapter 11.

POLICE CONDITIONS

Security Measures

82. The Applicant shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the Commercial Cannabis Business. Except as may otherwise be determined by the City Manager or his/her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the Best Practices identified in the guidelines for issuance of a Cannabis Business Permit and/or conditions imposed as part of the land use permit approval.

83. An alarm system shall include intrusion, fire, and panic button components. The system shall be remotely monitored by a licensed alarm service provider. The burglar alarm system shall utilize dual technology sensors and be able to differentiate between human and non-human motion. These sensors shall be mounted throughout the premises and specifically include: Secured Lobby, Retail Area, Service Counter, Secured Storage Vault, Intake Area, Employee Break Area, Manager's Office, Corridor and the Roof.

84. An access control system and security personnel shall restrict access to the site to persons engaged directly with the permitted operations of the Commercial Cannabis Business.

85. Security personnel shall remove any person on or about the Commercial Cannabis Business who is not engaged directly with the permitted operations of the business.

86. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

87. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.

88. A security plan shall be approved by the Police Chief or his/her designee(s). The security plan shall include all elements of the alarm system, security camera system, and access control system. The plan shall also include security policies, cash handling policies, security personnel post orders, and requirements for security patrols during hours the business is closed. The security plan is subject to review on the annual anniversary of the issuance of the permit. Should a deficiency in the plan be discovered through findings during an inspection, a theft event, an audit or other significant event where a flaw in the security plan failed to sufficiently capture or deter a theft, loss of product, or an injury the plan may be amended by the Police Chief or his/her designee(s).

89. Any bars installed on the windows or the doors of the Commercial Cannabis Business shall be installed only on the interior of the building.

90. Security personnel shall monitor premises in accordance with a security plan as authorized by the City Manager or his/her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the City Manager or his/her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the Police Chief.

91. Each Commercial Cannabis Business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

92. Entrance areas are to be locked at all times and under the control of a designated responsible party that is either:
    a. An employee of the Commercial Cannabis Business; or

b. A licensed security professional

93. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

94. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

95. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

96. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

97. The Applicant shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the City Manager or his/her designee(s) regarding any security related measures or and operational issues. The designated security representative/liaison shall, on behalf of the Commercial Cannabis Business, annually maintain a copy of the current security plan on the premises of the business, to present to the City Manager or his/her designee(s) upon request that meets the following requirements:
    a. Confirms that a designated Manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.
    b. Identifies all Managers of the Commercial Cannabis Business and their contact phone numbers.
    c. Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the Manager's office.
    d. Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.
    e. Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the Commercial Cannabis Business, the parking lot, and any adjacent property under the business' control.
    f. Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these areas are: (i) free of individuals loitering or causing a disturbance; (ii) are cleared of employees and their vehicles one-half hour after closing.

98. The Applicant shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency. The storage and transportation plan shall be a confidential document that is intended to be reviewed and approved by the City Manager and his/her designee(s) and not available for public consumption.

99. The Applicant shall cooperate with the City whenever the City Manager or his/her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this Article. Prevention Fire Inspectors shall be allowed access to audit buildings for Fire Life Safety concerns on a yearly basis or as determined necessary per the Fire Marshal.

100. The Applicant shall notify the Police Chief within twenty-four (24) hours after discovering any of the following:(Section 11.437 (E))
    a. Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the City Manager or his/her designee(s).
    b. Diversion, theft, loss, or any criminal activity involving the Commercial Cannabis Business or any agent or employee of the Commercial Cannabis Business.
    c. The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the Commercial Cannabis Business.
    d. Any other breach of security.

101. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

102. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.

103. The Applicant shall prohibit loitering by persons outside the facility both on the premises and within fifty (50) feet of the premises.

104. Prior to the establishment of any Commercial Cannabis Business or the operation of any such business, the employer intending to establish a Commercial Cannabis Business must first obtain all applicable planning, zoning, building, and other applicable permits from the relevant governmental agency which may be applicable to the zoning district in which such Commercial Cannabis Business intends to establish and to operate.

105. The Applicant acknowledges no person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the Commercial Cannabis Business.

106. The Applicant acknowledges no person shall cause or permit the sale or tobacco products on or about the premises of the Commercial Cannabis Business.

107. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

108. Inbound and outbound shipping of product and/or cash shall only occur during daylight hours. Deliveries and departure times of product and/or cash shall be irregular and maintained as a confidential matter known only to those persons who have a need to know.

109. No signage, graphic or symbol displayed visible outside the building shall show that the site is a cannabis business unless the specific sign, graphic or symbol is jointly approved by the Planning Manager and the Chief of Police or their designees.

Exterior Lighting

110. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    a. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
    b. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
    c. Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    d. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one foot-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

111. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting schemes.

112. All exterior lighting shall operate from dusk to dawn.

113. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

114. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.

115. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.

116. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This plan shall include all outdoor areas as well as the parking facility. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above any walking/driving surface. This plan shall be submitted to specialprojects@oxnardpd.org and approved prior to the issuance of building permits.

117. Safe Room construction shall consist of the below minimum features:
    a. Concrete or CMU wall or walls and/or
    b. Wood or steel stud constructed walls and ceiling wrapped with a metal mesh enveloped under drywall surfacing. Metal mesh shall have a minimum weight of .45 lbs. per sq. ft. and be opened spaced no more than 76%.
    c. Other than doors, openings in the metal mesh walls shall not be larger than 12-inches square to provide HVAC ventilation and similar mechanical access.
    d. Each door and window shall have callouts on plans identifying their size and design features.
    e. Any service windows shall be constructed with a securable metal door or plate and have a vertical opening no taller than 12-inches.

118. Retail sites shall install security glass or interior mounted roll-up security screens for each window.. Design, placement and exceptions shall be approved by Planning and Police prior to the issuance of Building Permits.

<u>Operations and Inspections</u>

119. The permittee is authorized to operate the commercial cannabis retail business license between the hours of 9:00 a.m. to 9:00 p.m, subject to lighting requirements of these conditions.

120. Cash handling procedures shall be approved by the police chief or his/her designee.

121. Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

122. A security camera system shall monitor activity inside and around the Commercial Cannabis Business. The system shall provide secure real-time access to the City Manager or his/her designee(s) of any and all cameras at the site. The system shall meet or exceed current industry standards. The system shall be reevaluated every five years on the anniversary of the issuance of the permit to ensure the system, software and equipment meets current industry standards. The Commercial Cannabis Business shall upgrade equipment within six-months of the reevaluation when findings have identified needed improvements or upgrades.

123. The business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

124. Each Commercial Cannabis Business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

125. Each Commercial Cannabis Business shall demonstrate to the Police Chief, City Manager or their designee(s) compliance with the state's track and trace system for cannabis and cannabis products, as soon as it is operational.

126. Each Commercial Cannabis Business shall have state of the art network security protocols in place to protect computer information and all digital data.

127. Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

128. Scheduled and unscheduled inspections of the site may occur during the business' authorized hours of operation, or under the below listed circumstances:
    a. At a time while the business is closed that is mutually agreed to by the business' management and the Police Department
    b. During any criminal investigation at the business.

129. The Applicant acknowledges compliance with the foregoing requirements shall be verified by the City Manager or his/her designee(s) prior to commencing business operations. The City Manager or his/her may supplement these security requirements once operations begin, subject to review by the City Manager if requested by the business owner.

130. The Applicant shall post in a location readily-visible to the public location the original copy of the Commercial Cannabis Business permit conditions of approval and the City issued business license.

131. Prior to beginning employment all employees are required to secure and have issued a background check and passed a live scan through the Police Department as specified in Chapter 11, Article XVII of the Oxnard City Code. Results of the background check/live scan shall be provided to the employee and employer(s).

Retail Cannabis Conditions

132. Each customer entering the business shall present a valid form of government issued photo identification. A staff member or licensed security professional shall use an approved "identification card scanner" which verifies the age of the customer. The security officer will also visually confirm that the person presenting the identification card by matching the person with the card's photo and confirming other data on the card.

133. The permittee shall acquire an "identification card scanner" for use by security officers to screen all customers as they enter the business. These scanners shall have these features:
    a. Determine that the person is legal age to enter the premises.
    b. Records the data from the presented identification including name, address, and date of birth and the time and date of the scan.

Security Camera System

134. A security camera system shall be installed and operated 24-hours a day to monitor the activity at the site. The system shall be designed to capture images of all persons and all vehicles that enter the site. Cameras shall also be distributed throughout the site to capture general activities. The camera system shall comply with these minimum standards:
    a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
    b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
    c. Cameras shall have low light capability to facilitate the later identify persons involved in criminal or problem activities.
    d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
    e. The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
    f. Recorded images shall bear a date and time stamp that cannot be altered.
    g. All entry doorways to the premises shall be monitored by a camera or cameras that are strategically mounted to capture quality images of the heads and

shoulders of persons who enter. Such cameras shall be mounted no higher than 7-feet above the floor/ground.

h. At least one camera shall be dedicated to the point of sale, or equivalent as determined by the Police Chief, to monitor the exchange of money and identification checks for age.
i. A monitor shall be placed near the primary entrance to the business to show patrons their image has been captured.
j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
k. Site management shall provide in a timely manner any digital records of security camera or access control systems requested pursuant to a police investigation or for the periodic inspection of equipment required under these conditions.
l. The video system shall be made available to the Chief of Police or his/her designee at all times by means of a secure Internet connection.
m. Height gauges are required on the interior frame of each exterior door
n. A high definition cloud based-video security system shall be used with a required 90 day tamper proof hard drive or software system pursuant to BCC 5044. System will be remotely accessible by the Chief of Police or his designee at all times. Prior to 90 days, no video will be erased without prior approval from the Chief of Police. At no time shall the business be open if the security system is down regardless of the presence of armed security guards.
o. Cameras shall be mounted outside the business to monitor pedestrian and vehicular traffic around the business. Where possible and practical, cameras will be positioned to capture the faces of persons approaching the business and the license plates of vehicles driving on parking area drive aisles.

<u>Access Control Systems</u>

135. The site shall be equipped with an access control system that shall restrict access throughout the site.

a. The access control system shall have the capability to add, subtract or modify a cardholder's access.
b. Access to various areas or rooms within the site will be restricted based on the cardholder's need for access according to the business plan and the security plan.
c. The primary entry to the site shall be controlled by a card or similar instrument coupled with a keypad to provide entry. A keypad entry will be required for the first access of each business day. Each employee authorized for "opening" entry shall have their own access and their own emergency code.
d. Access to interior "safe rooms" where product and cash are stored shall require keypad and pass card to enter.
e. Those persons authorized to utilize keypad entry locations will have two passcodes unique for their use. One passcode for normal entry and one for "distress" entry. The "distress" entry shall be used if the cardholder is entering under distress such as a robbery, kidnap or threat of harm. Permittee shall coordinate with the alarm service provider for this function.

f. An access card providing universal access to the site shall be provided to the Oxnard Fire Department for placement in the site Knox Box.

Alarm Systems

136. Intrusion/burglar alarms shall be "dual" technology and have the capability to differentiate between human and non-human motion. Sensor placement shall be in accordance with the business' approved Security Plan.

137. Panic alarms shall be installed at various sites within the business to be used in the event of a robbery. Alarm button placement shall be in accordance with the business' approved Security Plan.

Security Site Plan

138. A Security Site Plan in a pdf format shall be submitted to the Chief of Police or his or her designee and approved prior to the issuance of building permits. The plan shall include:
    a. The plan shall identify the location of each security camera, camera recording/support equipment, all elements of an access control system, and any safe or secure room or rooms designed to maintain valuable assets or records.
    b. The plan shall include a chart shall identify each camera by an alpha-numeric, the scope of their capture area, placement of the camera above the floor/ground, make and model of the instrument, type of camera (dome, PTZ, etc.).
    c. The plan shall identify any area which is served by an intrusion/burglary alarm system.
    d. The plan shall identify the location of each panic alarm installation.
    e. The Security Site Plan shall identify all the components of the access control system, their location and a chart that identifies each instrument with an alpha-numeric with the device name, make and model.

139. The Security Plan includes all matters relating to the security camera system, access control system, alarm system, security officer post orders, security site plan and other documents related to the safe and secure operation regulated under this permit. An updated Security Plan in a pdf format shall be submitted to the Police Department to specialprojects@oxnardpd.org under any of the below circumstances:
    a. Any modification to the site that changes the location of walls, doors or windows.
    b. Any system upgrades or significant changes to the security camera or access control systems.
    c. Or, when deemed appropriate by the Chief of Police or his or her designee based on security deficiencies discovered during any inspection of the site or any violation of the conditions of this permit.

140. Any component of the security system including all elements of the alarm, camera and access control systems are subject to replacement, upgrades, adjustments or additions should any of these circumstances occur:
    a. Equipment is outdated and not up to current industry standards or formats.
    b. Or, through the oversight process exercised by the City of Oxnard or the State of California, deficiencies are discovered in the security and monitoring equipment which can be addressed through the adjustment or addition of security equipment.

141. The permittee shall create and maintain Post Orders for security officers working at the site. Post Orders shall be a "living document" and shall be subject to change based on operational experiences, noted deficiencies, and recommendations by the Oxnard Police Department. These orders shall outline the following:
    a. Specific duties and responsibilities for each security officer.
    b. Procedures security officers shall follow during normal operations, emergency circumstances and when a crime is discovered.
    c. Post orders shall delineate activities that security officers shall not perform as they distract or interfere from their security role.
    d. Post Orders shall be identified by the last approved revision date and shall include the approval of the permittee and a designee from the Oxnard Police Department. Each updated revision shall be reviewed and acknowledged by each security officer working the site.
    e. The Post Orders shall be reviewed and approved by the Oxnard Police Department prior to the issuance of the permit and shall be subject to revision as part of any inspection.
    f. A copy of the current approved version of the Post Orders shall be available on-site for review by any security officer assigned at the site or any representative of the City of Oxnard visiting the site.

Notifications

142. The permittee shall establish and maintain the following to facilitate communication and notifications between the permittee and the Oxnard Police Department:
    a. Identify two management level employees as points of contact 24-hours a day, 7-days a week available to respond to the site in the event of an emergency or unlawful entry at the site.
    b. A designated email address for the Oxnard Police Department to use for notifications pertaining to the business.
    c. The management "points of contact" and the email address for notifications shall be provided by an email to: specialprojects@oxnardpd.org and shall include the names of the point of contact managers, their positions within the business and their phone numbers.
    d. The Oxnard Police Department may establish additional staff members as points of contact for the permittee.

143. The Police Chief may temporarily suspend this permit pending a hearing as outlined in Article V of the Oxnard City Ordinance under any of the below circumstances:
    a. Discovery of any controlled substance or product classified in Schedules I, II, III and IV of the Uniform Controlled Substances Act of the Health and Safety Code and not identified as being permitted at the site within the scope of this permit or an authorizing permit issued by the State of California.
    b. Failure to maintain security features at or above industry standards, failure to correct security deficiencies required in these conditions in a timely manner, and/or failure to accurately or timely report a loss or theft of product as required under this permit.
    c. Any sales or transfer of cannabis products outside the restrictions, regulations and tracking mechanisms established through this permit or related cannabis permits issued by the State of California.

144. Bollards or similar barriers shall be placed in front of all windows that the bottom sill is lower than 30-inches above grade and the windows are in close proximity to a vehicle driving surface. Gaps between barriers or other structural features shall be no wider than 5-feet. These barriers shall be identified on the Security Site Plan.

145. All applications of window tinting shall be identified on submitted security site plans. "Black-out" tinting will not be allowed. Tinting that provides for clear outward viewing but blocks viewing from the outside is allowable.

146. Windows shall be protected by either of the following technologies:
    a. Interior mounted security screens that are 50% see through which allows the interior of the business to be seen during hours where the screen is secured.
    b. A transparent material that can withstand the impact of a sledge hammer or similar impact tool without breaching the window sufficiently to create a puncture hole of any size.

147. All signage for the site shall require joint approval from authorized designees of the Planning Division and the Police Department.

<u>Cannabis Deliveries</u>

148. All deliveries of cannabis shall require the following:
    a. The persons making the delivery shall be a minimum of 21-years of age.
    b. Cannabis products for delivery shall be locked in the truck of the vehicle or secured in a non-portable box or storage unit in the passenger compartment during transport.
    c. Each driver making a cannabis delivery shall check the identification of the person depicted on the identification is of age and is the person receiving the delivery. The driver shall ensure the recipient of the cannabis product is 21-years of age, or 18 years of age and possess a cannabis medical card. The driver shall photograph or scan the identification using an identification scanner to record and verify the age of the person taking record of the delivery.

d. The permittee shall provide information on any website menu that clearly states that all deliveries that include cannabis will require the recipient of the cannabis products to present their government photo identification as proof of age. Recommended language for on-line menus: " The City of Oxnard required the delivery driver to photograph and scan a government issued photo identification of the recipient of all deliveries of cannabis products.
e. The permittee shall require that staff members taking phone orders for delivery of cannabis products shall advise customers of the requirements under subsection "(c)" of this condition.
f. On-line orders for delivery which include cannabis products shall have a check box where the customer acknowledges that the recipient of the order must show a government issued photo identification at the time of delivery.

Police Special Conditions

149. The unit's address "1015" shall be painted on the exterior of each rear door of the business in numerals that are 3-inches in height.

150. The unit's address "1015" Shall be painted on the roof of the business in numerals that are 3-feet in height.

151. The property shall have and maintain at each vehicle entrance signs posted pursuant to 22658(a) CVC to prohibit unauthorized parking on private property.

152. One parking stall at the rear of the business shall be dedicated to applicant's use for delivery vehicle parking only. The stall shall be in close proximity to the rear door of the business and shall be clearly marked with a sign posted on the wall. The sign shall be no less than 17-inches by 22-inches and the lettering shall be not less than one inch in height. The sign shall state: "Authorized Delivery Vehicle Parking Only All Others Subject To Tow Away. 22658(a) CVC.

153. Cannabis retailers shall participate in Police Department and Community drug awareness and educational programs. This participation may include but not be limited to the circulation of informational flyers, staff training opportunities, and DUI educational materials.

FIRE DEPARTMENT STANDARD CONDITIONS

154. Applicant shall construct all vehicle access driveways on the project property to be at least 26 feet wide. The Applicant shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. The Applicant shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, F-1)

155. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, F-2)

156. Before the City issues building permits, the Applicant shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)

157. At the Applicant's expense, Applicant shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests. The Applicant shall obtain permits for the tests from the Engineering Division. Applicant shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, F-4)

158. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)

159. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)

160. At all times during construction, the Applicant shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, F-7)

161. The Applicant shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

162. The Applicant shall install security devices and measures, including walkway and vehicle control gates, entrance telephones, intercoms and similar features, subject to approval of the Police Chief and the Fire Chief. Vehicle control gates shall be operable by City approved radio equipment. (FD/PD, F-9)

163. The applicant shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)

164. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, F-11)

165. The Applicant shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)

166. The Applicant shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, F-13)

167. The Applicant shall install in each structure in the project where automatic fire sprinklers are installed a system that automatically opens the skylights in areas affected by fire before the fire sprinklers are activated. (FD, F-14)

168. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F-15)

169. The Applicant shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Applicant shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

170. Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other projections that are 48" or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

171. Before the city issues a certificate of occupancy, the Applicant shall install a Knox key vault at a location to be determined by the Fire Department.

172. The Applicant shall allow installation of public safety radio equipment in the tower, steeple, roof or other elevated portion of the building. Such equipment shall not conflict with the architectural design of the building and shall comply with zoning and planning requirements and conditions.

173. The Applicant shall provide the City Manager or his/her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each commercial cannabis business must have a fire evacuation plan, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved annually by the Fire Department.

ENVIRONMENTAL RESOURCES DIVISION

174. Applicant shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Applicant shall arrange for self-hauling.

175. FOR COMMERCIAL/INDUSTRIAL PROJECTS: To be in compliance with state law, Applicant shall make provisions to divert a minimum of 50%, with an aim of diverting 75% to achieve the new state diversion goal, of the waste material generated during occupancy through source reduction, recycling, reuse, and organics collection programs. Applicant shall submit an " Environmental Resources Division Occupancy Plan" ("Occupancy Plan") to the City's Environmental Resources Division. The Occupancy Plan must clearly state how recyclable and organic material will be managed on site to be in compliance with applicable state law, including what service provider(s) will manage/transport materials to appropriate facilities. An Occupancy Plan must be submitted and approved prior to issuance of a certificate of occupancy.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

176. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

177. Developer shall install on-site and off-site electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)

178. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

179. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

180. Developer shall pay the cost of all inspections of on site and off site improvements. (DS-22)

181. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

182. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

183. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

DEVELOPMENT SERVICES DIVISION SPECIAL CONDITIONS

184. Developer shall verify that the existing sanitary sewer and water services are adequately sized to serve the proposed improvements and provide the information on the improvement plans. (DS)

185. Show all applicable existing and proposed utilities (sewer, water, storm, gas, electrical) affected by the proposed improvement on the site engineering plan. (DS)

186. The project shall comply with the latest California Building Code disabled access requirements. (DS)

187. Developer to verify that the running slope of each curb ramp at the existing driveway approaches on West Wooley Road and South Harbor Service Road not exceed 8.33 percent running slope. Unless directed otherwise by City Engineer, the Developer to installed surface-applied Americans with Disabilities Act (ADA) tiles by Armor-Tile Tactile Systems or approved equal at these curb existing ramps. (DS)

188. Developer shall remove the newspaper stand/rack located at the curb ramp landing at the south-west corner of the project site. (DS)

//

//

//

//

//

//

//

//

//

//

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 15th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____
John C. Zaragoza, Mayor

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

Appeal of the Planning Commission's Denial of Special Use Permit No. 21-516-24 for TD Enterprises, LLC 1015 Harbor Boulevard (APN: 191-0-075-015)

Jose Coyotl, Associate Planner
Scott Kolwitz, Planning & Environmental Services Manager
Vyto Adomaitis, Community Development Director
Community Development Department

City Council
February 15, 2022

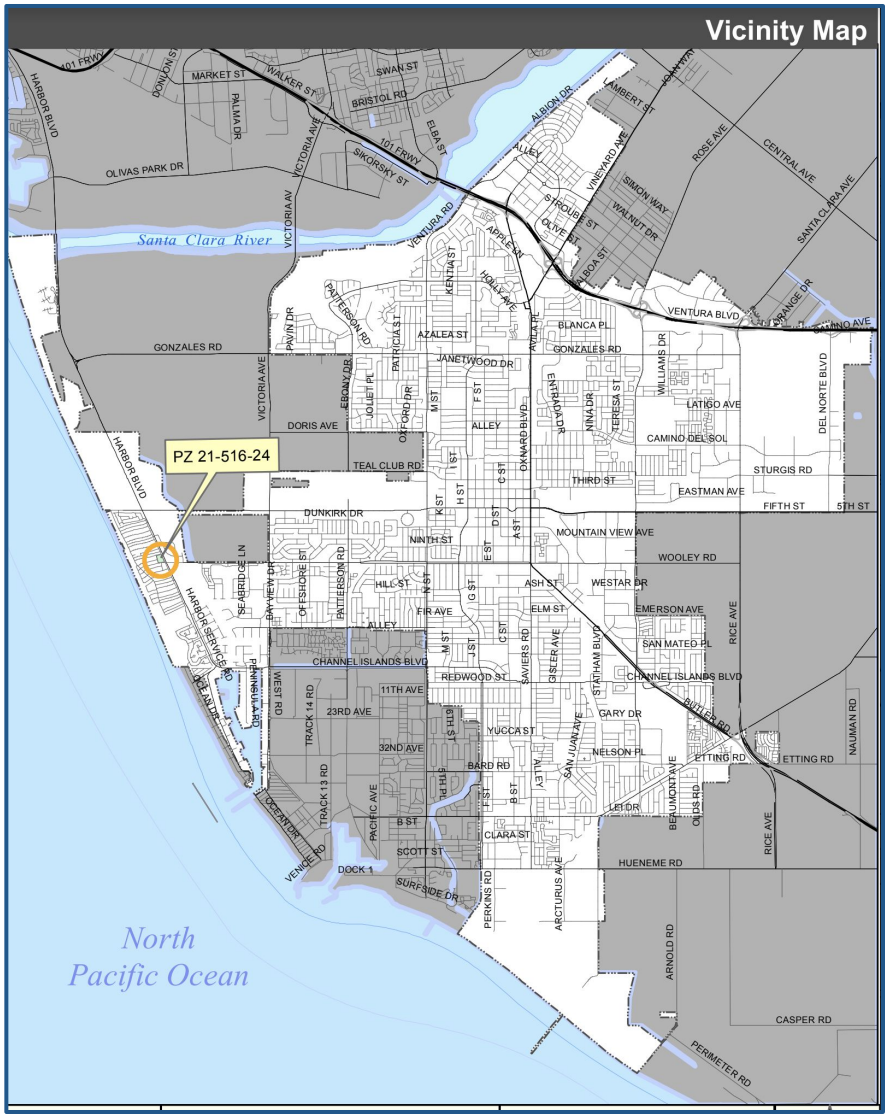
CITY OF OXNARD CALIFORNIA

Project Location and Existing Conditions

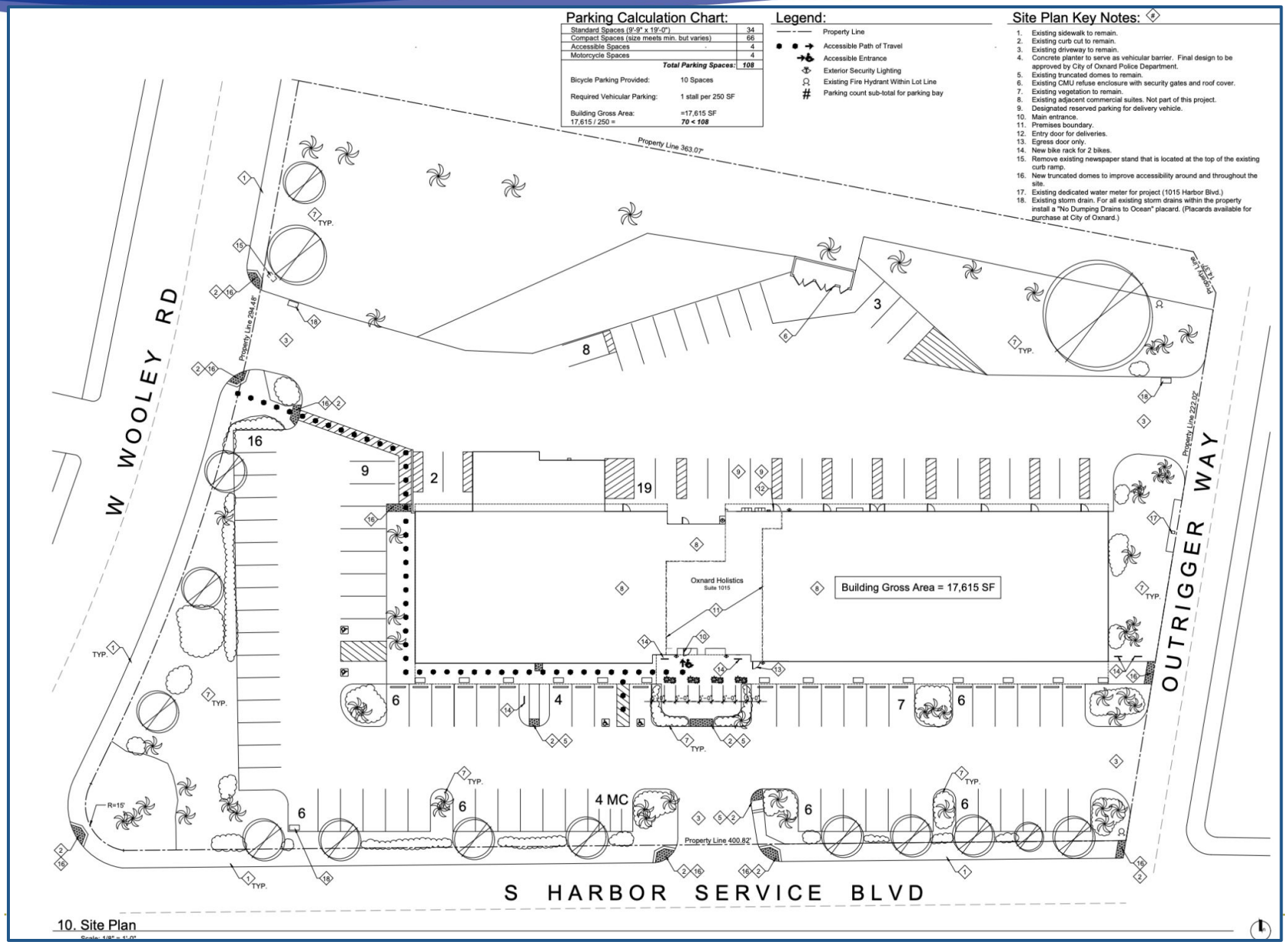
Subject Site: 1015 Harbor Boulevard

<u>Designations</u>
General Plan: Visitor Serving Center (VSC) and Zoning: Coastal Neighborhood Commercial (CNC)

<u>Surroundings</u>
<u>Uses</u>
the site and surrounding area are Residential Existing and VSC and R-B-1, R-2-C, R-3-C, and C-2



Site Plan


Parking Calculation Chart:
Standard Spaces (9'-9" x 19'-0") 34
Compact Spaces (size meets min. but varies) 66
Accessible Spaces 4
Motorcycle Spaces 4
Total Parking Spaces: 108
Bicycle Parking Provided: 10 Spaces
Required Vehicular Parking: 1 stall per 250 SF
Building Gross Area: =17,615 SF
17,615 / 250 = 70 < 108
Legend:
Property Line
Accessible Path of Travel
Accessible Entrance
Exterior Security Lighting
Existing Fire Hydrant Within Lot Line
Parking count sub-total for parking bay
Site Plan Key Notes:
1. Existing sidewalk to remain.
2. Existing curb cut to remain.
3. Existing driveway to remain.
4. Concrete planter to serve as vehicular barrier. Final design to be approved by City of Oxnard Police Department.
5. Existing truncated domes to remain.
6. Existing CMU refuse enclosure with security gates and roof cover.
7. Existing vegetation to remain.
8. Existing adjacent commercial suites. Not part of this project.
9. Designated reserved parking for delivery vehicle.
10. Main entrance.
11. Premises boundary.
12. Entry door for deliveries.
13. Egress door only.
14. New bike rack for 2 bikes.
15. Remove existing newspaper stand that is located at the top of the existing curb ramp.
16. New truncated domes to improve accessibility around and throughout the site.
17. Existing dedicated water meter for project (1015 Harbor Blvd.)
18. Existing storm drain. For all existing storm drains within the property install a "No Dumping Drains to Ocean" placard. (Placards available for purchase at City of Oxnard.)
Property Line 363.07'
Property Line 294.48'
Property Line 222.02'
Property Line 400.82'
W WOOLEY RD
OUTRIGGER WAY
S HARBOR SERVICE BLVD
Oxnard Holistics
Suite 1015
Building Gross Area = 17,615 SF
TYP.
R=15'
4 MC
10. Site Plan

TD Enterprises Cannabis Permit Timeline

- On January 7, 2021, TD Enterprises, LLC. filed for a request to obtain a Commercial Cannabis Business Permit for a cannabis retail facility during the open application period for a competitive selection process.

- On March 1, 2021, the City Manager approved a list of 13 retail cannabis applicants and three local equity applicants that were invited to apply for a Special Use Permit at specific locations based on the competitive selection process.
  - TD Enterprises, LLC was invited to apply for a Special Use Permit.
  - In order to successfully commence and inaugurate the Commercial Cannabis Business Permit, TD Enterprises, LLC is required to receive approval of a SUP as specified within OCC Section 11-457.

- On January 13, 2022, the Planning Commission failed to approve or deny PZ No. 21-516-24, a request by TD Enterprises, LLC to operate a commercial cannabis retail facility at 1015 Harbor Boulevard within an existing 1,740 square-foot commercial suite of a 17,615 square-foot multi-tenant commercial building.

Background: Planning Commission Hearings

January 13, 2022:

- Public hearing held to consider Planning & Zoning Permit No. 21-516-24 requesting approval of a Special Use Permit.
- Staff recommended approval.
- At the public hearing, the Commission heard public testimony. Approximately 75-minutes of public verbal testimony was also provided by 25 individuals.
  - Verbal comments received from 16 of the 25 individuals can generally be summarized as being supportive of the request.
  - Verbal comments from 9 of the 25 individuals can generally be summarized as postponing their comments to the continued hearing date.

Background: Planning Commission Hearings

January 13, 2022:

- Following the public testimony and deliberations, the Commission voted twice which both failed as a result of two tie votes (3 to 3 with one Commissioner recused).
  - The first was a motion to Approve the project as submitted.
  - The second motion was a Motion of Intent to Deny the project as Findings 2 (general welfare) and 4 (highway - incompatibility) could not be made.
- Based upon the failure by the Planning Commission to either approve or deny the Special Use Permit- Cannabis Retail, legal counsel ruled that – for due process purposes – the inaction by the Planning Commission would be deemed a denial.

January 20, 2022

- The Appellant filed a timely Appeal application with the City.

January 28, 2022

- The Appellant submitted a supplemental letter to the City.

Summary of the Appeal

The Appellant filed an appeal with nine grounds of appeal:

1) The Project satisfies the required SUP Findings,

2) The Project meets all applicable zoning requirements,

3) The Project is appropriately conditioned to address community concerns,

4) The Planning Commission improperly denied the Project,

5) Concerns regarding environmental and traffic issues have been addressed,

6) TD Enterprises has undertaken substantial efforts to engage with community stakeholders,

7) The City conducted an extensive public process prior to the City Council's final adoption of its commercial cannabis regulations (Chapter 11, Article XVII), which provided the public ample opportunity to object to the alliance of commercial cannabis retail businesses in the City, including on the Site.

Appellant's Grounds of Appeal 1-2 and Staff Responses

Ground of Appeal 1: "*As demonstrated by the record and Planning staff's recommendation, the Project satisfies the required SUP findings set forth in City Code Section 16-531 and as outlined in Planning staff's proposed Resolution 2022-XX, attached hereto as Exhibit 1*"

Staff Response:

1. Staff agrees with the Appellant. The project met the required SUP Findings.
2. The project included 188 conditions of approval to ensure operational standards were met.

Ground of Appeal 2: "*The Project meets all applicable zoning requirements for the proposed commercial cannabis retail business*"

Staff Response:

1. Staff agrees with the Appellant.
2. The project met the required zoning and licensing requirements.

Appellant's Grounds of Appeal 3 and Staff Responses

Grounds of Appeal 3: "*The Project is appropriately conditioned, as recommended by Planning staff, to address community concerns regarding the operation of the Project near residential neighborhoods*"

Staff Response:

1. Staff agrees with the Appellant.
2. The project included 188 conditions of approval so the project would meet cannabis retail operational standards.
3. The project met the required zoning and licensing requirements.
4. The project is consistent with buffers from sensitive uses.

Appellant's Grounds of Appeal 4 and Staff Responses

Grounds of Appeal 4: "*The CPC [Planning Commission] improperly denied the Project based on conclusions that are inconsistent with evidence in the record, against the recommendation of the City's own experts, and contradictory to CPC's prior approval of other SUP applications for commercial cannabis retail businesses near residential uses in the City*"

Staff Response:

1. Staff disagrees with the Appellant.
2. A majority of Commissioners did not make specific conclusions or findings regarding the Project.
3. Based upon the failure by the Planning Commission to either approve or deny the SUP, legal counsel ruled - for due process purposes - the inaction would be deemed a denial.

Appellant's Grounds of Appeal 5 and Staff Responses

Grounds of Appeal 5: "*The Oxnard Shores neighbors' concerns regarding environmental and traffic issues have been addressed by Planning staff in its comprehensive CEQA review of the Project*"

Staff Response:

1. Staff agrees with the Appellant.
2. The CEQA Categorical Exemption (Existing Facilities) and Section 15300.2 (Exception to the Exemptions) apply to this project.
3. The Project results in "negligible or no expansion of use beyond that existing at the time of the lead agency's determination"
4. The project request will not increase the square footage of the existing building.
5. The project is currently served by existing infrastructure.

Appellant's Grounds of Appeal 6 and Staff Responses

Grounds of Appeal 6: "*Applicant has undertaken substantial efforts to engage with community stakeholders, including the few Oxnard Shores residents who oppose the Project, and is committed to continuing their engagement as a responsible operator and stakeholder in the City*"

Staff Response:

Staff can confirm the Appellant engaged in public outreach both through and outside the City's formal public outreach process.

1) Community Workshop
   a) Developer mailed out 3,330 meeting agenda notices to the residents of Oxnard Shores and Oxnard Dunes.
   b) 28 community members joined the meeting; 12 comments provided.
   c) The Community Workshop's Questions and Answer process with the TD Enterprise and community members lasted approximately 2 hours and 25 minutes.
2) Planning Commission
   a) Hearing lasted approximately 3 Hours and 15 minutes.

Outside the City's formal public outreach process

1. TD Enterprises, LLC. sent out mailers to the community
2. Provided an informational open house at Embassy Suites on November 4, 2021.

Appellant's Grounds of Appeal 7 and Staff Responses

Grounds of Appeal 7: "*The City conducted an extensive public process prior to the City Council's final adoption of its commercial cannabis regulations (Chapter 11, Article XVII), which provided the public ample opportunity to object to the allowance of commercial cannabis retail businesses in the City, including on the Site*"

Staff Response:

1) OCC Section 11-450 et. seq. do not authorize retail cannabis dispensaries at specific locations.
2) Instead, City cannabis regulations identify areas in which cannabis retail dispensaries are conceptually permitted, based on
   a) land use siting criteria,
   b) buffer requirements,
   c) competitive selection process, and requiring a SUP to be approved by the Planning Commission or the City Council (if the Planning Commission's approval or denial of the special use permit is appealed).

Recommendation

That the City Council:

1. Conduct a public hearing;
2. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
3. Adopt a Resolution Approving the Appeal and overturning the Planning Commission's Denial of Planning and Zoning Permit No. 21-516-24 (Special Use Permit- Cannabis Retail), subject to certain conditions and findings.

CITY OF
OXNARD
CALIFORNIA

End of Presentation

CITY COUNCIL AGENDA REPORT

PUBLIC HEARINGS
AGENDA ITEM NO. M.2

DATE: February 15, 2022

TO: City Council

FROM: Vyto Adomaitis, Community Development Director, (805) 385-7882, vyto.adomaitis@oxnard.org

SUBJECT: Vineyard Starbucks Site Renovations Appeal. (10/15/15)

RECOMMENDATION

That the City Council:

1. Conduct a public hearing:

2. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and

3. Adopt a Resolution denying the Appeal and upholding the Planning Commission's Denial of Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), because the record does not contain the evidence necessary to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.
(This item did not originate in Committee)

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/axNLuO3Q8G0

BACKGROUND

EXECUTIVE SUMMARY:

On January 13, 2022, the Planning Commission ("Commission") denied Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), a request by the Applicant to make modifications to an existing 2,450 square-foot drive-through fast food restaurant building to allow for a Starbucks drive-through coffee shop on a 0.66 acre site within the General Commercial-Planned Development (C-2-PD) zone (Attachments A & B). The is located at 2551 North Vineyard Avenue (APN: 132-0-043-215).

On January 19, 2022, a timely Appeal application was filed on behalf of the property owner, Friedrich Family Limited Partnership with the City (Attachment C). The Applicant and Appellant are one and the same, and they will be referred to as the "Appellant" throughout the remainder of this staff report. The Appellant submitted a supplemental letter on January 27, 2022 (Attachment D). The Appellant seeks City Council review of the Planning Commission's decision.

Staff recommends the City Council adopt a Resolution to deny the Appeal and uphold the Commission's denial as there is no merit to the Appellant's Grounds of Appeal as described below in the Analysis and Discussion section of this staff report (Attachment E).
Denial of the Appeal would keep the site in its existing configuration and would not allow for the proposed operation of the Starbucks drive-through coffee shop.

For the benefit of the Council, this staff report provides 1) a brief background on the Major Modification permit process, 2) the specific elements that are required to grant the requested Special Use Permit and a summary of the Findings which were made, 3) a summary of the Appeal, and 4) a discussion of the review and hearing process before the City Council.

BACKGROUND:

Major Modification Regulations

Section 16-561 of the OCC allows for Major Modifications to Special Use Permits. Major Modifications are those that involve substantial increases in coverage, major additions to the buildings or structures, creation of extra parking needs, traffic or other site problems. A Major Modification is processed in the same manner as a new Special Use Permit and must meet all of the same required findings. As with Special Use Permits, the Planning Commission is the decision maker on Major Modifications.

Required Findings to Grant a Special Use Permit

Pursuant to OCC Section 16-531, in order to grant a Special Use Permit, or a Major Modification, the following findings must be made:

(1) The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.

(2) The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

(3) The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).

(4) The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(5) The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.

Major Modification to U-916 (Special Use Permit)

On October 21, 2021, the Commission held a public hearing to consider Planning & Zoning Permit No. 21-550-01 requesting approval of a Major Modification (MJMD). The project scope involved modifications to an existing 2,450 square-foot drive-through fast food restaurant building to allow for a Starbucks drive-through coffee shop on a 0.66 acre site. The proposed project is located at 2551 North Vineyard Avenue (APN: 132-0-043-215) within the 2030 General Plan land use designation of Commercial General and is zoned General Commercial-Planned Development (C-2-PD) in the City of Oxnard. Staff originally presented the project to the Commission with a recommendation for approval (Attachment 1).

On October 21, 2021, the Commission made a motion to continue the Project to the Commission's meeting on November 4, 2021, at the request of the applicant.

On November 4, 2021, the Commission reviewed all of the information provided in the staff report and received a presentation from Starbucks representatives, as well as other pertinent information, and deliberated the merits of the Project. No verbal or written public comments were provided before or during the public comment period of the hearing. Following the applicant's presentation and deliberations, the Commission voted on three motions. The first two motions were a Motion of Intent to Deny the project and a motion to Approve the project. These two motions failed as a result of two tie votes (3 to 3, with one Planning Commissioner absent). A third motion was approved to continue the item to the Commission's meeting on December 2, 2021.

On December 2, 2021, all seven members of the Planning Commission were present. The Commissioner who was not present on November 4 confirmed he reviewed the staff materials and watched the video of the Commission's November 4 meeting. The Commission provided an opportunity for public testimony, deliberated, and made a Motion of Intent to Deny the project as they could not make all of the Findings required to grant the Major Modification; however, a Resolution for denial was not available. Therefore, the Commission continued the project to January 13, 2022, to ratify the directed action.

On January 13, 2022, the Commission voted 4-3, to adopt Resolution 2022-02 to deny the project (Attachment B).

Pursuant to Sections 16-544 and 16-545 of the Oxnard City Code ("OCC"), the action of the Planning Commission is final unless an appeal application to the City Council is filed within 18 days after the action date.

On January 19, 2022, the Appellant filed a timely Appeal application with the City (Attachment C), and the Appellant submitted a supplemental letter on January 27, 2022 (Attachment D). The supplemental letter did not raise any additional Appeal items but provided additional narrative to their Appeal application.

ANALYSIS/DISCUSSION:

The Appellant has appealed the decision of the Commission primarily because the Appellant believes Findings can be made to approve the Project. The Appellant's five grounds of appeal are noted below, verbatim, with staff's response following each ground of appeal:

Ground of Appeal 1: "This project, Starbucks at Vineyard/RiverPark, meets all of the Requirements of the Zoning Code and the General Plan."

Staff Response:

This is incorrect. As discussed in the Commission staff report and presented to the Commission, the Project fails to meet three requirements of the Oxnard City Code (OCC).
1) The Project as designed does not provide the required 50 parking spaces.
2) The proposed parking does not meet the required standard parking space dimensions.
3) The project does not provide a designated loading space, which is required for all restaurants.

As a result, the Project included a request for an administrative parking relief to allow for two modifications:
1) Allow for a decrease in the number of required parking spaces from 50 parking spaces to 35 parking spaces, including 15 spaces which were to be provided via the drive-through queue, and
2) to allow for 11 of the required parking spaces to be compact parking spaces.

In addition to the two administrative parking relief requests, the Project included a request to modify the loading space requirement, to allow for loading to occur in the designated parking spaces, as opposed to providing a separate loading zone.

While the OCC does allow for modifications to these requirements, the discretion to grant or deny each of the modifications is provided to the Commission. Therefore, without Commission approval of the three modifications, the Project does not meet all of the requirements of the OCC.

With respect to compliance with the 2030 General Plan, the existing development fails to provide a 30 foot landscaped buffer along the designated scenic corridor (North Vineyard Avenue). This is considered to be a "legal nonconforming" existing condition. The proposed Project did not increase the non-conformity, rather the Project provided additional landscaping and improvements to mitigate the reduced buffer width; however, the Project did not provide the full 30 feet buffer.

In conclusion, the Commission was not able to grant the administrative parking relief modifications, and could not make the required Findings necessary to grant a Special Use Permit.

Ground of Appeal 2: "We have been working with Planning Staff for the last 18 months to get the proposed project to a point that met the City's standards and requirements."

Staff Response:

While City Staff did have preliminary conversations with the applicant team, including an initial request to allow for a Minor Modification, the formal application for the Major Modification was submitted on February 12, 2021. The time of the initial submission to the first scheduled hearing was approximately eight months. However, staff acknowledges that City staff, including members of the City's Development Advisory Committee, worked through an iterative process with the Applicant team to explore both alternate site designs and parking / queue management strategies. This included multiple reviews by the City team, time for the applicant to revise and resubmit submittal materials and study project alternatives, and the required Community Workshop. Ultimately, the iterative approach resulted in a Project that staff could provide an approval recommendation to the Commission.

As further discussed in the Commission Staff Report, due to the operational characteristics of existing Starbucks drive-through coffee shops operating in the City of Oxnard and beyond, City staff was concerned about traffic circulation both onsite and in the public right-of-way given the potential increase in the drive-through demand associated with the proposed Starbucks restaurant and inadequate vehicular queueing based on the existing configuration. As a result, multiple design alternatives were explored in coordination with various City departments, including Planning, Building and Engineering, Traffic, Fire, and Police. These conversations resulted in a reconfiguration of the proposed drive-through lane which was redesigned to run along the perimeter of the site, to allow for a longer queue.

The Permit Streamlining Act provides timelines for processing quasi-judicial discretionary Projects, which effectively guarantees an opportunity for a public hearing in which decision makers may decide whether to approve or deny a Project within six months of an application being deemed complete. The Project was deemed complete once the Project design stopped changing (as it was found to be acceptable to both the applicant and City staff), and it was immediately scheduled for a public hearing on the next available Commission agenda, which occurred well within the statutory six-month timeframe.

In conclusion, the application was processed in a timely manner consistent with the Permit Streamlining Act. None of the Commission required Findings necessary to grant a Special Use Permit relating to processing timelines.

Ground of Appeal 3: "The denial by the Planning Commission was based on personal biases."

Staff Response:

The Appeal application fails to provide any evidence to support this claim, and therefore lacks any grounds to make this claim. As supported by the record, the Appellant's assertion that the denial was based on personal bias is incorrect. The Commission formulated their reasoning for their decision to Deny the project based on the inability to make three specific Findings based on substantial evidence and testimony as documented within Planning Commission Resolution 2022-02.

The Commission could not make the second Finding, because they found the proposed Project would adversely affect and be materially detrimental to the public health, safety or general welfare due to the potential for cars entering into the Project site to back up onto the public right-of-way, thus adversely affecting the adjacent roadways and the East Vineyard Avenue and RiverPark Boulevard intersection, one of the busiest intersections in the City.

The Commission could not make the third Finding, because they found the site is not adequate in size and shape to accommodate the parking and loading facilities required pursuant to the Oxnard City Code.

The Commission could not make the fourth Finding, because they found the Project would create or significantly aggravate traffic problems on the adjacent roadways and intersections, which will have a direct and adverse impact on the adjacent highways (US 101 and CA 232). Each of the Commission's reasoned conclusions are further detailed in Planning Commission Resolution 2022-02 (Attachment B).

Also, any assertion that the Commission is biased against Starbucks or other drive-through facilities is not supported by

facts. At the following Commission hearing, held on January 20, 2022, the same Commissioners voted unanimously (with one member absent) to approve two other drive-through facilities, including a Starbucks coffee shop at 1720 Ventura Boulevard, as they could make the required Findings for approval for those specific projects. In addition to this recent approval, the City has a history of approving drive-through Starbucks coffee shops, where the Commission has found them to be appropriate and in compliance with the required Findings.

In conclusion, the Commission's decision was the result of a deliberative process, and as one body the Commission voted to Deny the project with a split 4-3 vote.

Ground of Appeal 4: "The site has been used as a Drive-Thru restaurant for many years."

Staff Response:

While it is true that the existing site has been developed and operated as a drive-through since the 1980s, the Appellant's implication is that there would be no impacts with the proposed Starbucks compared to the existing operations. That implication is incorrect as the existing and proposed operational characteristics are not equivalent.

Based on known operational characteristics of existing Starbucks drive-through coffee shops operating in the City of Oxnard and beyond, as well as parking and queueing data provided by the Appellant, the Project would significantly increase demand at this site. Based on information proved by the Appellant, the morning drive-through demand during the morning peak times would range from 10-18 vehicles, far exceeding the existing five vehicle queue length. Given the anticipated increase in the drive-through demand associated with the proposed Starbucks coffee shop, the existing configuration resulted in inadequate vehicular queueing based for the Project. As a result, City staff was concerned about traffic circulation both onsite and in the public right-of-way, which could collectively potentially interfere or block the adjacent street system and the intersection of North Vineyard Avenue/RiverPark Boulevard. Therefore, there is clear evidence that the proposed Project would result in a significant intensification of the drive-through use onsite compared to the existing operations.

In conclusion, the Commission found the proposed operational characteristics were different from the existing operational characteristics, and, for the reasons provided in Planning Commission Resolution 2022-02 (Attachment B), the Commission could not make all of the required findings. This statement fails to address or dispute the findings.

Ground of Appeal 5: "This project would enhance the site with a new facade, new landscaping, better site design for the trash enclosure and drainage, new fire apparatus (safer for consumers) and is EXCEEDING the amount of queueing spaces 3X the required amount."

Staff Response:

The Commission acknowledged the physical improvements to the site that would be undertaken as part of the Project would enhance the aesthetics of the site, and result in improved site conditions with respect to the trash enclosure, drainage, and fire improvements. However, for the reasons provided in Planning Commission Resolution 2022-02 (Attachment B), the Commission could not make all of the required findings. This statement fails to address or dispute the Findings for denial.

With respect to the Project "EXCEEDING the amount of queueing spaces 3X the required amount", the Project as designed provided sixteen (16) queuing spaces. The OCC requires a minimum of eight (8) stacking (queuing) spaces. So, while the project does exceed the minimum number of queuing spaces, it does not provide three times the spaces. Also, while OCC does have a code requirement of only 8 stacking (queuing) spaces, in order to make the Findings required for approval, each individual project must show that sufficient stacking is available to meet the project's demand. Therefore, on a project-by-project basis, additional stacking may be required to ensure the project will not have an adverse impact on adjacent uses, buildings or structures or to the public health, safety or general welfare.

Appeal Review and Hearing Process Before the City Council

Pursuant to OCC Section 16-548, the City Council is provided with Review and Hearing Procedures and Quorum standards.

(A) A review of an Appeal from a decision of the Commission may be heard de novo.
(B) On hearing the review or Appeal, the City Council shall primarily consider the issues raised by the grounds specified in the notice of review or Appeal, but shall not be restricted thereto.
(C) The City Council may promulgate additional rules of procedure for review or Appeal hearings.
(D) Rules governing evidence and procedure relating to review and Appeal hearings shall be liberally construed to effect enlightened consideration and determination by the City Council.

Staff highlights that per the above procedures, the City Council is primarily to consider the issues raised by the grounds specified in the notice of review or Appeal, but the City Council is not restricted to those issues.

Conclusion:

The Appellant requests the Commission's denial of the Project be overturned based on the five appeal grounds.

Based on the above Analysis/Discussion Section, Staff's responses collectively demonstrate the Appeal lacks merit, and the Commission's determination on January 13, 2022 should remain unchanged. Thus, staff recommends that the City Council find there is no merit to the Appellant's Grounds of Appeal, and the Appeal should not overturn the decision of the Commission to deny the Project. Furthermore, the City council staff report, attachments, and the specific Findings outlined in the City Council Resolution (Attachment E) provide substantial evidence in the record for the City Council to conclude that not all of the required Special Use Permit Findings found in OCC Section 16-531 have been made. Staff believes the required Findings are well documented and the City Council is in a position to deny the requested Special Use Permit.

Thus, staff recommends that City Council Find there is no merit to the Appellant's Grounds of Appeal, deny the Appeal and uphold the decision of the Planning Commission to Deny the project with the specific Findings outlined in the Resolution (Attachment E). Pursuant to OCC Section 16-551, the decision of the City Council is final.

STRATEGIC PRIORITIES

This agenda item is a routine operational item and does not relate to the four strategic plans adopted by City Council on May 17, 2016.

FINANCIAL IMPACT

Denial of this request would retain the status quo of the project site, and consequently, there is no financial impact to the City's General Fund.

COMMITTEE OUTCOME

This item is a public hearing and was heard by the Planning Commission; therefore, this item did not originate in Committee.

Prepared by: Scott Kolwitz, Planning Manager

ATTACHMENTS

1. Attachment A . Planning Commission Staff Reports and memos dated 10/21/21, 11/4/21, 12/2/21 and 1/13/22
2. Attachment B - Planning Commission Denial Resolution 2022-02.docx
3. Attachment C - Appeal Application
4. Attachment D - Starbucks Vineyard Appeal Letter
5. Attachment E - Draft CC Resolution #_____.docx.pdf
6. Attachment F PZ No. 21-550-01 Appeal Presentation CC Completed

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Joe Pearson II, Senior Planner

DATE: October 21, 2021

SUBJECT: **Project Name: Vineyard Starbucks Site Renovations**; Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)); 2551 North Vineyard Avenue; APN: 132-0-043-215

1) **Recommendation:** That the Planning Commission ("**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 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.

2) **Project Description and Applicant:** 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 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). For purposes of this staff report, the foregoing Project Description shall be referred to as the "**Project**". Filed by Beverly Metz, of Starbucks, 555 Anton Boulevard, Costa Mesa, CA 92626 (the "**Applicant**").

Please see the reduced Project plans (Attachment B) for more details.

3) **Existing & Surrounding Land Uses:** The Project site is currently developed with the existing Wendy's drive-through restaurant and associated infrastructure improvements. The Project is located in the El Rio West neighborhood. The following table lists and identifies the General Plan Land Use Designations, Zoning Designations, and existing land uses of the Project site and properties immediately adjacent to the site, which are also illustrated in Attachment A:

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General	General Commercial Planned Development (C-2-PD)	Fast Food Restaurant (Wendys)
North	Residential Low	Single-Family Planned Development (R-1-PD)	Single Family
South	Commercial General	C-2-PD	Shopping Center
East	Commercial General	C-2-PD	Shopping Center
West	Commercial Regional	Specific Plan (RiverPark)	Fast Food Restaurant (McDonalds)
* Zoning consistent with the 2030 General Plan.			

4) **Background Information:** The existing drive through restaurant and signage were approved in 1980, through a Special Use Permit. Since that time the site has generally remained unchanged, with only minor facade and landscape changes taking place.

5) **Environmental Determination:** In accordance with Section 15301, Class 1 (Existing Facilities) of the State California Environmental Quality Act (CEQA) Guidelines, projects involving "negligible or no expansion of use beyond that existing at the time of the lead agency's determination" may be found to be exempt from the requirements of CEQA. The Project involves a request to convert an existing drive-through fast food restaurant to another drive-through coffee shop. The small addition will only increase the building size by 50 square feet or approximately 2 percent, and will be within the existing developed area. Onsite circulation will be improved through the realignment of the drive-through lane and a

Transportation Demand Management Plan will be implemented for the site to prevent vehicles from backing-up into adjacent roadways. As a result, this Project will not result in any significant effects relating to traffic, noise, or air quality. No Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. Therefore, staff has determined that there is no substantial evidence that the Project will have a significant effect on the environment and recommends that the Planning Commission direct the Planning & Environmental Services manager to file the Notice of Exemption (Attachment C) with the Ventura County Clerk pursuant to Section 15062 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of the project.

6) Project Analysis:

a) ***General Discussion:*** As discussed below, the Project has been found to be consistent with both the 2030 General Plan and the Oxnard City Code (OCC).

The Planning Commission is the decision maker for Major Modifications pursuant to OCC §16-561(A). The modified Project is being processed with a Major Modification; therefore, the Planning Commission is the decision maker for the project.

b) ***General Plan Consistency:*** The City's 2030 General Plan land use designation for the subject site is Commercial General which allows restaurants (including drive-throughs), retail sales, and other similar uses. The existing drive-through restaurant and the proposed Project will allow for the continuation of these types of uses. As a result, the approval of this project has been determined to be consistent with the 2030 General Plan and the property's land use designation.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed Project. The three consistency classification levels are:

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.2	II	In-fill development, priority to mixed use	The Project site is within a developed area of the City and qualifies as infill.
CD 4.2 & CD 9.2	I	Commercial Revitalization and Redevelopment	The development will improve an older development near the 101-Freeway with a renovated commercial building with a drive-through and enhancements to the landscaped parking lot.
CD 9.4	I	View Corridor Preservation	North Vineyard Avenue at this location is a designated scenic corridor which requires a landscaped buffer of at least 30 feet. The existing parking lot is located within this 30-foot area and is considered to be a "legal nonconforming" existing condition. The drive-through queue will be located within this 30-foot paved area, but paved areas will be removed and additional landscaping is proposed to be installed in the 30-foot area bringing the project site more into compliance with this standard.
ER-10.1- & ICS-19.2	I	Promote use of Native and Water Wise Plants and Water Supply Findings for Smaller Projects	The Project incorporates native and water wise plants and is conditioned to comply with City's Landscape and Water Conservation Standards (Ordinance No. 2822) and applicable water conservation requirements of the State of California.
CD-5.2 SH-6.4	II	Compatible Land Use	The proposed building is consistent with the allowable Commercial General land uses and will be compatible with adjacent uses as designed, and is not anticipated to generate nuisances.
CD-15.6	II	Share of regional taxable sales	The Project will allow for the renovation of an existing building to allow for a new business, which will generate retail tax sales revenue to the City.
CD-14.1 CD-14.2	II	Design review process Development Advisory Committee (DAC) functions	The Development Advisory Committee (DAC) review process led to changes in the Project and/or conditions of approval that meet these Level II policies.
CD-18.1 CD-18.5	II	Attract new businesses Increase the availability of land for new businesses	The Project will allow for the renovation of an existing building to allow for new businesses to open.
All others	III	All policies not listed above	No or Distant Applicability to the Proposed Project.

c) ***Conformance with Zoning Development Standards:*** The proposed Project is located in the General Commercial Planned Development (C-2 PD) zoning district. Note that the Project has two front yard setbacks because the parcel is a corner lot. The Project is found consistent with the applicable development standards with the approval of the Major Modification (MJMD), to allow for an administrative parking relief under OCC

16-651(B)(4), "Off-site parking" Decrease in required parking spaces and OCC 16-651(B)(3), "Compact parking spaces".

C-2-PD "GENERAL COMMERCIAL PLANNED DEVELOPMENT" ZONE			
DEVELOPMENT STANDARD	**REQUIREMENT**	**PROPOSED**	**COMPLIES?**
Max. building height (16-137 & 16-303)	2 stories at 35 ft. Additional stories may be permitted as part of a SUP.	No Change, less than 35 feet	Yes
Front yard setback (16-139)	10 ft from ultimate property line	No Change, 15.16 ft	Yes
Side yard setback (16-140)	Zero when abuts another C-2 zoned lot.	No Change, 54.875 ft	Yes
Rear yard setback (16-141)	15 feet for buildings over 16 feet in height	No Change, 81.08 ft	Yes
Off-street parking: Required (16-622) Rounding (16-620) Motorcycle (16-624) Bicycle (16-623, 16-637) Loading (16-644) Parking Aisle (16-639, Figure 5) [ADA requirements per State Title 24 Accessibility Code] Administrative Relief From Parking Provisions (16-651)	Fast Food: 1 space per 50 gsf. 2,500 gsf =50 spaces Special design requirements are required if a drive- through facility is proposed. Stacking credit in drive through lane may count toward the required parking at basis of one auto per each 23 lineal feet of striped stacking line. A maximum credit not to exceed 30 percent of total requirement or no more than 20 spaces may be applied for stacking credit, whichever is less.	9 standard spaces + 11 compact spaces + Stacking Credit of 15 Spaces = 35 Max of 15 spaces may be counted toward stacking credit.	Yes, subject to approval of administrative relief from parking.
	Bicycle (Five Spaces) = 5	6 spaces	Yes
	Loading space for Hotels, motels, and restaurants = 1 space, (12 ft x 40 ft). 16-644(B)(1), "Loading zone requirements may be modified by the planning commission… based on the nature of the use…design characteristics of the project." Aisle Width for 90° parking = 25 ft	No Change. Parking space to be used for loading during off hours.	Yes, subject to Planning Commission approval

Parking space sizes & design: Standard (16-636 & 16-638) Motorcycle (16-638) Loading (16-644)	Full Size: 9 ft W x 19 ft L may overhang 2 ft over landscape if planter min. 5 [16-616(C)] Compact:8 ft Wx16 ft L; Max 25% of spaces w/admin relief **(50 (Required Spaces per OCC) x .25 = 12.5 (maximum number of compact spaces allowed)** Motorcycle: 4 ft W x 7 ft L Loading: 12 ft W x 40 ft L (unless alternative approval).	Standard Parking = 9 ft x 19 ft min 11 Compact Spaces ● 10 spaces 8.6 ft W x 19 ft L ● 1 space 9 ft W x 18 ft L Motorcycle = 4.5 ft x7 ft Loading Area - Standard Parking Space (legal nonconforming)	Yes, subject to approval of administrative relief from parking to allow for compact parking.
Drive-Through Facilities (16-647(D))	Stacking for three cars between the order board and the pickup window and stacking for five cars behind the order board. (8 Spaces)	16 Spaces	Yes
Parking Landscaping (16-641): ● Along streets/alleys ● Along interior PLs (for lots with 20+ spaces) ● Parking/vehicle area (16-641) ● Landscape fingers (16-641) ● Trees (for lots with 20+)	● Min. 10 ft wide landscape strip along city street ● Min. 5 ft wide side yard ● Landscape island/finger- every 10 spaces with 2 trees, 9 ft W x 20 ft L. ● Minimum 5% of area, exclusive of any other required landscaped area abutting a street or alley. ● Min. 1 tree for each 40' property line. ft frontage	<u>Existing Development</u> 9'- 7.5" along the streets (legal nonconforming) Additional landscaping proposed along Vineyard Avenue. Yes. 22.8% of the lot. 12 trees provided.	Yes

d. **Site Design, Circulation, and Parking:** The Project parcel, is a corner lot, which is accessed from two existing driveways on RiverPark Boulevard. The proposed project will not alter the overall building location and site circulation. Circulation will still be provided in a "U" shape around the existing building. The driveway closest to the intersection of Vineyard Avenue and Riverpark Boulevard will be a "right turn in only"

entrance, with the second driveway being a "right turn out only" exit. To minimize onsite conflicts the trash enclosure access is being moved from the parking lot to the alley, to allow for pick-up without impeding onsite circulation. Also, a new site wall is proposed along the north property line consistent with Oxnard City Code requirements for a screening wall between commercial zones and the Single Family Residential Zone, where they abut each other.

Due to the operational characteristics of existing Starbucks drive-through coffee shops operating in the City of Oxnard and beyond, City staff was concerned about traffic circulation both onsite and in the public right-of-way given the potential increase in the drive-through demand associated with the proposed Starbucks restaurant and inadequate vehicular queueing based on the existing configuration, which could collectively potentially interfere or block the adjacent street system and the intersection of North Vineyard Avenue/Riverpark Boulevard. As a result, the drive-through lane has been redesigned to run along the perimeter of the site, to allow for a longer queue. The current OCC requires a capacity of 8 spaces, however the current proposal provides for 16 spaces in the drive-through. Through the Development Advisory Committee process, multiple design alternatives were explored in coordination with various City departments, including Planning, Building and Engineering, Traffic, Fire, and Police. The currently proposed design was determined to best balance the onsite needs, while minimizing the potential for off-site impacts. The proposed design allowed for an increase in queueing capacity from 5 spaces to 16 spaces, without impacting onsite circulation. This will allow for emergency responders access at all times, even when the site is at full operation. The longer queue will also minimize the potential for the drive-through demand exceeding its capacity, which would impact the adjacent streets. However, while the 16-vehicle queue is not anticipated to be exceeded, a Draft Traffic Demand Management Plan (Attachment D), has been developed by the applicant team, and reviewed and accepted by City staff, which identifies both existing and future programs that can be implemented to prevent vehicles in the queue from spilling offsite. In addition to the standard operation items, some of the key component include:

1. Visibility and Exterior Camaras to allow for staff to monitor the drive-through lane.
2. Prior to capacity being reached, a Starbucks staff member will be tasked with directing cars to bypass the drive-through lane and either park, or leave the site to return when the adequate capacity has been restored.
3. Clear directional signage.

The existing site has a total of 41 parking spaces with a stacking credit of 5 spaces, for a total of 46 parking spaces. As a result of the improvements to the drive through lane onsite parking has been reduced to 20 spaces with a stacking credit of 15 spaces, for a total of 35.

Table 2: Parking Compliance

DEVELOPMENT	PARKING REQUIREMENT PER OXNARD CITY CODE SECTION 16-622(F)	STACKING REQUIREMENT PER OXNARD CITY CODE SECTION 16-647(D)	PARKING + STACKING PROVIDED	TOTAL PROVIDED
Existing Wendy's	Fast Food: 1 space per 50 gsf. 2450 gsf =49 spaces	8 Spaces	41 parking spaces + 5 stacking spaces	46 spaces
Proposed Starbuck	Fast Food: 1 space per 50 gsf. 2500 gsf =50	8 Spaces	20 parking spaces + 16 stacking spaces	35 spaces (Maximum of 15 spaces can count toward parking requirement)

OCC Section 16-651(B)(4) allows the Planning Commission to grant administrative relief from the parking provisions of the OCC when a requirement is shown to be excessive. Pursuant to the OCC the applicant has provided a parking study prepared by a professional traffic engineer registered by the State, demonstrating that the required parking is excessive and showing the amount of parking that should be required for the proposed use (Attachment E). The study used parking counts from a Starbucks in Costa Mesa, which at the time was one of the company's highest grossing stores in Southern California, and thus represents the worst case scenario. Based on the assessment, "*parking demand is typically 20 vehicles or less throughout the day, which can be readily accommodated by the proposed parking supply at the Project. During unusual peak times when more than 20 vehicles may wish to park at the Project Site, it is expected that this additional demand will be absorbed by the substantial capacity provided by the proposed enhanced drive-through lane (i.e., incoming motorists will choose to utilize the drive-through instead of walk-in service)*."

Additionally, given the close proximity of two alternative Starbucks locations, both of which are located within approximately 0.5 miles of the proposed site, it is anticipated that demand will be distributed minimizing the peak demand at any individual location. A Transportation Demand Management Plan has been prepared and conditions of approval have also been incorporated to address parking issues, in the unlikely event that they may arise after the revised site configuration is constructed.

Lastly, the project is requesting to be allowed to provide 11 of the provided parking spaces as compact parking spaces. While standard size spaces are required to be 9 ft

(width) x19 ft (length), compact parking spaces are required to have minimum dimensions of 8 ft (width) x16 ft (length). Ten of the proposed spaces are compact due to the width of the space being 5-inches short of the standard requirement of 9 ft in width. The 11th compact space is compact due to the length of the spaces being approximately 1-foot short of the standard requirement of 19 ft long. Given that the spaces are only marginally short of the standard space requirements, they will still be able to safely accommodate most vehicles in the same manner as a standard space.

The City's Traffic Engineer finds that the proposed project, as conditioned, and in the context of the documentation provided and reviewed demonstrate that there is sufficient vehicle queue and parking capacity. Therefore administrative relief from this provision is included within the MJMD application.

e) **Building Design:** The proposed 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 proposed restaurant building features a facade with contemporary stucco with new colors and materials which will consist of tan stucco and a bronze metal roof, with a weathered copper siding.

f) **Landscaping:** The Project will result in an overall increase in onsite landscaping, with the landscaping increasing from 22.8 percent of the site to 26.4 percent. The majority of the new landscaping will be installed along North Vineyard Avenue, a designated scenic corridor which requires a landscaped buffer of at least 30 feet. The existing parking lot is located within this 30-foot area and is considered to be a "legal nonconforming" existing condition. The drive-through queue will be located within this 30-foot paved area, but paved areas will be removed and additional landscaping is proposed to be installed on both linear sides of the drive-through queue within the 30-foot area. This new landscaping will bring the project site more into compliance with the General Plan's 30-foot wide landscape buffer standard. The revised site landscaping will provide parkways and landscape areas throughout the parking lot that will feature low water use, native and regionally adapted plants including grasses, succulents, and trees. Additionally, 8 trees will be added throughout the property, which will assist in meeting the requirement of 1 tree for every 40 feet of property line.

g) **Signage:** As part of the original Special Use Permit (U-916) a sign program was approved to allow for the existing signage on site. The applicant is proposing to revise the onsite site signage. Per the OCC Section 16-608, the total aggregate sign area of advertising signs cannot exceed two square feet for each lineal foot of building on the principal street or one square foot of sign area for each lineal foot of lot frontage on the principal street, whichever is larger. Using North Vineyard Avenue, the maximum sign area for the site would be 175 square feet. The aggregate sign area includes all wall signs, both sides of the freestanding sign, and ground signs, which per the provided sign program total approximately 166 square feet, which is in compliance with the OCC

(Attachment F).

Drive-through signage is considered separate from the advertising signage, and are part of the overall project approval, subject to review by the Planning Commission. The proposed menu board signage is provided in Attachment F. Given the potential increase in drive-through usage and the relocation of the menu board, a noise level analysis was provided for the proposed menu board equipment. Based on the study provided and the distance from the adjacent residential uses of approximately 50 feet, the proposed noise levels would not exceed the maximum allowable exterior noise levels for residential (50 dBA) or commercial (60 dBA) areas, pursuant to OCC Section 7-185 (Exterior Sound Standards).

7) **Development Advisory Committee:** The Project was reviewed by the Development Advisory Committee (DAC) on March 3, 2021 and May 26, 2021. Conditions of approval from DAC are included in the attached Resolution.

8) **Community Workshop and Public Input:** The Project site is located within the El Rio West Neighborhood. On July 19th, 2021, the Project was presented to the public during the City's Community Workshop meeting. Notices were mailed out to property owners of the El Rio, El Rio West, and RiverPark neighborhoods. Approximately 3,200 meeting notices were mailed by the applicant, and the Project site was posted with Project details and Community Workshop information. During the meeting one comment was received by a member of the public regarding the Project. Prior to the meeting three comments were received in response to the Community Workshop notices. The primary concerns expressed were related to traffic and circulation. As discussed above, through the DAC process and subsequent reviews, City staff from Planning, Building and Engineering, Traffic, Fire and Police have reviewed both the site design and Traffic Demand Management Plan to ensure the project will not impede traffic on the adjacent streets. Also, as conditioned if it is determined the Traffic Demand Management Plan is not functioning as needed the City shall have the ability to re-evaluate and amend the plan as needed.

   Consistent with public noticing requirements, the Planning Commission hearing was advertised in the newspaper, with an on-site posting, and by mail to property owners within 300 feet of the subject property. To date, Staff has not received any concerns or public comments regarding the proposed Project.

9) **Appeal Procedure:** In accordance with Section 16-545 of the City Code, the Planning Commission's action on PZ 21-550-01 (MJMD) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal is not filed within 18 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

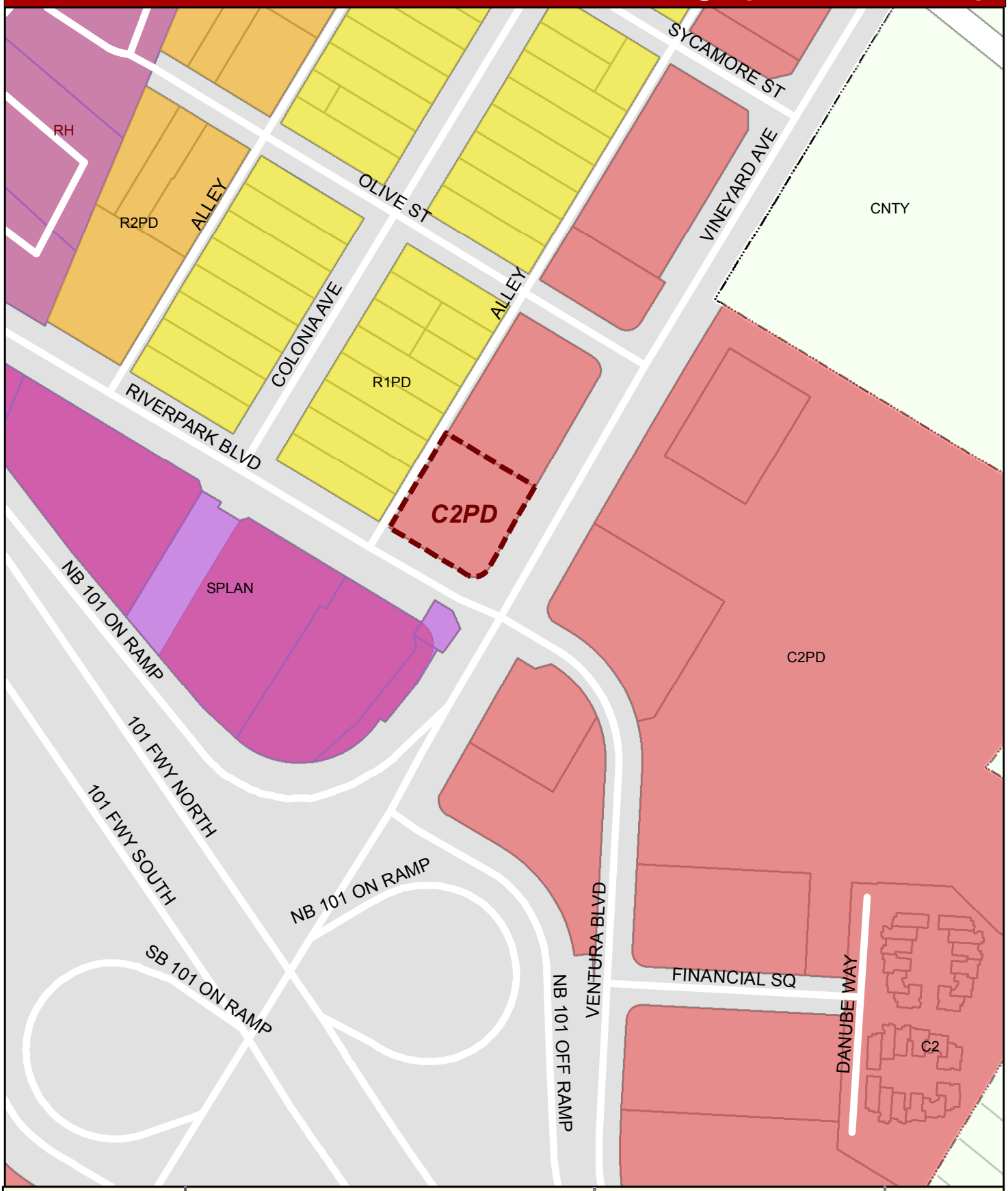
Attachments:

A. Maps (Vicinity, General Plan, Zoning, Aerial)
B. Reduced Project Plans
C. Notice of Exemption
D. Transportation Demand Management Plan
E. Parking Assessment
F. Reduced Sign Plans
G. Draft Planning Commission Resolution Approving Planning and Zoning Permit Nos. 21-550-01 (Major Modification to U-916) , subject to certain findings and conditions.
H. Staff Presentation

ATTACHMENT
A

MAPS
(VICINITY, GENERAL PLAN, ZONING, AERIAL)

Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

June 15, 2021

PZ 21-550-01
Location: 2551 N Vineyard Ave
APN:1320043215
Vineyard Starbucks Renovation

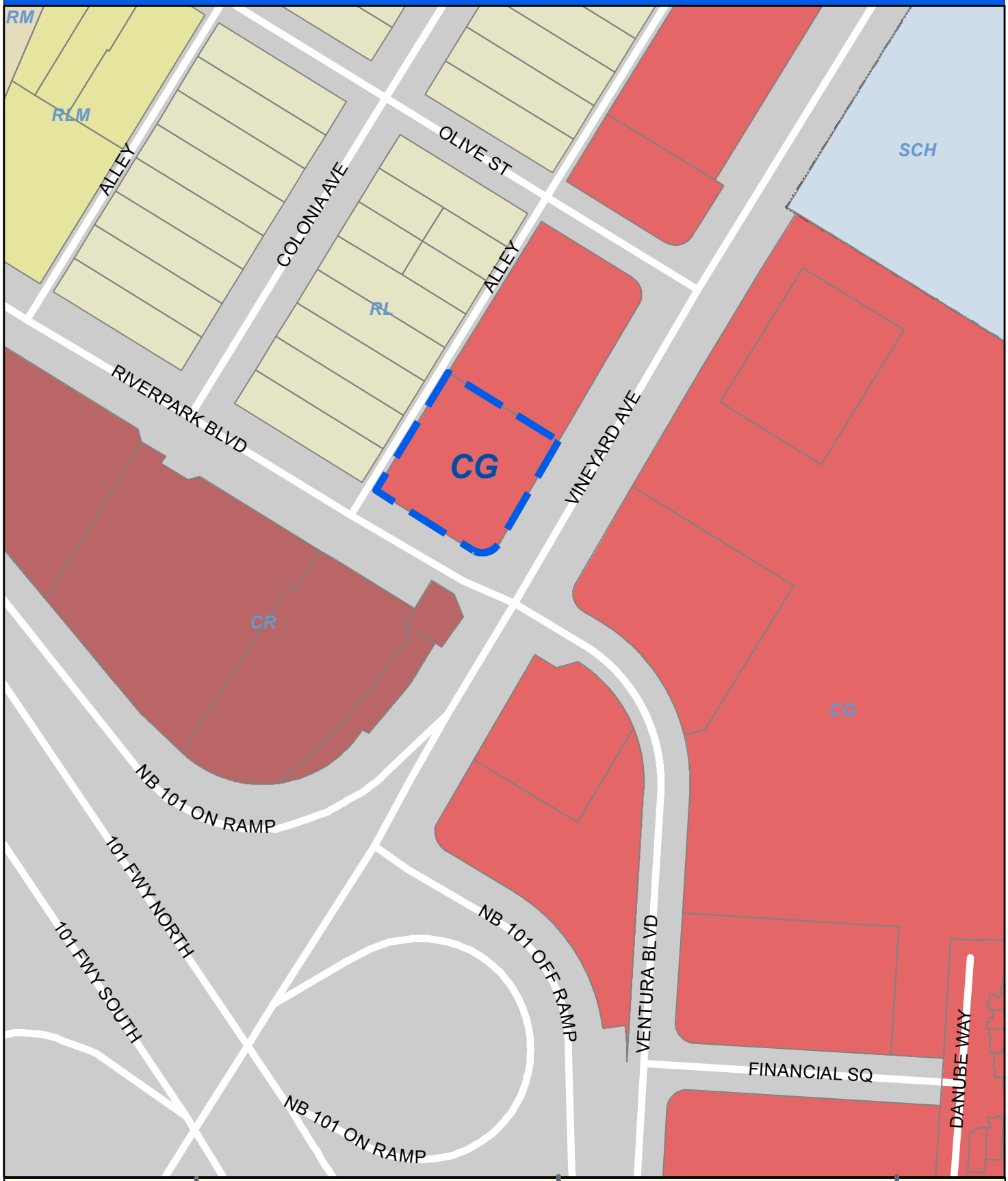
Feet
0 50 100 200 300 400

Zoning/Specific Plan Map

N W E S

1:2,500

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

June 15, 2021

PZ 21-550-01
Location: 2551 N Vineyard Ave
APN:1320043215
Vineyard Starbucks Renovation

0 50 100 200 Feet

2030 General Plan Land Use Map

N W E S

1:2,000

Vicinity Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

June15, 2021

PZ 21-550-01
Location: 2551 N Vineyard Ave
APN:1320043215
Vineyard Starbucks Renovation

Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

June 15, 2021

PZ 21-550-01
Location: 2551 N Vineyard Ave
APN:1320043215
Vineyard Starbucks Renovation

0 25 50 100 150 200 Feet

Aerial Map

N W E S

ATTACHMENT
B

Reduced Project Plans

INDEX

- **DRAWING PACKAGE**
  - EXISITING SITE PLAN
  - PROPOSED SITE PLAN
  - PROPOSED DIMENSION PLAN
  - PROPOSED FLOOR PLAN
  - PROPOSED ELEVATIONS
  - SITE PHOTOS
  - PROPOSED PHOTOMETRIC PLAN
  - PROPOSED LANDSCAPE PLAN
  - PROPOSED PYLON SIGNAGE
  - PROPOSED SIGNAGE & BIKE RACK DETAIL
  - TRASH ENCLOSURE & CMU WALL DETAIL
  - PROPOSED MATERIAL & ARTWORKS
- **SUPPLEMENTARY DOCUMENT**
  - RESPONSE LETTER
  - TRASPORTAION DEMAND MANAGEMENT PLAN
  - SIGNAGE PACKAGE
  - LIGHTING SPECIFICATION
  - CIVIL PLANS
  - LETTER OF DRAINAGE ASSESSMENT

DATE: 07/01/21
MCG JOB #: 20006.30

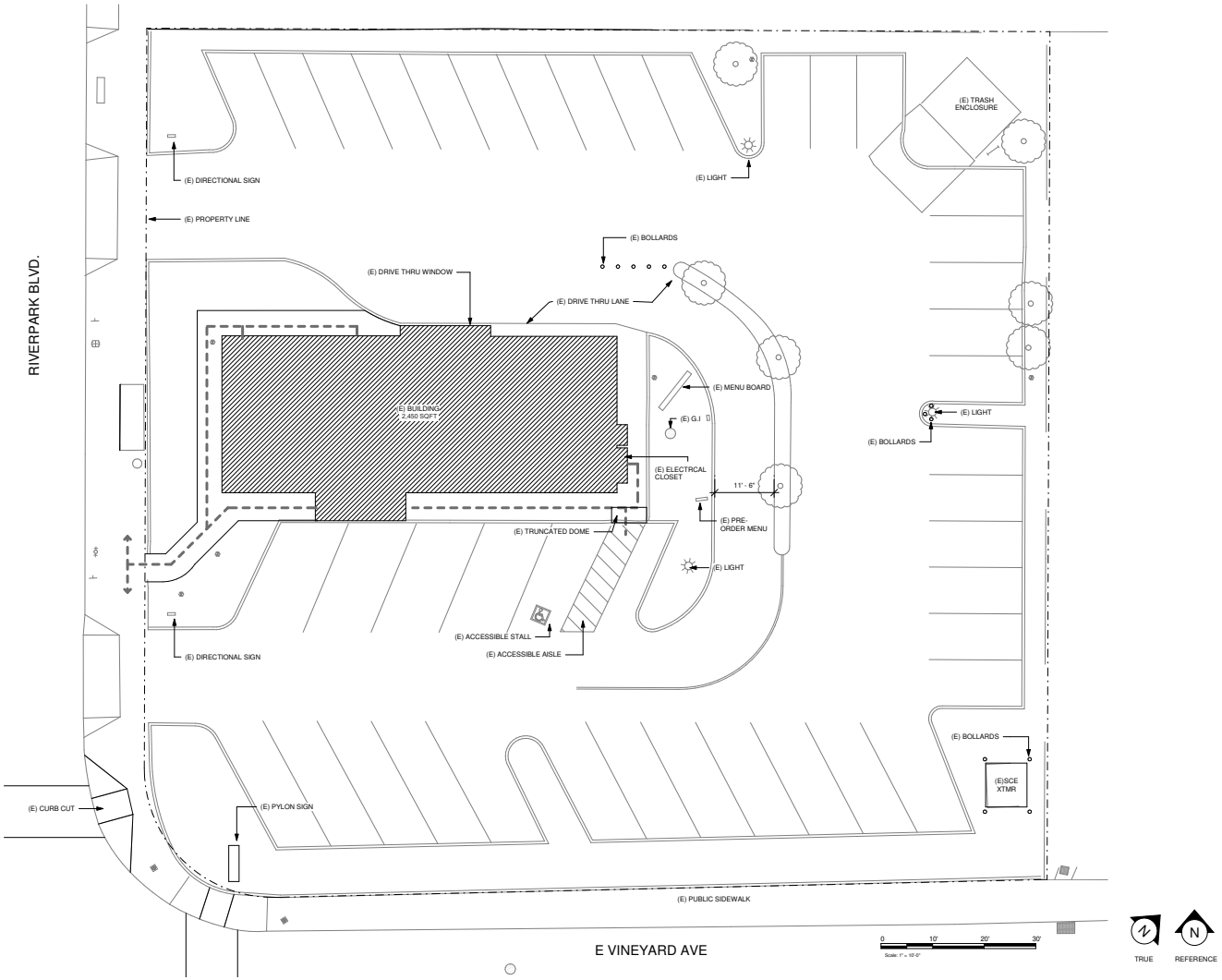
DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

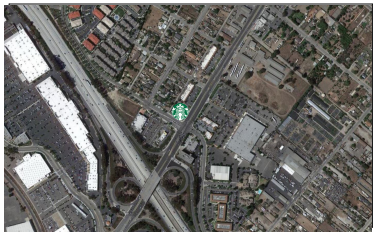
FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com



VICINITY MAP



PROJECT SUMMARY

PROJECT ADDRESS: 2551 E. VINEYARD AVE.
OXNARD, CA 93036
APN: 132-0-043-214

SCOPE OF WORK

REPURPOSE AN EXISTING RESTAURANT BUILDING WITH DRIVE-THRU FOR A NEW TENANT. EXTERIOR MODIFICATIONS ARE DRIVE-THRU BUMP OUT AND WINDOW ADDITION (40 SQFT REMOVED/ 60 SQFT ADDED) AND PAINT/FINISHES FOR REBRANDING. SITE MODIFICATIONS INCLUDE ADDITIONAL ACCESSIBLE PARKING STALL AND NEW CURB AT THE DT LANE. THERE IS NO CHANGE IN USE.

SITE SUMMARY

EXISTING BUILDING SQFT: 2,450 SQFT
LOT SIZE: +/-0.66 ACRES

REQUIRED PARKING

EXISTING ZONE: C2PD
PARKING REQUIRED (1 PER 50 SQFT): 49 SPACES

EXISTING PARKING

EXISTING PARKING SPACES: 42 SPACES
DRIVE-THRU STACKING CREDIT (1 PER 23 LNFT): 105 LNFT / 23 = 5
TOTAL: 47

BUILDING INFORMATION

	EXISTING	PROPOSED
LOT SIZE	+/-0.66 ACRES(+/-28,750 SQFT)	
BUILDING	2,450 SQFT (8.5%)	2,500 SQFT (8.7%)
PAVING	19,755.4 SQFT (68.7%)	18,669 SQFT (64.9%)
LANDSCAPE	6,553.6 SQFT (22.8%)	7,581 SQFT (26.4%)
BUILDING HEIGHT	21FT	
PARKING	47	35
-	DEMO 40 SQFT	ADDITION 90 SQFT

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

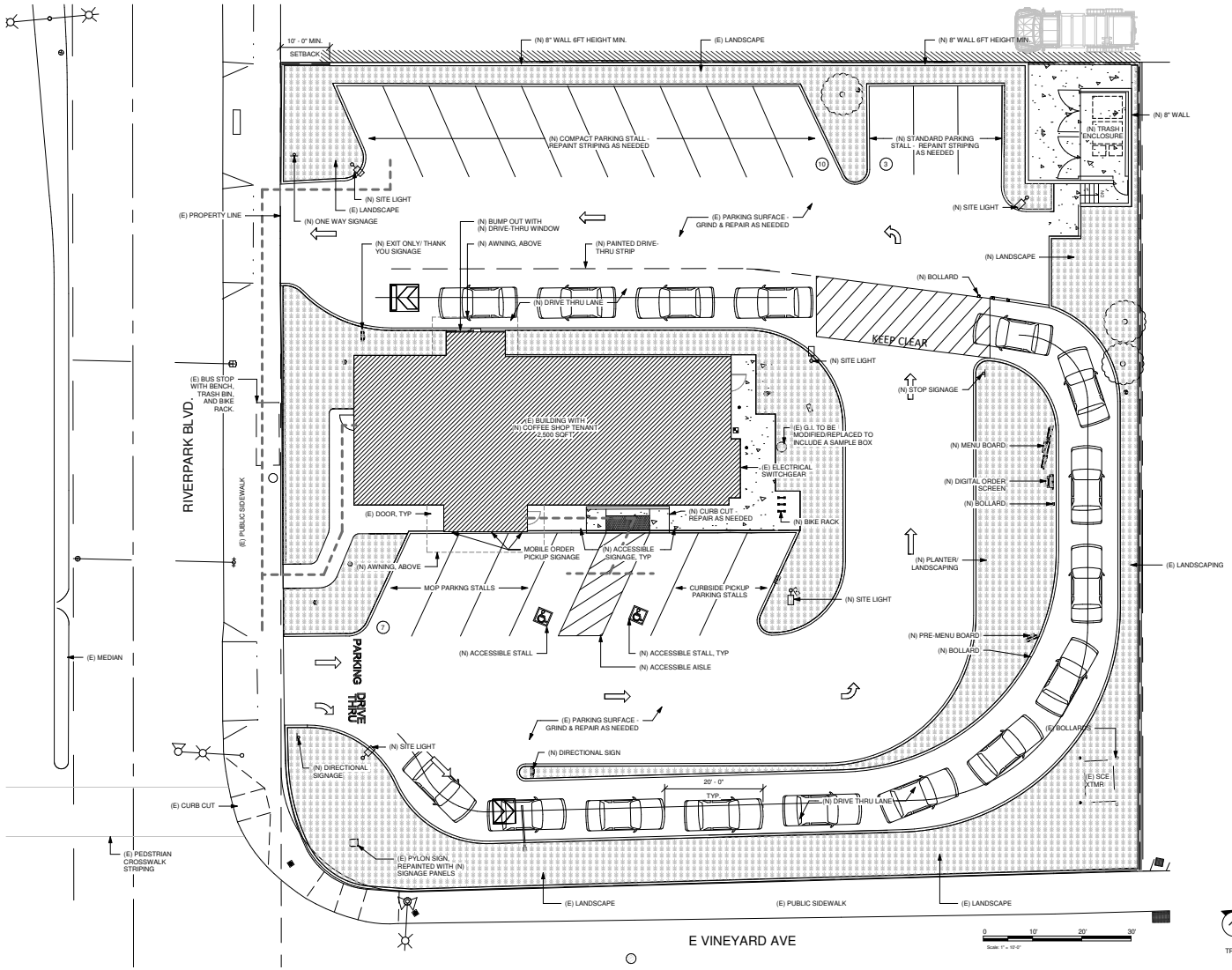
© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

EXISTING SITE PLAN

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com



SITE SUMMARY

PROPOSED BUILDING SQFT:	2,500 SQFT
GROSS LAND:	+/-0.66 ACRES +/-28,750 SQFT
LAND COVERAGE:	
BUILDING:	8.7%(2,500 SQFT)
PAVING:	65.5%(18,832 SQFT)
LANDSCAPE:	25.8%(7,418 SQFT)
REQUIRED PARKING	
EXISTING ZONE: C2PD	
PARKING REQUIRED (1 PER 50 SQFT):	49 SPACES
EXISTING PARKING	
EXISTING PARKING SPACES:	42 SPACES
DRIVE-THRU STACKING CREDIT (1 PER 23 LNFT):	105 LNFT / 23 = 5
TOTAL:	47
PROPOSED PARKING	
PROPOSED PARKING SPACES:	20 SPACES
DRIVE-THRU STACKING CREDIT (1 PER 23 LNFT):	345 LNFT / 23 = 15
TOTAL:	35
PROPOSED BIKE RACK:	6 SPACES

BUILDING INFORMATION

	EXISTING	PROPOSED
LOT SIZE	+/-0.66 ACRES(+/-28,750 SQFT)	
BUILDING	2,450 SQFT (8.5%)	2,500 SQFT (8.7%)
PAVING	19,755.4 SQFT (68.7%)	18,669 SQFT (64.9%)
LANDSCAPE	6,553.6 SQFT (22.8%)	7,581 SQFT (26.4%)
BUILDING HEIGHT	21FT	
PARKING	47	35
-	DEMO 40 SQFT	ADDITION 90 SQFT

TRUE REFERENCE

NOTE: THE DELIVERY TIME IS 4AM AND THE LOADING VEHICLE WILL USE ONE STANDARD PARKING SPACE.

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

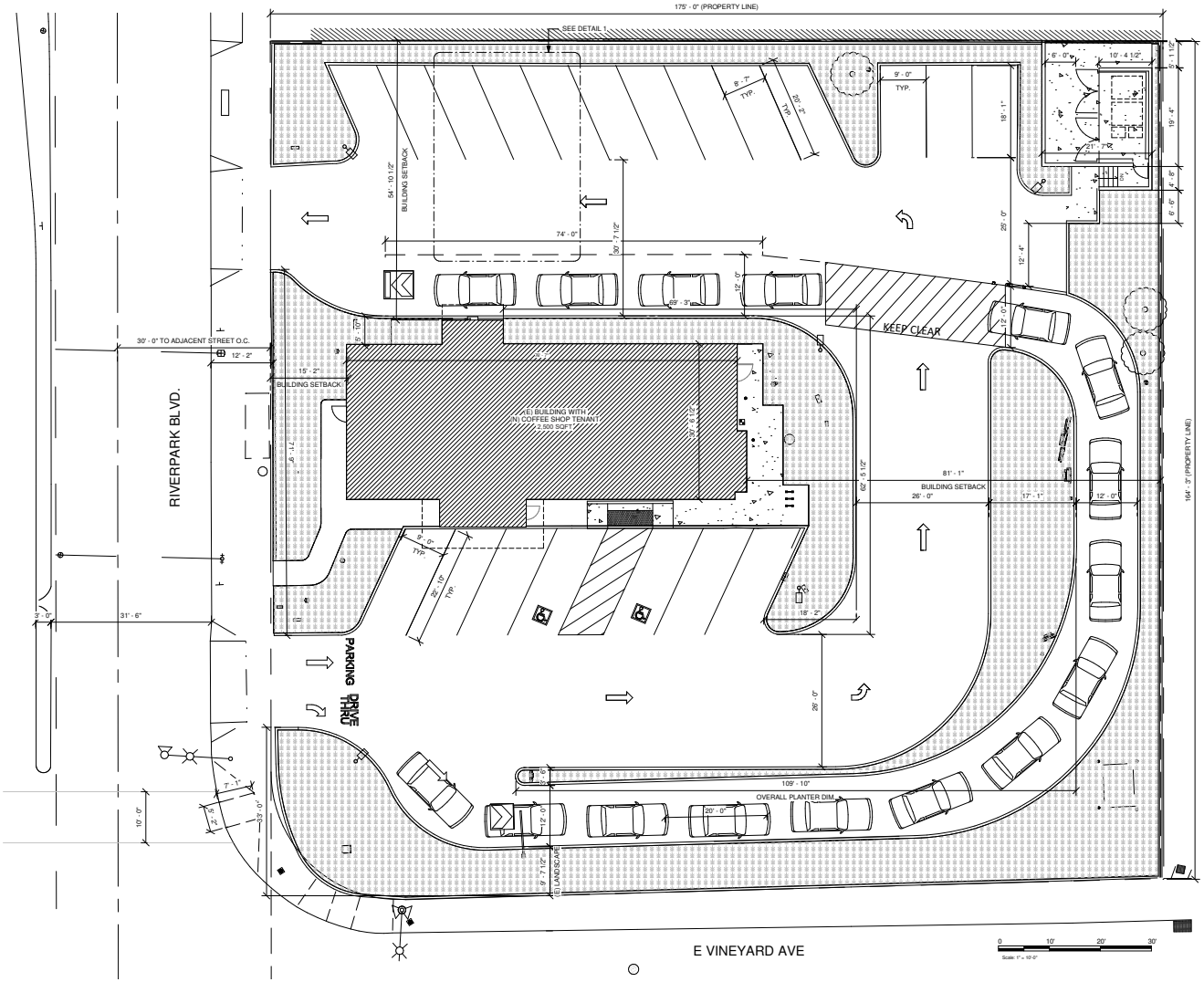
© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

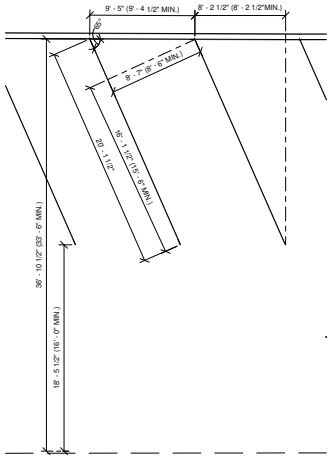
PROPOSED SITE PLAN

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com





1 ENLARGED ANGLED PARKING STALL
Scale: 1 : 60

TRUE REFERENCE

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

PROPOSED DIMENSION PLAN

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

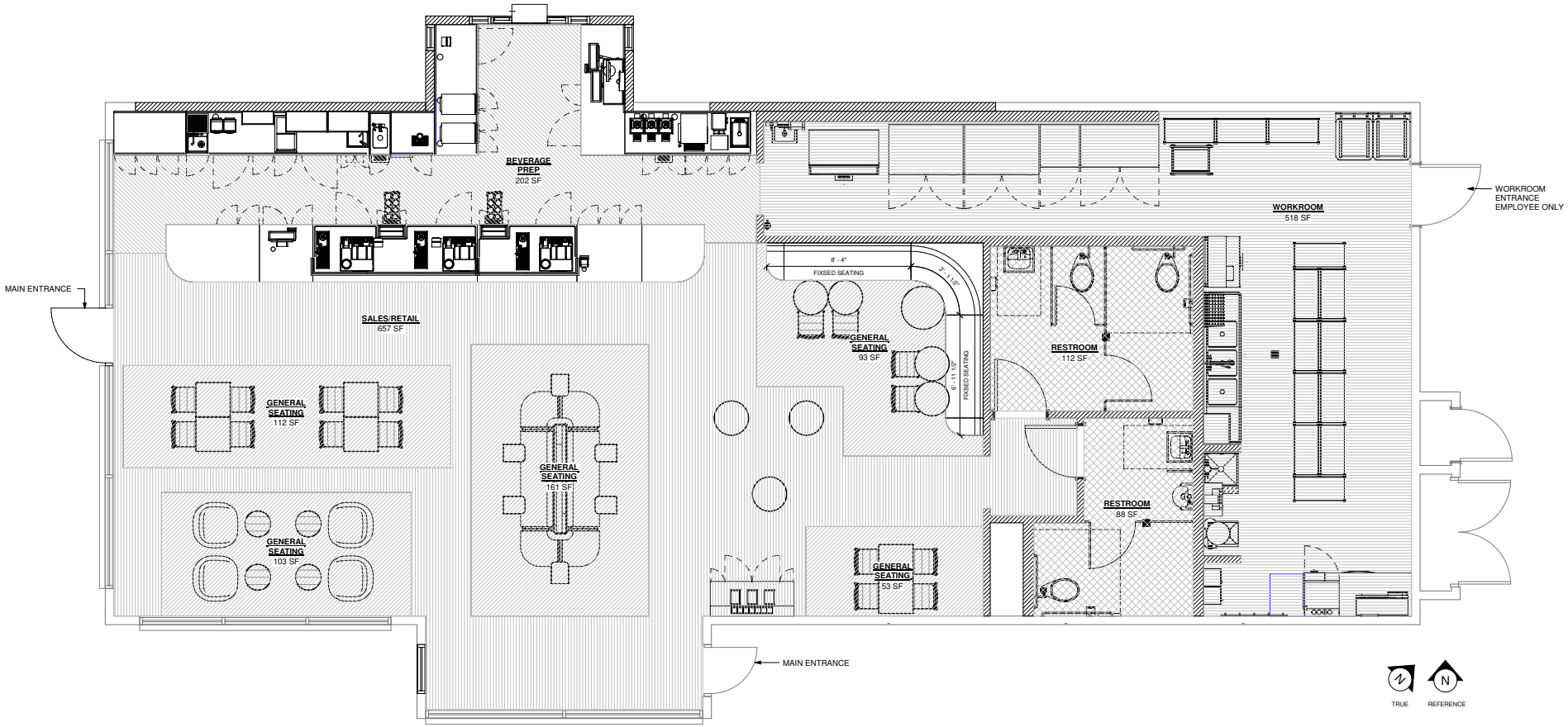
15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com

ROOM SCHEDULE

NAME	AREA
BEVERAGE PREP	202 SF
GENERAL SEATING	522 SF
RESTROOM	199 SF
SALES/RETAIL	657 SF
WORKROOM	518 SF
GRAND TOTAL	2098 SF

LEGEND

- BEVERAGE PREP
- GENERAL SEATING
- SALES/RETAIL
- WORKROOM
- RESTROOM
- DIM. — FIXED SEATING



DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

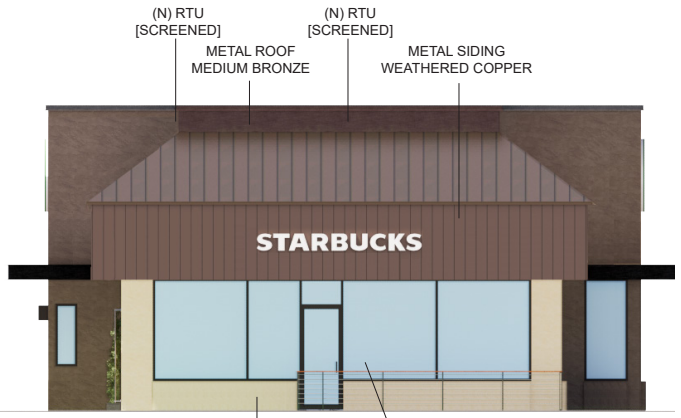
PROPOSED FLOOR PLAN

FACADE REMODEL

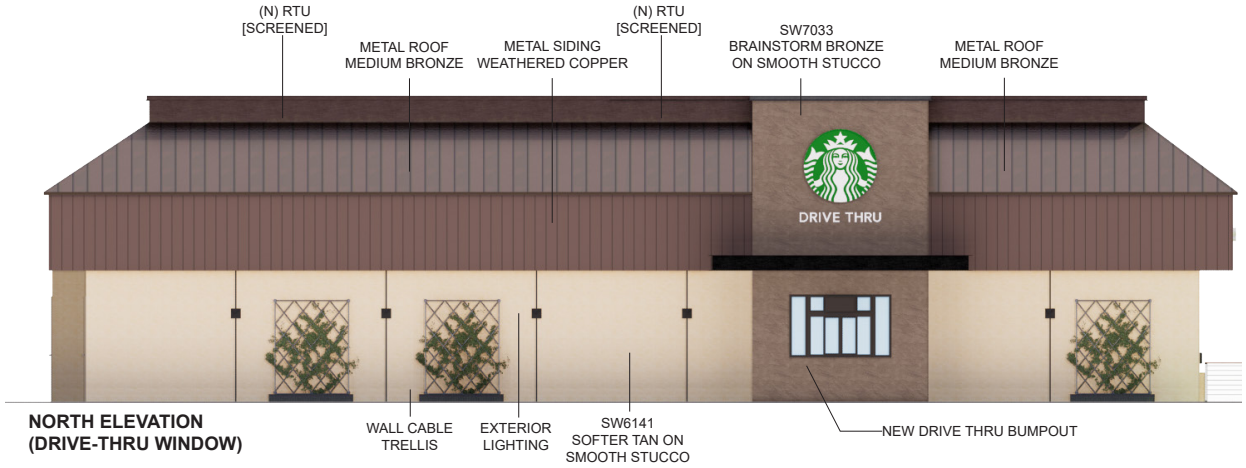
2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com

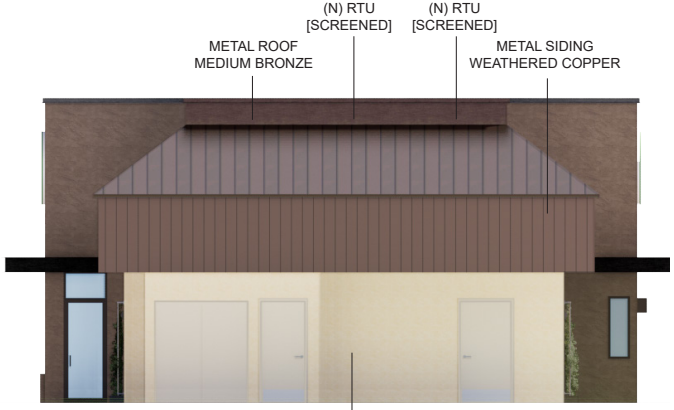
SOUTH ELEVATION (MAIN ENTRANCE)



WEST ELEVATION



NORTH ELEVATION (DRIVE-THRU WINDOW)



EAST ELEVATION

DATE:	07/01/21
MCG JOB #:	20006.30

DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

PROPOSED ELEVATIONS

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

SITE PHOTOS

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com

LUMINAIRE SCHEDULE

MARK	MANUFACTURER	CATALOG NUMBER	VOLTAGE	WATTS	MOUNTING	LAMP QTY	LAMP DESCRIPTION	LAMP TYPE	SELECTED BY OTHERS?	DIMMING PROTOCOL	REMARKS
A	SONNEMAN	2714.72-WL	120	18	WALL, SURFACE	–	INTEGRAL	LED	YES	ELV/TRAILEDGE/REV/PHASE	
S1	HUBBELL	PARQ-32SL-165-3K7-50W-UNV-A_JJ-BLT-SCP-40F-CS	208	165	GRADE, POLE	–	INTEGRAL	LED	YES	0-10V	
S2	HUBBELL	PART-80L-50L-3K7-50W-UNV-A_JJ-BLT	208	50	GRADE, POLE	–	INTEGRAL	LED	YES	0-10V	

LAMP TYPE CODES: FL=LINEAR FLUORESCENT, CFL=COMPACT FLUORESCENT, IND=INCANDESCENT, MH=METAL HALIDE, HPS=HIGH PRESSURE SODIUM, LED=LIGHT EMITTING DIODE

LUMINAIRE SCHEDULE GENERAL NOTES:

A. LUMINAIRE SYMBOLS THAT ARE SHOWN HALF-SHADED, OR LABELED "EW", ON THE PLAN(S) INDICATE LUMINAIRES THAT SERVE AS EMERGENCY LIGHTING. UNLESS SERVED BY A CIRCUIT ORIGINATING AT AN EMERGENCY PANELBOARD OR CENTRAL LIGHTING INVERTER, EMERGENCY LIGHTING LUMINAIRES SHALL BE PROVIDED WITH AN EMERGENCY BATTERY TO PROVIDE EMERGENCY ILLUMINATION FOR A MINIMUM OF 90 MINUTES.

B. INTEGRAL EMERGENCY BATTERIES SHALL MEET THE FOLLOWING MINIMUM PERFORMANCE REQUIREMENTS UNLESS OTHERWISE INDICATED:
- LINEAR FLUORESCENT LUMINAIRES: 1400 LUMENS, MINIMUM, PER LUMINAIRE.
- COMPACT FLUORESCENT LUMINAIRES: 1100 LUMENS, MINIMUM, PER LUMINAIRE.
- INTEGRATED LED LUMINAIRES RATED 1000 LUMENS OR LESS: 10 WATT, MINIMUM, OUTPUT.
- INTEGRATED LED LUMINAIRES RATED GREATER THAN 1000 LUMENS: 20 WATT, MINIMUM, OUTPUT.

C. ANY PROPOSED SUBSTITUTIONS FOR LUMINAIRES THAT ARE SELECTED BY OTHERS REQUIRE THE APPROVAL OF THE SPECIFYING ENTITY.

D. PROVIDE LIGHT EMITTING DIODES (LEDS) BINNED WITHIN A MAXIMUM THREE-STEP MACADAM ELLIPSE TO ENSURE COLOR CONSISTENCY AMONGST LUMINAIRES OF THE SAME TYPE AND LEDS THAT MEET UL STANDARD 8750 "LIGHT EMITTING DIODE EQUIPMENT FOR USE IN LIGHTING PRODUCTS," IES STANDARD LM-79 "ELECTRICAL AND PHOTOMETRIC MEASUREMENTS OF SOLID-STATE LIGHTING PRODUCTS," IES STANDARD LM-80 "MEASURING LUMEN MAINTENANCE OF LED LIGHT SOURCES," IES STANDARD TM-21 "PROJECTING LONG TERM LUMEN MAINTENANCE OF LED LIGHT SOURCES," AND ANSI C78.377 "SPECIFICATIONS FOR THE CHROMATICITY OF SOLID STATE LIGHTING PRODUCTS." LED LUMINAIRES SHALL BE MODULAR AND ALLOW FOR SEPARATE REPLACEMENT OF LED LAMPS AND DRIVERS. USER SERVICEABLE LED LAMPS AND DRIVERS SHALL BE REPLACEABLE FROM THE ROOM SIDE. LED DRIVERS SHALL BE ELECTRONIC-TYPE, LABELED AS COMPLIANT WITH RADIO FREQUENCY INTERFERENCE (RFI) REQUIREMENTS OF FCC TITLE 47 PART 15, AND COMPLY WITH NEMA SSL 1 "ELECTRONIC DRIVERS FOR LED DEVICES, ARRAYS, OR SYSTEMS." LED DRIVERS SHALL HAVE A SOUND RATING OF "A," HAVE A MINIMUM EFFICIENCY OF 85 PERCENT, AND SHALL HAVE A TOTAL HARMONIC DISTORTION (THD) OF LESS THAN 20 PERCENT AT ALL INPUT VOLTAGES.

SITE LIGHTING POLE SCHEDULE

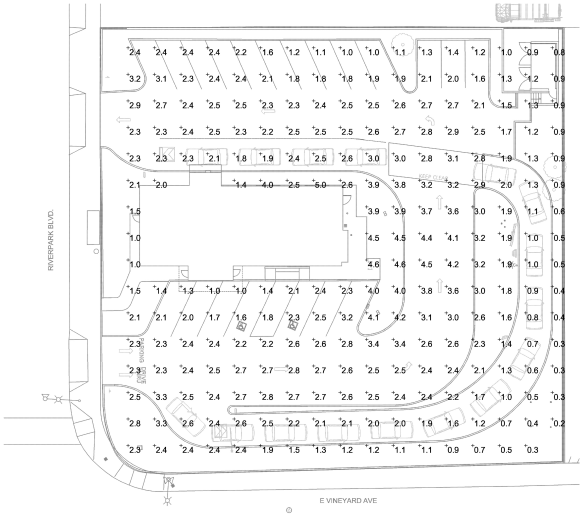
MARK	POLE TYPE	POLE HEIGHT	POLE BASE HEIGHT	GFCI RECEPTACLE?	FINISH	REMARKS
P1	STEEL, ROUND STRAIGHT	18 FEET	30 INCHES AFG	NO	TBD	

GENERAL NOTES:

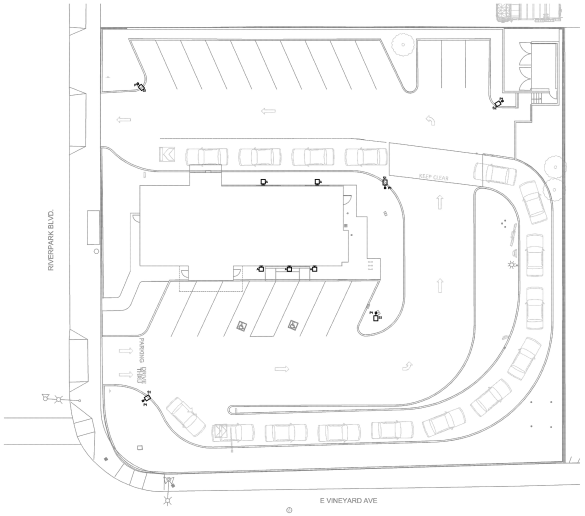
A. PROVIDE POLES WITH MAXIMUM EPA RATING GREATER THAN TOTAL EPA OF INSTALLED FIXTURE HEADS FOR WIND SPEED REGION IN WHICH THE PROJECT IS LOCATED.
B. PROVIDE POLES WITH MAXIMUM SUPPORTED WEIGHT RATING GREATER THAN THE TOTAL WEIGHT OF THE INSTALLED FIXTURE HEADS.
C. PROVIDE AN ADDITIONAL 25% EPA AND WEIGHT CARRYING CAPACITY ABOVE WHAT IS REQUIRED FOR THE INSTALLED FIXTURE HEADS WHEN CAMERAS OR BANNERS WILL BE MOUNTED ON POLES.
D. PROVIDE APPROPRIATE DRILLING OR TENONS TO INSTALL FIXTURE HEADS AS REQUIRED.
E. PROVIDE POLE CAP, HANDHOLE, ANCHOR BOLTS, AND ANCHOR BOLT COVERS FOR ALL POLES.
F. PROVIDE HINGED POLES WHEN LOCATED ON TOP DECK OF PARKING GARAGE AND WHERE INDICATED.
G. PROVIDE 300VA TRANSFORMER WITH FUSED 120 VOLT SECONDARY INSTALLED WITHIN POLE AND WIRED TO RECEPTACLE FOR POLES WITH GFCI RECEPTACLES WHEN VOLTAGE OF FIXTURE HEADS IS OTHER THAN 120 VOLTS.
H. PROVIDE 20 AMP INLINE FUSE AND FUSEHOLDER WITHIN HANDHOLE FOR EACH UNGROUNDED CONDUCTOR.

STATISTICS

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Parking Lot	+	2.2 fc	5.0 fc	0.2 fc	25.0:1	11.0:1



2 PHOTOMETRIC PLAN
Scale: 1" = 10'-0"



1 ELECTRICAL SITE PLAN
Scale: 1" = 10'-0"

Schnackel engineers
800-561-0963
www.schnackel.com

© 2017 STARBUCKS COFFEE COMPANY

STARBUCKS COFFEE COMPANY
2401 UTAH AVENUE SOUTH
SEATTLE, WASHINGTON 98134
(206) 318-1575

THESE DRAWINGS AND SPECIFICATIONS ARE CONFIDENTIAL AND SHALL REMAIN THE SOLE PROPERTY OF STARBUCKS CORPORATION, WHICH IS THE OWNER OF THE COPYRIGHT IN THIS WORK. THEY SHALL NOT BE REPRODUCED (IN WHOLE OR IN PART), SHARED WITH THIRD PARTIES OR USED IN ANY MANNER ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT WITHOUT THE PRIOR WRITTEN CONSENT OF STARBUCKS CORPORATION. THESE DRAWINGS AND SPECIFICATIONS ARE INTENDED TO EXPRESS DESIGN INTENT FOR A PROTOTYPICAL STARBUCKS STORE (WHICH IS SUBJECT TO CHANGE AT ANYTIME) AND DO NOT REFLECT ACTUAL SITE CONDITIONS. NEITHER PARTY SHALL HAVE ANY OBLIGATION NOR LIABILITY TO THE OTHER (EXCEPT STATED ABOVE) UNTIL A WRITTEN AGREEMENT IS FULLY EXECUTED BY BOTH PARTIES.

ARCHITECT OF RECORD
mcg architecture
San Francisco
Overland Park
Irvine
15635 Alton Parkway, Suite 100, Irvine, CA 92618
P: 949.553.1117 F: 949.474.7056

ENGINEER STAMP
PRELIMINARY DRAWINGS NOT FOR CONSTRUCTION
06-22-21

PROJECT NAME:
VINEYARD AND RIVERPARK

PROJECT ADDRESS:
2551 E. VINEYARD AVE.
OXNARD, CA 93036

STORE #:	64612
PROJECT #:	89321-001
PROFILE TYPE:	CORE
ISSUE DATE:	12-15-20
PROGRAM MANAGER:	
STORE DESIGNER:	K.RIFFKIN
LEED® AP:	N/A
CHECKED BY:	GRS
MCG PROJECT #:	20007
MCG PROJ. MANAGER:	C.LEE
MCG PROJ. SPECIALIST:	S.PARK

Revision Schedule

Rev	Date	By	Description

SHEET TITLE:
ELECTRICAL SITE PLAN
SCALE: AS SHOWN

SHEET NUMBER:
E-0000

DATE:	07/01/21
MCG JOB #:	20006.30

DATE:	REVISIONS

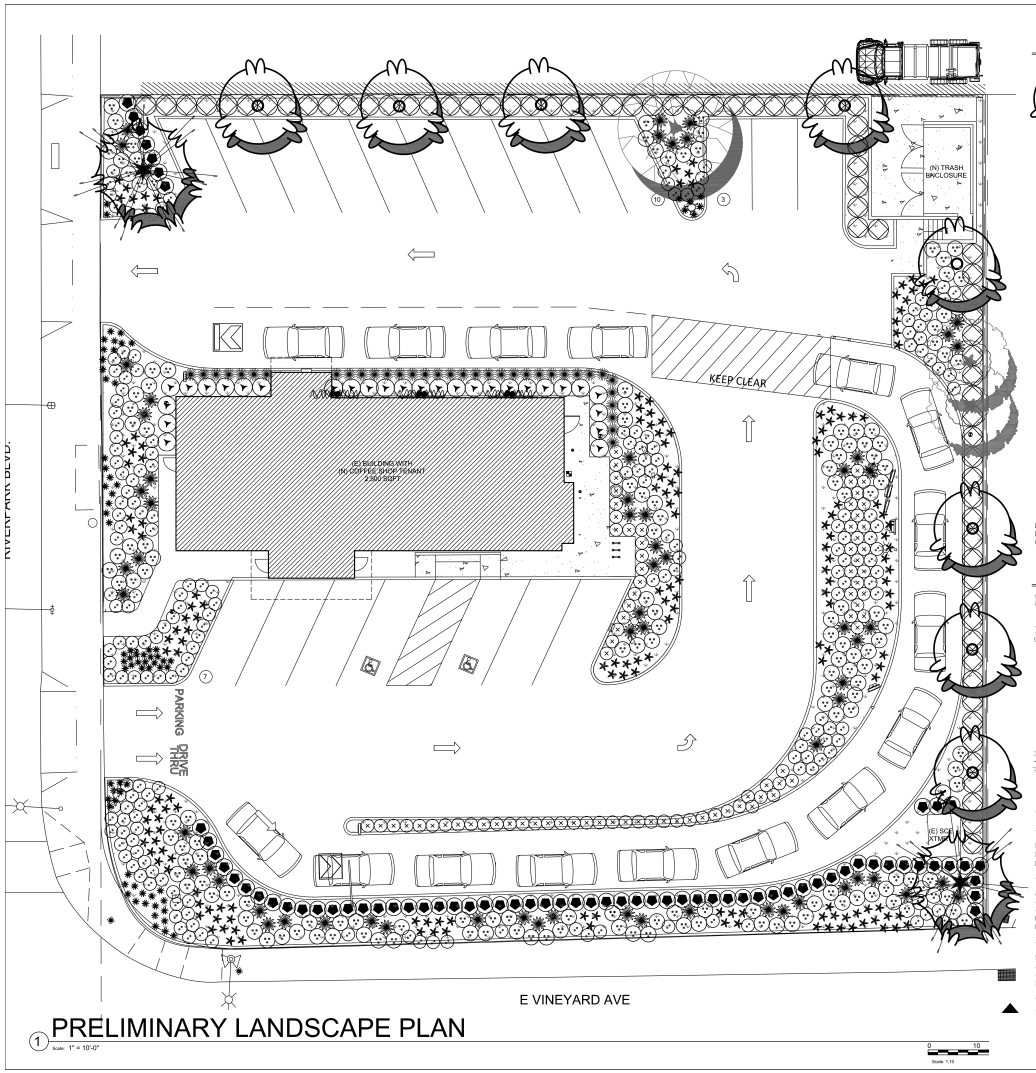
© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

PROPOSED PHOTOMETRIC PLAN

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com



1 PRELIMINARY LANDSCAPE PLAN

Scale: 1" = 10'-0"

PROPOSED PLANT PALETTE

SYM	BOTANICAL NAME	COMMON NAME	SIZE	QNTY
TREES				
	RHUS LANCEA	AFRICAN SUMAC	36" BOX STANDARD	8
	PARKINSONIA 'DESERT MUSEUM'	PALO VERDE	48" BOX LOW BRANCHING	8
SHRUBS				
	ELAEAGNUS PUNGENS	SILVERBERRY	5 GAL	
	LEUCOPHYLLUM L. 'LYNN'S LEGACY'	TEXAS RANGER	5 GAL	
	LANTANA 'NEW GOLD'	NEW GOLD LANTANA	5 GAL	
	LEUCOPHYLLUM L. 'GREEN CLOUD'	TEXAS RANGER	5 GAL	
	LANTANA MONTEVIDENSIS	TRAILING LANTANA	1 GAL	
	AGAVE PARRYI	PARRY'S AGAVE	5 GAL	
	ALOE STRIATA	CORAL ALOE	5 GAL	
	CALLISTEMON 'LITTLE JOHN'	BOTTLEBRUSH SHRUB	5 GAL	
	HESPERALOE P. 'BRAKELIGHT'	RED YUCCA	5 GAL	
	HELICTOTRICHON SEMPERVIRENS	BLUE OAT GRASS	5 GAL	
VINES				
	PARTHENOCISSUS TRICUSPIDATA	BOSTON IVY	5 GAL	
	HARDENBERGIA 'HAPPY WANDERER'	PURPLE LILAC VINE	15 GAL ESPALLIER	
GROUNDCOVER				
	AGUINAGA 'FOREST FLOOR'	MULCH 1 / 2" - 1-1/2"	3" THICK LAYER	

NOTE:
LANDSCAPING WILL COMPLY WITH THE APPLICABLE PARKS DEPARTMENT LANDSCAPE STANDARDS AND WATER CONSERVING LANDSCAPE ORDINANCE.

TREE TABULATION CHART

EXISTING TREES TO REMAIN

MELALEUCA QUINQUENERVIA	FLAX LEAF PAPER BARK	PROTECT-IN-PLACE	3
SCHINUS TEREBINTHIFOLIUS	BRAZILIAN PEPPER	PROTECT-IN-PLACE	1
PINUS CANARIENSIS	CANARY ISLAND PINE	PROTECT-IN-PLACE	1

PERIMETER TREES

TREE QUANTITIES
PERIMETER TREES REQUIRED = 9
PERIMETER TREES PROVIDED = 12 (4 EXISTING & 8 PROPOSED)
EXCESS PERIMETER TREES = 3 (PROPOSED)

TREE COSTS
24" BOX INSTALLED = $ 250.00
36" BOX INSTALLED = $ 650.00
48" BOX INSTALLED = $ 1,150.00
UPGRADE 24" BOX TO 36" BOX = $ 400.00
UPGRADE 24" BOX TO 48" BOX = $ 900.00

TREE UPGRADE COSTS
5 - 24" BOX PERIMETER AFRICAN SUMAC TREES UPGRADED TO 36" BOX @ 400.00 EA = $ 2,000.00
3 - 36" BOX EXCESS PERIMETER AFRICAN SUMAC TREES @ 650.00 EA = $ 1,950.00
4 - 24" BOX PALO VERDE TREES UPGRADED TO 48" BOX @ 900.00 EA = $ 3,600.00
SUBTOTAL = $ 7,550.00

TOTAL COSTS
TOTAL VALUE OF TREE UPGRADES = $ 7,550.00
TOTAL VALUE OF 3 EXISTING FLAX LEAF PAPER BARK TREES TO BE REMOVED = $ 7,050.00

© 2017 STARBUCKS COFFEE COMPANY

STARBUCKS COFFEE COMPANY
2401 UTAH AVENUE SOUTH
SEATTLE, WASHINGTON 98134
(206) 318-1575

THESE DRAWINGS AND SPECIFICATIONS ARE CONFIDENTIAL AND SHALL REMAIN THE SOLE PROPERTY OF STARBUCKS CORPORATION, WHICH IS THE OWNER OF THE COPYRIGHT IN THIS WORK. THEY SHALL NOT BE REPRODUCED (IN WHOLE OR IN PART), SHARED WITH THIRD PARTIES OR USED IN ANY MANNER ON OTHER PROJECTS OR EXTENSIONS TO THIS PROJECT WITHOUT THE PRIOR WRITTEN CONSENT OF STARBUCKS CORPORATION. THESE DRAWINGS AND SPECIFICATIONS ARE INTENDED TO EXPRESS DESIGN INTENT FOR A PROTOTYPICAL STARBUCKS STORE (WHICH IS SUBJECT TO CHANGE AT ANYTIME) AND DO NOT REFLECT ACTUAL SITE CONDITIONS. NEITHER PARTY SHALL HAVE ANY OBLIGATION NOR LIABILITY TO THE OTHER (EXCEPT STATED ABOVE) UNTIL A WRITTEN AGREEMENT IS FULLY EXECUTED BY BOTH PARTIES.

ARCHITECT OF RECORD
mcg architecture
San Francisco Orange County Irvine
15635 Alton Parkway, Suite 100, Irvine, CA 92618
P: 949.553.1117 F: 949.474.7056

CHARLES TROWBRIDGE AND ASSOCIATES
SAFE AGRICULTURE
LANDSCAPE ARCHITECTURE
PH (714) 533-3663 FAX (714) 533-3667
CHARLES@CTALA.COM
LANDSCAPE ARCHITECTURE, LLC, A CORP.

PROJECT NAME: VINEYARD & RIVERPARK
PROJECT ADDRESS: 2551 E. VINEYARD AVE. OXNARD CA, 93036

STORE #:	88762-001
PROJECT #:	TBD
PROFILE TYPE:	
ISSUE DATE:	
PROGRAM MANAGER:	
STORE DESIGNER:	
LEED® AP:	N/A
CHECKED BY:	
MCG PROJECT #:	20006
MCG PROJ. MANAGER:	C.LEE
MCG PROJ. SPECIALIST:	

Revision Schedule

Rev	Date	By	Description

SHEET TITLE:
PRELIMINARY LANDSCAPE PLAN
SCALE: AS SHOWN

SHEET NUMBER:
LP-1

DATE:	07/01/21
MCG JOB #:	20006.30

DATE:	REVISIONS

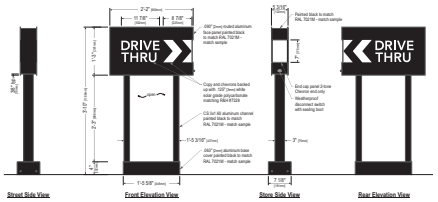
© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

PROPOSED LANDSCAPE PLAN

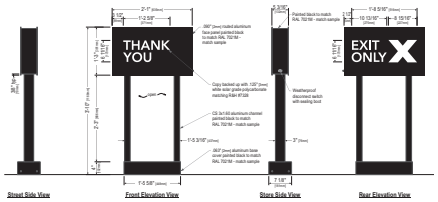
FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

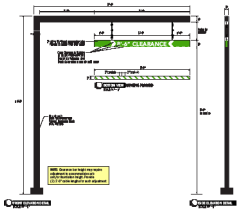
15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com



DIRECTIONAL SIGNAGE



EXIT ONLY/THANK YOU SIGNAGE

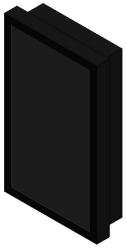


CLEARANCE BAR

Product Specifications

LENGTH INCHES	14-1/2
HEIGHT INCHES	34
COLOR FINISH	Black
ASSEMBLY	Unassembled
BRAND	Global Industrial
CONSTRUCTION	12-Gauge Steel
MOUNT TYPE	Flange for Existing Cement
TUBE DIAMETER INCHES	1-5/8
TYPE	U-Bike Rack
WEIGHT LBS	12.2

PRE-MENU BOARD



DIGITAL ORDER SCREEN

5-PANEL MENU BOARD

MOBILE ORDER PICKUP SIGNAGE

ACCESSIBLE SIGNAGE

STOP SIGNAGE

ENTRANCE SIGNAGE

Accepts Up to 2 Bikes Alone or Can Be Used Side-by-Side to Store Multiple Bikes

BIKE RACK DETAIL

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

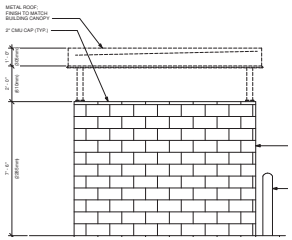
PROPOSED SIGNAGE & BIKE RACK DETAIL

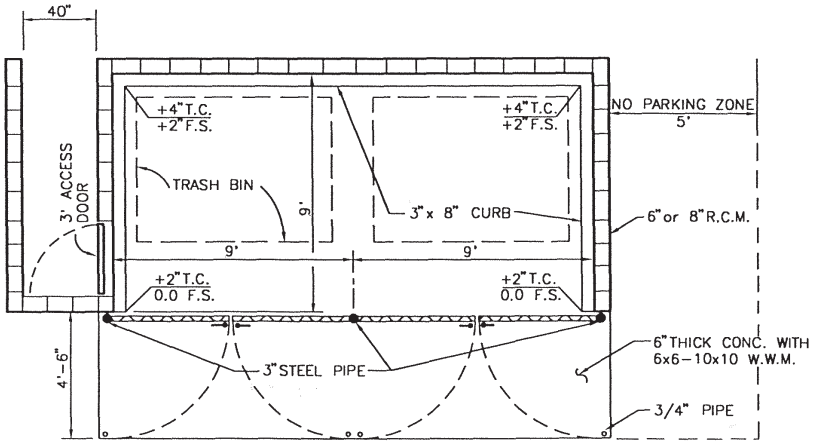
FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com

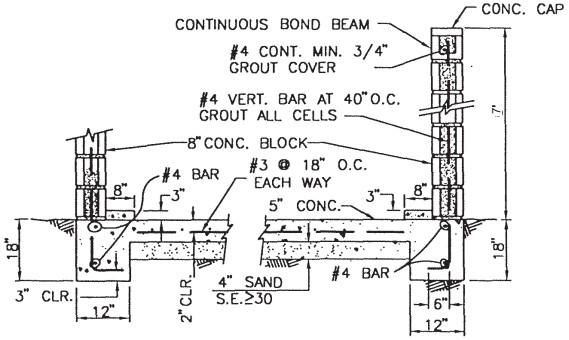
ROOF: A SOLID ROOF WITH 8 FEET OF CLEARANCE IS REQUIRED ON ALL TRASH ENCLOSURES.





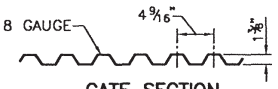
PLAN VIEW

10'-4" X 19'-4" TRASH ENCLOSURE WILL BE PROVIDED TO ACCOMMODATE DOUBLE 4 YARD DUMPSTERS AND DOUBLE 64 GALLON TOTES.

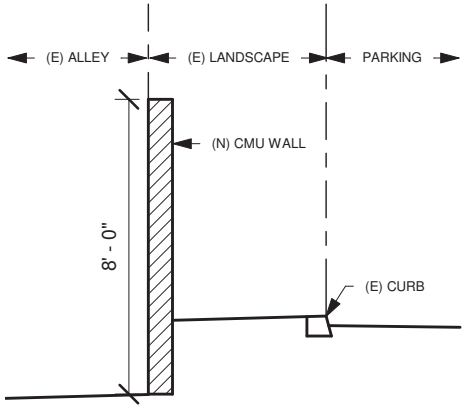


FOOTING SECTION

ALTERNATE FOOTING



GATE SECTION



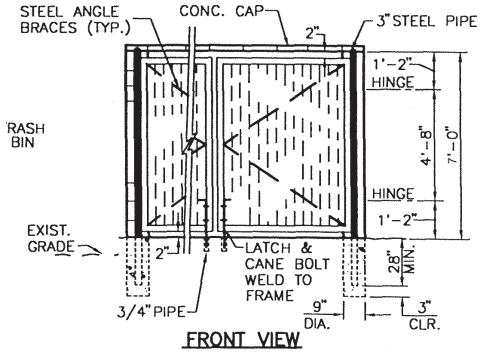
CMU WALL SECTION

CMU WALL ELEVATION

PLEASE SEE CIVIL DRAWING FOR MORE INFORMATION.

SMOOTH CONCRETE BLOCK PAINTED SW7031 MEGA CREIGE

BOSTON IVY



FRONT VIEW

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

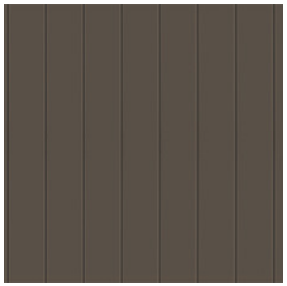
© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

TRASH ENCLOSURE & CMU WALL DETAIL

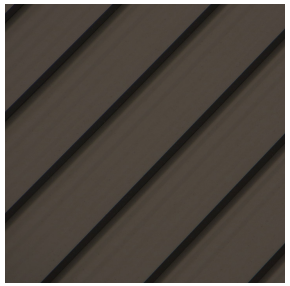
FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
949.553.1117 949.474.7056
www.mcgarchitecture.com

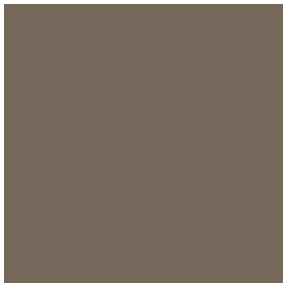


METAL SIDING
WEATHERED COPPER



STANDING SEAM ROOF
MEDIUM BRONZE

SW6141 SOFTER TAN



SW7033 BRAINSTORM
BRONZE

SMOOTH STUCCO TO BE
PAINTED

WALL CABLE TRELLIS WITH
PLANT BASE

DATE: 07/01/21
MCG JOB #: 20006.30

DATE:	REVISIONS

© MCG ARCHITECTURE 2019 ALL RIGHTS RESERVED
NOTE: This information is conceptual in nature and is subject to adjustments pending further verification along with Client, Tenant, and Governing Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

PROPOSED MATERIAL

FACADE REMODEL

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com

ATTACHMENT
D

Transportation Demand Management Plan

Transportation Demand Management Plan

Prepared for: The City of Oxnard

Prepared by: MCG Architecture

Revised: June 21, 2021

Per the U.S. Department of Transportation, transportation demand management (TDM), or simply demand management, is defined a set of strategies aimed at maximizing traveler choices. The following are several performance-based approaches that Starbucks employs nationwide to provide customers with the maximum number of choices to make purchases from a store, while mitigating the impacts to regular traffic flow.

1. Intentional Site Selection
    a. Careful consideration is given to each site to ensure customers will have many convenient options for transportation. This particular site is directly adjacent to a bus stop, providing a ride share option. It is also within walking distance of both single and multi-family developments as well as the Martinez & Vineyard Shopping Centers.
    b. These items are indicated on the Site Plan attached by numbers ①.

2. Effective Site Planning & Data-Driven Menu Board Placement
    a. For this project, Starbucks engaged with MCG Architecture for over a year to determine the most efficient site plan design given the constraints of this existing site. Countless iterations focused balancing parking requirements with drive-thru stacking length. Particular attention was given to traffic flow and safety.
    b. Through its many drive-thru locations already in operation, Starbucks has gathered extensive data on the most efficient placement of the menu board so that the flow of customers is steady. After customers place their order, they proceed to the pick-up window where their drink is simultaneously ready. Every effort is made to reduce waiting time at any given point.

3. "Mobile Order & Pay" or MOP
    a. Starbucks launched "Mobile Order & Pay" in 2015, combining the company's existing payment system with new online ordering features that let you order ahead for pickup at stores. According to an earnings document published on Oct. 1, 2020, almost a quarter of all transactions (24%) at Starbucks stores in the US are mobile orders through the company's app.[1,2]
    b. How it works: Customers place their orders (including payment) ahead of time using the Starbucks Mobile App. When the customer arrives at the store, they will find their order is ready for them to pick up on the counter.
    c. The MOP program relieves orders placed in the drive-thru lane and customers are in and out of parking stalls within a few minutes at most.
    d. Designated parking stalls for this program are indicated on the Site Plan attached by number ②.

4. Curbside Pick-up
    a. Starbucks' customers have evolved an increased desire for flexibility and convenience. In response, Starbucks added Curbside Pick-up options to many locations to further increase the efficiency of the "Mobile Order & Pay" program by bringing offerings out to the car rather than requiring the customer to enter the store.
    b. How it works: Customers place their orders (including payment) ahead of time using the Starbucks Mobile App. When a customer arrives at the store, they are able to check in using the same app and note which spot they are parked in. Starbucks Partners are alerted to the customer's arrival and bring the order directly out to the car.
    c. The Curbside Pick-up program relieves orders placed in the drive-thru lane and customers are in and out of parking stalls within a few minutes at most.
    d. Designated parking stalls for this program are indicated on the Site Plan attached by number ③.

5. Delivery in partnership with UberEats
    a. With customers shifting preferences towards delivery rather than dining-in, Starbucks has partnered with UberEats to introduce a new choice for customer convenience.
    b. How it works: Customers place their orders through the UberEats app. Orders are prepared similar to the "Mobile Order & Pay" and Curbside Pick-up programs. A delivery driver, designated by UberEats, picks up the order(s) and delivers it/them to the customer.
    c. The Delivery program relieves orders placed in the drive-thru lane and the parking lot. It is possible for multiple orders to be picked up at once. Delivery drivers are in and out of parking stalls within a few minutes at most.
    d. There are no specific designated parking stalls for this program, however, delivery drivers are eligible to use the "Mobile Order & Pay" designated stalls, indicated on the Site Plan attached by number ②.

6. Flexible or Hand-Held Order Point(s)
    a. A new program, which is currently being developed and tested at select locations, allows for orders and payment to be taken ahead of the fixed Order Point. The feedback from this pilot program will aid the company in determining its effectiveness and most impactful times for deployment.
    b. How it works: The Handheld Order Point will be used to take orders earlier, allowing labels to be printed earlier and potentially providing more time to prepare orders, when necessary as determined by the store's operators.
    c. Starbucks is currently assessing stores that are good candidates for this trial program.
    d. The potential location of this kiosk is indicated on the attached Site Plan by number ④.

[1]'Starbucks Mobile Order & Pay Now Available to Customers Nationwide' 2015, Stories.Starbucks.com, 22 September 2015, Accessed 22 April 2021 <https://stories.starbucks.com/stories/2015/starbucks-mobile-order-pay-now-available-to-customers-nationwide/>

[2]Campbell, Ian 2020 'Starbucks says nearly a quarter of all US retail orders are placed from a phone', The Verge, 30 October 2020, Accessed 21 April 2021 https://www.theverge.com/2020/10/30/21540908/starbucks-app-q4-earnings-mobile-payments

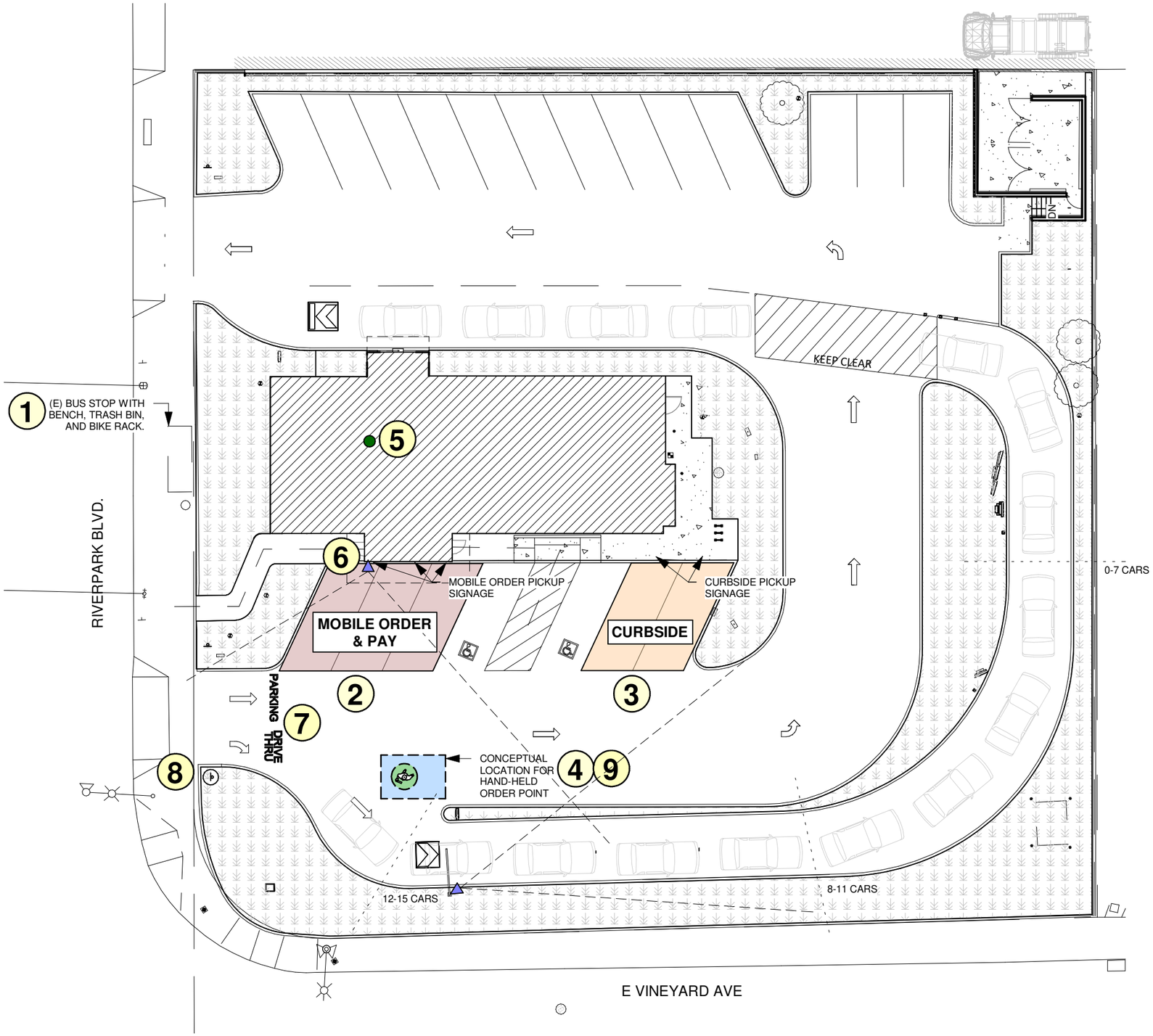
Site Specific Performance-Based Measures & Mitigation

A. Visibility & Exterior Cameras
   a. The Site Plan for Starbucks at Vineyard & Riverpark is designed with a direct line-of-sight from the Starbucks partner at the point of sale to the 15th & 16th cars in the drive-thru lane. This will allow the partner to observe and monitor the traffic flow throughout the day. See Site Plan number ⑤.
   b. At least one (1) exterior camera will be mounted to face the drive-thru lane. This will also allow partners in the Back of House and the Store Manager to observe the flow as a second set of eyes. See Site Plan number ⑥.

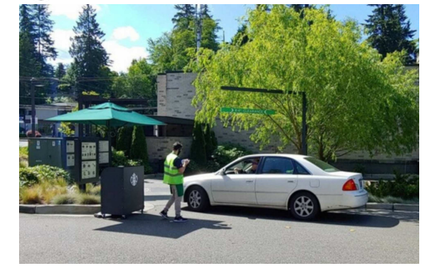
B. Signage & Directional Markings
   a. Directional arrows shall be placed on the pavement at the entry drive aisle to clearly define thru-traffic from drive-thru traffic. See Site Plan number ⑦.
   b. Additional pole-mounted signage will be placed at the entry to the site indicating that cars should not overflow onto the street and block traffic. See Site Plan number ⑧.

C. Partner-Guided Traffic Flow
   a. Should the traffic exceed the capacity of the drive-thru lane and if it is safe to do so, a Starbucks partner may be tasked with directing cars to bypass the drive-thru lane and either park, or leave the site to return when the traffic backup is mitigated. See Site Plan number ⑨.

D. Example Decision-Making Metrics
   a. Starbucks partners and the Store Manager will have the ability to implement and modify this plan based on observed performance metrics as follows:
      i. **0-7 cars observed in lane:** No action; typical traffic flow
      ii. **8-11 cars observed in lane:** Observations are vocally shared with all partners to increase efficiency where possible.
      iii. **12-15 cars observed in lane:** Store Manager is aware of the situation and designates an available partner to prepare to direct traffic, if needed; Store Manager deploys traffic mitigation methods including but not limited to those discussed in this TDM plan.
      iv. **16+ cars observed:** Store Manager deploys designated partner to direct traffic on-site.



4 **HAND-HELD ORDER POINT**



1 **SITE**

DATE: 07/01/21

MCG PROJECT #: 20006.30

TRAFFIC DEMAND MANAGEMENT PLAN

© MCG ARCHITECTS 2018 ALL RIGHTS RESERVED

NOTE: This information is conceptual in nature and is subject to adjustments pending further verification and Client, Tenant, and Governmental Agency approvals. No warranties or guaranties of any kind are given or implied by the Architect.

15635 Alton Parkway, Suite 100, Irvine, CA 92618
P: 949.553.1117 F: 949.474.7056

ATTACHMENT E

PARKING ASSESSMENT

MEMORANDUM

To:	John Schmid MCG Architecture	Date:	October 7, 2021
From:	David S. Shender Linscott, Law & Greenspan, Engineers	LLG Ref:	5-21-0539-1
Subject:	**Parking Assessment for the Proposed Starbucks Coffee Shop at 2551 East Vineyard Avenue in the City of Oxnard**		

LINSCOTT LAW & GREENSPAN
engineers

Engineers & Planners
Traffic
Transportation
Parking

Linscott, Law & Greenspan, Engineers
20931 Burbank Boulevard
Suite C
Woodland Hills, CA 91367
818.835.8648 T
818.835.8649 F
www.llgengineers.com

Pasadena
Irvine
San Diego
Woodland Hills

This parking assessment has been prepared by Linscott, Law & Greenspan, Engineers (LLG) for the proposed Starbucks coffee shop (the "Project") at 2551 East Vineyard Avenue (the "Project Site") in the City of Oxnard. The Project Site is located at the northwest corner of the Vineyard Avenue/Riverpark Boulevard intersection. LLG understands the Project proposes to provide a supply of on-site vehicle parking that is less than what would otherwise be required based on the City of Oxnard Municipal Code. Thus, the purpose of this memorandum is to provide an assessment as to whether the proposed supply of parking spaces would adequately serve the expected peak parking demand generated by the proposed Starbucks.

Project Description

The Project Site is currently occupied by a Wendy's drive-through restaurant providing 2,450 square feet of building floor area, as well as an existing drive-through lane and vehicle parking. LLG understand the Project proposes to remodel the Project Site to accommodate a Starbucks coffee shop with drive-through service. The Project site plan is provided on ***Figure 1*** attached to this memorandum. The building size is proposed to increase slightly to 2,500 square feet in size. In addition, the existing drive-through lane and parking area will be reconfigured so as to increase the vehicle stacking capacity within the drive-through lane. As shown on *Figure 1*, the Project Site will provide 20 vehicle parking spaces and the reconfigured drive-through lane will accommodate 15 queued vehicles. In addition, six bicycle parking spaces will be provided on-site.

Code Parking

Section 16-622 within the City of Oxnard Municipal Codes provides the off-street parking requirements for various land uses, including restaurants with drive-through services. Subsection (F) of Section 16-622 provides the following off-street parking requirements applicable to the Project:

- One parking space per 50 square feet of gross (building) floor area; and

- Stacking credit in drive through lane may count toward the required parking at basis of one auto per 23 lineal feet of striped stacking line. A maximum credit not to exceed 30 percent of total requirement or no more than 20 spaces may be applied for stacking, whichever is less.

Table 1 below provides the Code parking analysis for the Project.

Table 1
Code Parking Analysis

Project Feature	Code Parking Requirement	Project Site	Required Parking
Starbucks Building	1 space/50 s.f.	2,500 s.f.	50 spaces
Drive-Through Lane	Credit of 1 space per 23 lineal feet of vehicle stacking [a]	345 feet of drive-through lane stacking	(15) spaces
Total			35 spaces

[a] City Code limits drive-through lane parking credit to 30% of required parking (i.e., 15 spaces for this Project) or 20 spaces, whichever is less.

As previously noted, the Project proposes to provide 20 vehicle parking spaces, which is less than the Code requirement for 35 parking spaces. Thus, additional review has been conducted to assess whether the Project's proposed supply of 20 parking spaces will adequately accommodate the forecast parking demand generated by the Project.

Starbucks Parking Demand Data

Parking demand data related to Starbucks was reviewed for purposes of assessing the adequacy of the proposed on-site parking supply at the Project Site. In March 2013, LLG collected parking demand data at an existing Starbucks coffee shop located at 450 East 17th Street in the City of Costa Mesa (the "Costa Mesa Starbucks"). The Costa Mesa Starbucks provides 2,356 square feet of building floor area, which is similar to the Project (2,500 square feet). In addition, the Costa Mesa Starbucks provides a drive-through lane, as well as vehicle parking for walk-in service. While the vehicle parking supply at the Costa Mesa Starbucks (35 spaces) is greater than the proposed Project Site, the capacity of the drive-through lane is less (accommodating approximately 10 cars) when compared to the Project. It is noted that at the time the parking counts were conducted at the Costa Mesa Starbucks, the adjoining tenant space (currently occupied by a Mendocino Farms) was vacant.

Table A attached to this memorandum provides a summary of the parking utilization data collected hourly from 7:00 a.m. to 10:00 p.m. at the Costa Mesa Starbucks over four days (Wednesday through Saturday) in 2013. In review of *Table A*, the following is noted:

- The 85th percentile of parking demand was calculated to be 17 spaces utilized. The 85th percentile factor is a commonly used by traffic engineers, for example, in determining the appropriate length of left and right-turn lanes at intersections. By comparison, the Project proposes to provide 20 on-site parking spaces, exceeding the 85th percentile factor from the Costa Mesa Starbucks data.

- There were four instances over the four days of counts (e.g., 9:00 and 10:00 a.m. on Wednesday, 8:00 a.m. on Thursday, and 12:00 p.m. on Saturday) when the number of parked vehicles exceeded 20.

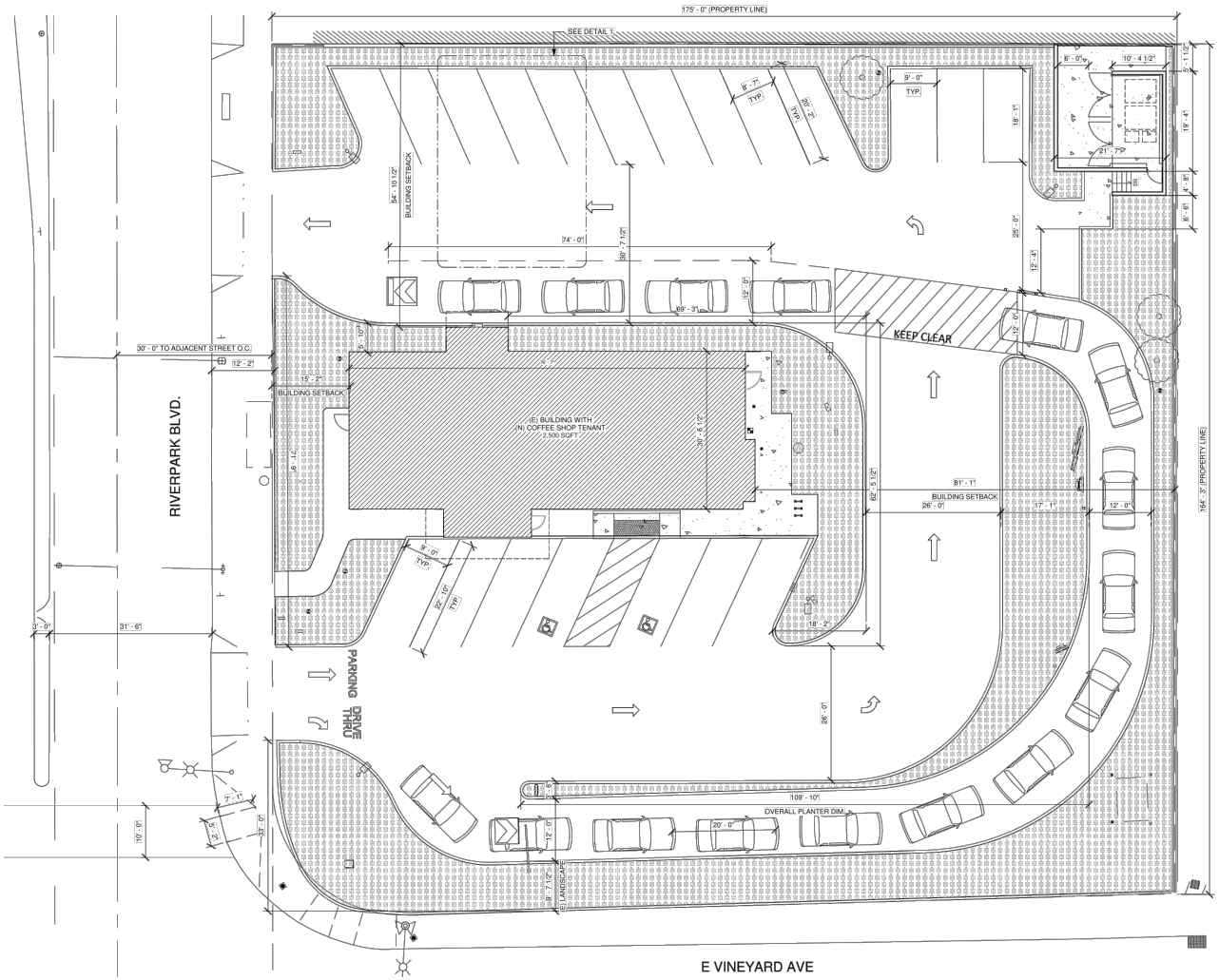
It is noted that at the time of the parking survey at the Costa Mesa Starbucks in 2013, Starbucks management had stated this was one of the highest revenue locations in Southern California. Also, as additional Starbucks locations have opened in the vicinity of the Costa Mesa Starbucks since the time of the parking survey, parking demand at the site has been reduced. Thus, the parking demand data can be considered as highly conservative ("worst case").

Parking Assessment

Based on the parking demand data from the Costa Mesa Starbucks, it can be concluded that the proposed parking supply at the Project would adequately accommodate the parking demand generated at the Project Site. As shown from the Costa Mesa Starbucks data, parking demand is typically 20 vehicles or less throughout the day, which can be readily accommodated by the proposed parking supply at the Project. During unusual peak times when more than 20 vehicles may wish to park at the Project Site, it is expected that this additional demand will be absorbed by the substantial capacity provided by the proposed enhanced drive-through lane (i.e., incoming motorists will choose to utilize the drive-through instead of walk-in service).

In conclusion, based on the parking demand data provided by an existing Starbucks location, it is expected that the Project will provide sufficient vehicle parking to accommodate the forecast peak demand.

cc: File



c:\0539\dwg\figure 1 (landscape).dwg 10/05/2021 08:24:19 shankar llg exhibits color.ctb

NOT TO SCALE

SOURCE: MCG ARCHITECTURE

FIGURE 1
SITE PLAN

LINSCOTT, LAW & GREENSPAN, engineers

STARBUCKS - 2551 E. VINEYARD AVENUE

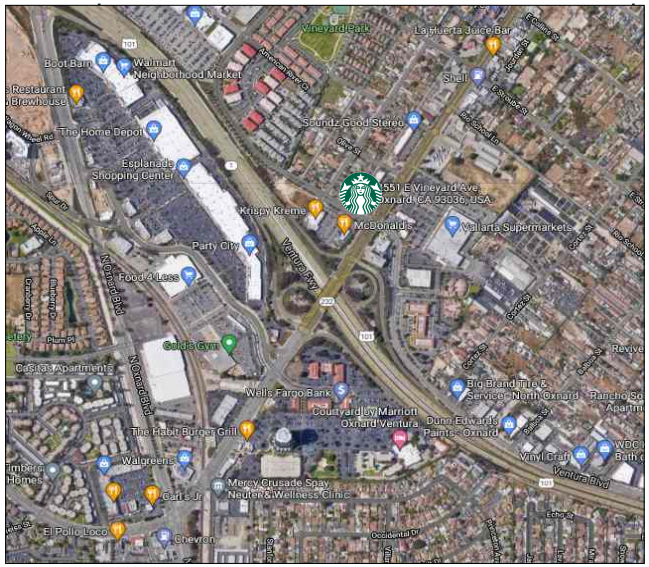
TABLE A
STARBUCKS PARKING SURVEY [1]

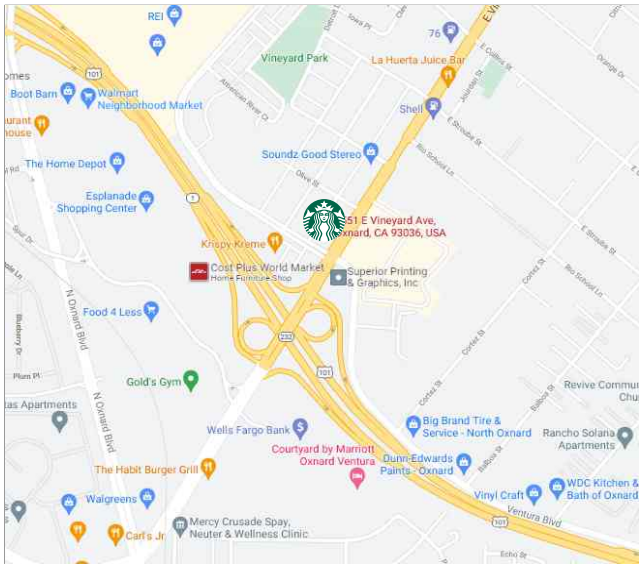
Time	Wednesday March 13, 2013	Thursday March 14, 2013	Friday March 15, 2013	Saturday March 16, 2013	Maximum	Surplus/Deficiency (+/-)
7:00 AM	15	16	12	7	16	19
8:00 AM	20	30	17	17	30	5
9:00 AM	25	19	19	13	25	10
10:00 AM	21	18	17	20	21	14
11:00 AM	15	11	11	18	18	17
12:00 PM	14	12	7	23	23	12
1:00 PM	13	12	10	19	19	16
2:00 PM	14	10	9	15	15	20
3:00 PM	12	11	8	11	12	23
4:00 PM	13	12	9	10	13	22
5:00 PM	6	9	6	7	9	26
6:00 PM	13	6	4	6	13	22
7:00 PM	9	9	3	6	9	26
8:00 PM	5	8	0	4	8	27
9:00 PM	1	2	0	1	2	33
10:00 PM	1	0	0	0	1	34

Note:
[1] Counts conducted by National Data and Surveying Services (NDS).
During the time of the counts 35 spaces were available for parking at 450 E. 17th Street.
Indicates 85th percentile and greater values. The 85th percentile of parked vehicles is calculated to be 17 vehicles.
Indicates peak demand.

ATTACHMENT
F

REDUCED SIGN PLANS





VICINITY MAP
Not To Scale

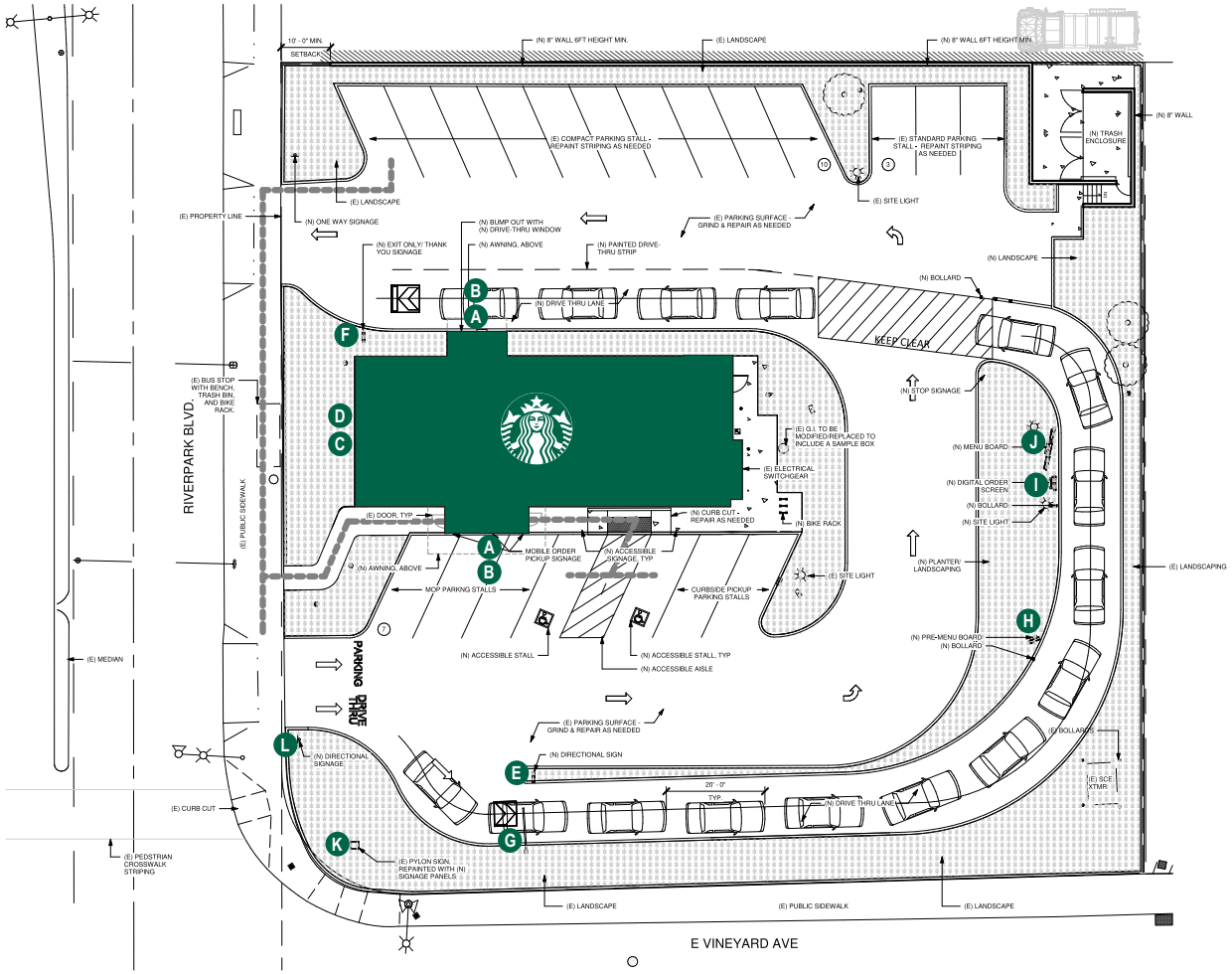
WALL SIGNS LEGEND			
	DESCRIPTIONS	Sq Ft.	QTY
A	60" SIREN ILLUMINATED LOGO DICS	19.62	2
B	8" DAY/NITE DT CHANNEL LETTERS	3.66	2
C	16" ILLUMINATED CHANNEL LETTERS	17.18	1
D	10" DT CHANNEL LETTERS	10.41	1
E	DT ENTRY DIRECTIONAL	3	2
F	DT EXIT DIRECTIONAL	2	1
K	PYLON SIGN	83.52	1
	total sign area proposed	165.67	

PROJECT: #20006.30
STORE # 65182

VINEYARD & RIVERPARK - STARBUCKS COFFEE

2551 E. Vineyard Ave.
Oxnard, CA 93036

Sign Industries INCORPORATED



1 **SITE PLAN**
SCALE: NTS

KEY LEGEND

- **A** 60" SIREN LOGO DICS
- **B** 8" DT CHANNEL LETTES
- **C** 16" CHANNEL LETTERS
- **D** 10" DT CHANNEL LETTERS
- **E** DT ENTRANCE DIRECTIONAL
- **F** DT EXIT/THANK YOU DIRECTIONAL
- **G** CLEARANCE BAR
- **H** PRE MENU BOARD
- **I** DT DIGITAL ORDER SCREEN
- **J** DT 5-PANEL MENU SIGN
- **K** PYLON SIGN
- **L** POST SIGN

N

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

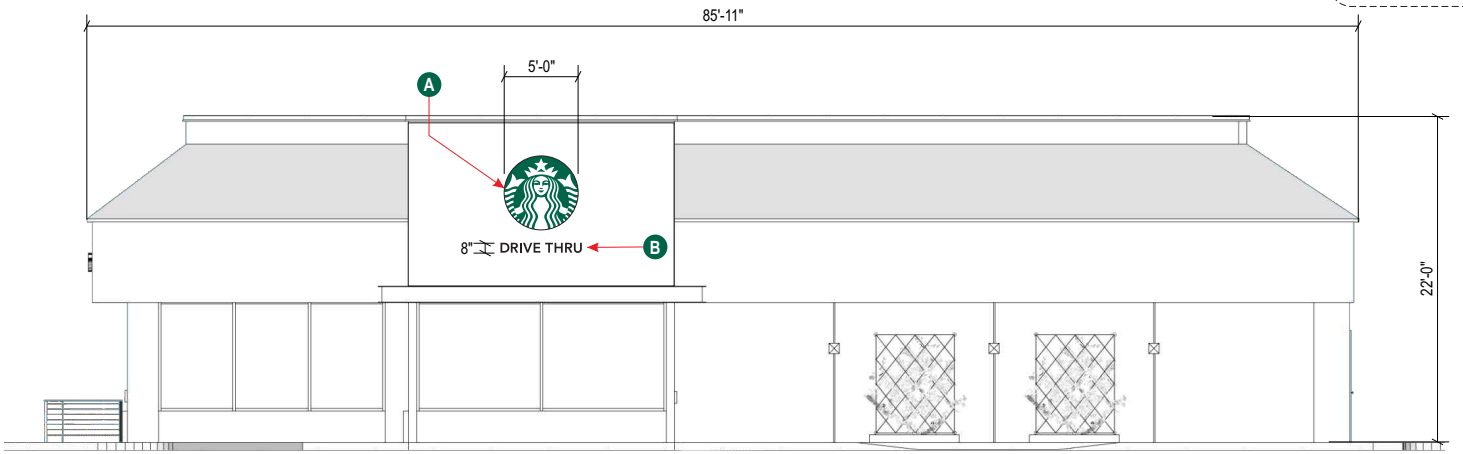
All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

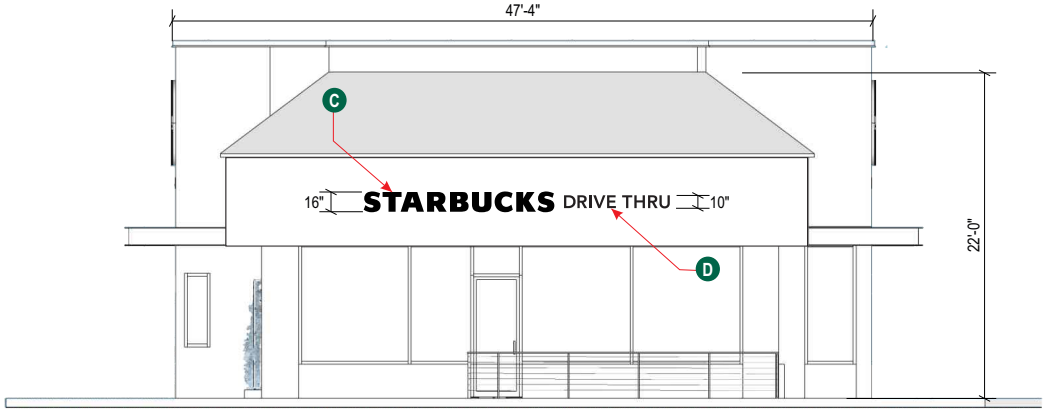
Page: **SP.1**

KEY LEGEND

- A 60" SIREN LOGO DICS
- B 8" DT CHANNEL LETTES
- C 16" CHANNEL LETTERS
- D 10" DT CHANNEL LETTERS



1 **SOUTH ELEVATION**
SCALE: 1/8" = 1'



2 **WEST ELEVATION**
SCALE: 1/8" = 1'

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

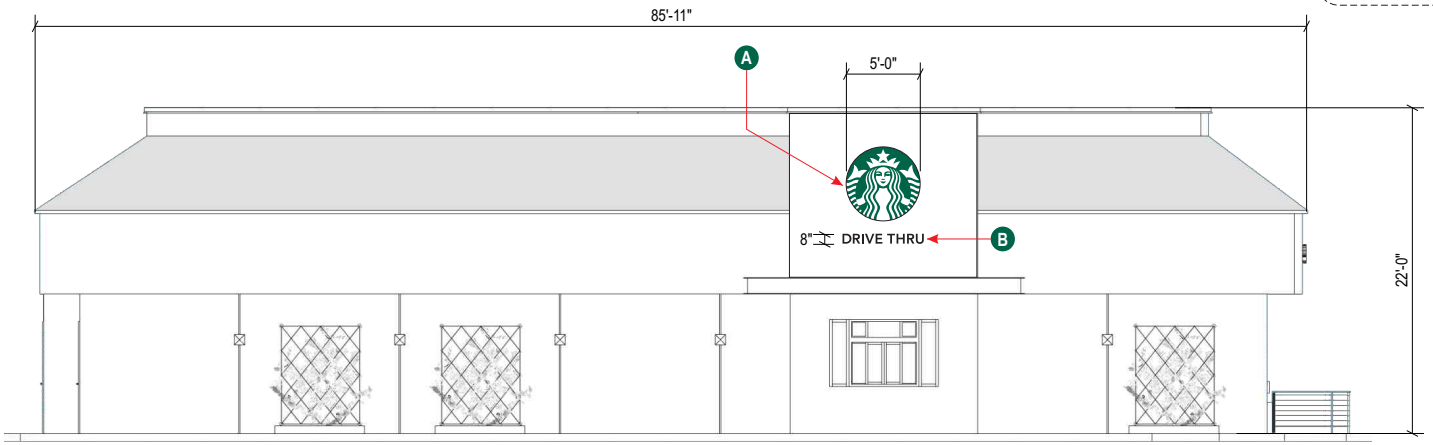
All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

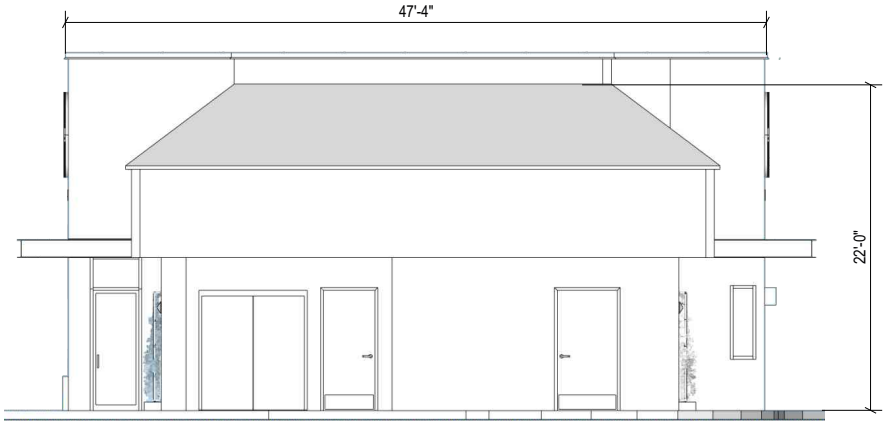
Page: **ELE.1**

KEY LEGEND

- A 60" SIREN LOGO DICS
- B 8" DT CHANNEL LETTES



1 **NORTH ELEVATION**
SCALE: 1/8" = 1'



2 **EAST ELEVATION**
SCALE: 1/8" = 1'

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

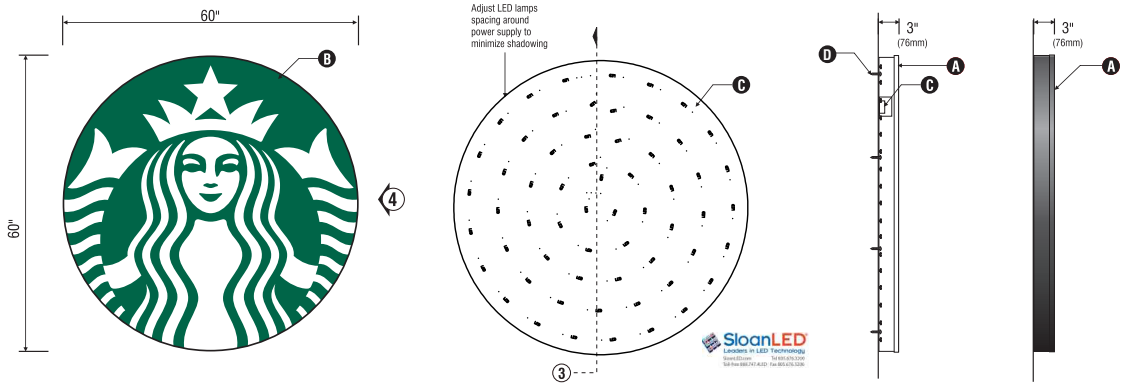
Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **ELE.2**

Design ID #13164



1 Front View

2 LED Detail

3 Section View

4 Side View

A 60" Illuminated Logo Disc - Wall Mounted ~ Qty (2)

Sq.Ft.
19.62

Scale: 1/2"= 1'

SPECIFICATIONS:

A 60"(1524mm) Single faced internally illuminated wall mount logo disk. Cabinet to be 3"(76mm) deep, fabricated aluminum sidewalls and back. Paint cabinet black polyurethane. Faces to be 3/16"(5mm) Acrylite 015-2GP. 1"(25mm) black trimcap with square head screws retainer edging.

B Graphics of logo to be 1st surface 3M Translucent Scotchcal vinyl- Holly Green #3630-76. Siren to show thru White.

C Internally illuminated logo disc with Sloan Prism Enlightne white 6500k, laid out at 1.5 modules per foot, 6" on center installed to back of disk with self-contained power supply with U.L approved enclosure.

D Flushed mounted to fascia (minium (4) with minimum 3" embedment)

Sign must be approved by the National Electrical Code, Underwriters Laboratory, CUL, and all applicable local codes. Disconnect switch in primary to be within sight of sign (sign includes power supply enclosure) REF: NEC 110-3[B] 600-2, 600-4. Primary electrical source 1/2"(13mm) conduit minimum) REF: NEC 600-6, 600-21(provided by installer).

MOUNTING HARDWARE CHART

	MASONARY	WOOD	METAL
1/4" BOLTS THRU WALL	*	*	*
1/4" LAGS W/ SHIELD	*		
1/4" LAG BOLTS		*	
1/4" TOGGLE BOLTS			*

Disk 60in S/F Illuminated wall mount EVOLVED

Size	Sq.Ft.	Sq.M.	Volts
60" (1524mm)	19.62	1.82	120

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **1.0**

X00102

B **8" DAY/NITE DRIVE THRU LETTERS~ Qty (2)** **sign area 3.66 sq. ft**

Scale 1" = 1'-0"

DRIVE THRU SPECIFICATION:

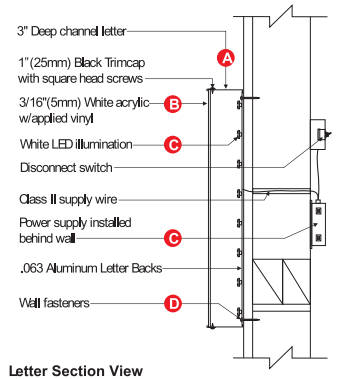
A Internally illuminated channel letters to be fabricated from 0.040 / 3003 aluminum with pre painted White interiors and painted Black polyurethane exteriors, 3"(76mm) deep. Letters backs to be .063 Black & White aluminum pop-riveted to sidewalls and sealed.

B Faces to be 3/16" clear acrylic with black trim cap retainer edging. letters face to be 3M day/nite peforated vinyl overlay, with white 3M diffuser second surface.

C Internally illuminated with Sloan Prism Enlighten white 6500k, laid out 1.5 modules per foot, 6" on center installed to back of letter with sloan power supply with U.L. approved closure.

D Fasten letters flush to wall with required fasteners.

Sign must be approved by the National Electrical Code, Underwriters Laboratory, CUL, and all applicable local codes.
Disconnect switch in primary to be within sight of sign (sign includes power supply enclosure) REF: NEC 110-3[B] 600-2, 600-4
Primary electrical source (1/2"(13mm) conduit minimum) REF: NEC 600-6, 600-21 (provided by installer)



Letter Section View

NTS

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date:	Drawn by:
6-23-21	L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

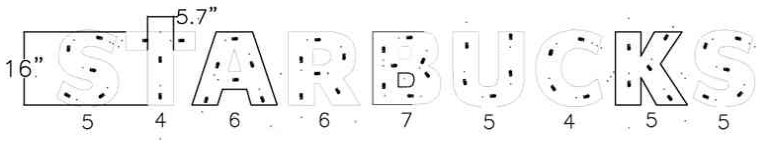
Drawing No
21-253 2

Page: **2.0**

Design # 16496

C 16" DAY/NITE CHANNEL LETTERS ~ Qty (1) — **sign area 17.18 sq. ft**

SCALE: 3/8"=1'



LED LAYOUT

Scale:1/4"= 1'

STARBUCKS SPECIFICATION:

A Internally illuminated channel letters to be fabricated from 0.040 / 3003 aluminum with pre painted White interiors and painted Black polyurethane exteriors, 3"(76mm) deep. Letters backs to be .063 Black & White aluminum pop-riveted to sidewalls and sealed.

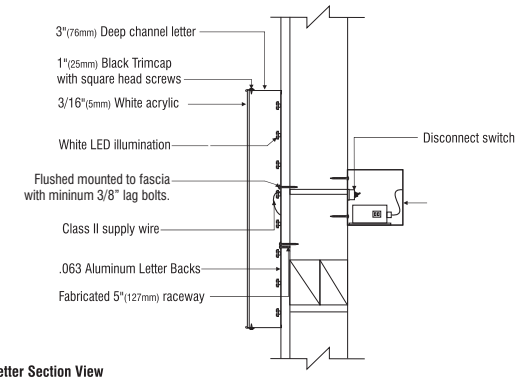
B Faces to be 3/16" white acrylic faces with 3M Day/Nite perforated vinyl black trim cap retainer edging. I

C Internally illuminated with Sloan Prism Enlighten white 6500k, laid out 1.5 modules per foot, 6" on center installed to back of letter with sloan power supply with U.L. approved closure.

D Fasten letters flush to wall with required fasteners.

Sign must be approved by the National Electrical Code, Underwriters Laboratory, CUL, and all applicable local codes.
Disconnect switch in primary to be within sight of sign (sign includes power supply enclosure) REF: NEC 110-3[B] 600-2, 600-4
Primary electrical source (1/2"(13mm) conduit minimum) REF: NEC 600-6, 600-21 (provided by installer)

Size	Sq. Ft.	Volts	Amps
16" (406mm)	17.18	120	.7



Letter Section View

Scale: NTS

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **3.0**

X00102

D 10" DAY/NITE DRIVE THRU LETTERS~ Qty (1) sign area 10.41 sq. ft

Scale 1" = 1'-0"

DRIVE THRU SPECIFICATION:

A Internally illuminated channel letters to be fabricated from 0.040 / 3003 aluminum with pre painted White interiors and painted Black polyurethane exteriors, 3"(76mm) deep. Letters backs to be .063 Black & White aluminum pop-riveted to sidewalls and sealed.

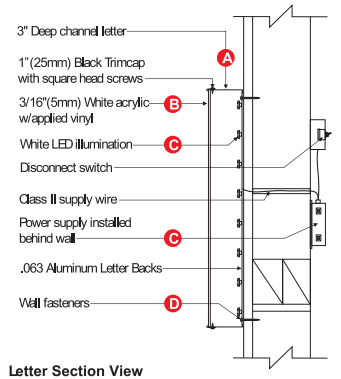
B Faces to be 3/16" clear acrylic with black trim cap retainer edging. letters face to be 3M day/nite peforated vinyl overlay, with white 3M diffuser second surface.

C Internally illuminated with Sloan Prism Enlighten white 6500k, laid out 1.5 modules per foot, 6" on center installed to back of letter with sloan power supply with U.L. approved closure.

SloanLED Leaders in LED Technology

D Fasten letters flush to wall with required fasteners.

Sign must be approved by the National Electrical Code, Underwriters Laboratory, CUL, and all applicable local codes.
Disconnect switch in primary to be within sight of sign (sign includes power supply enclosure) REF: NEC 110-3[B] 600-2, 600-4
Primary electrical source (1/2"(13mm) conduit minimum) REF: NEC 600-6, 600-21 (provided by installer)



Letter Section View
NTS

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

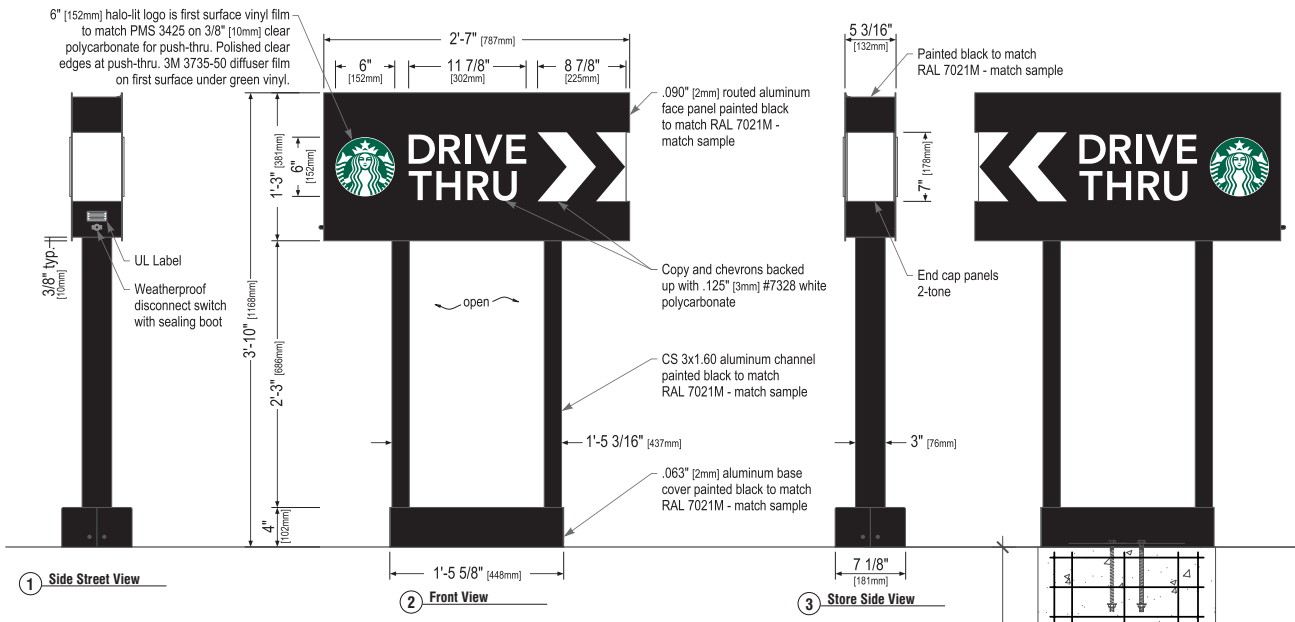
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **4.0**



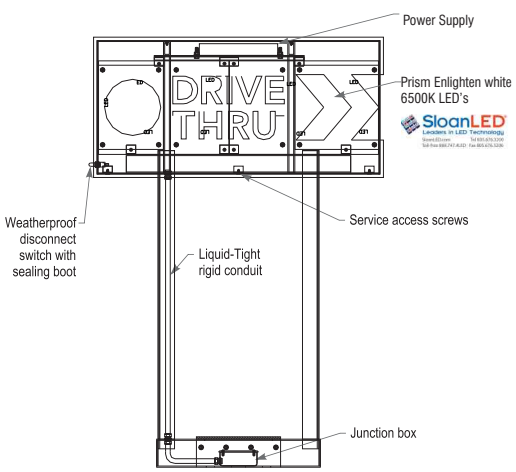
1 Side Street View

2 Front View

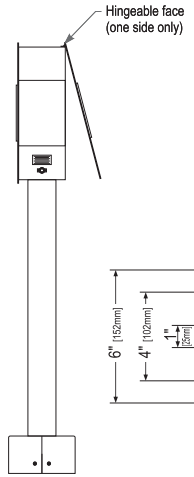
3 Store Side View

E D/F DRIVE THRU DIRECTIONAL SIGNS~ Qty (2)

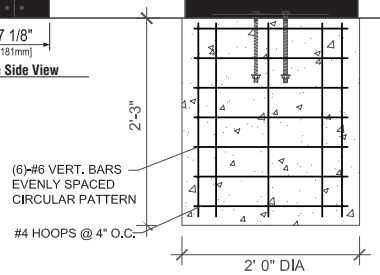
Scale: 1"= 1'



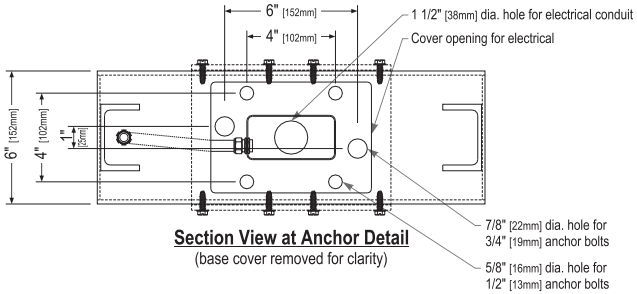
Vertical Cross-Section View, Typ.



Service Position View



4 Rear View



Section View at Anchor Detail
(base cover removed for clarity)

Sign Specifications: Design ID#14104

Cabinet:
- Fabricated .090" [2mm] aluminum housing painted black to match RAL 7021M with white end caps as shown.
- Directional copy and chevrons backed up with .125" [3mm] #7328 white polycarbonate. Siren logo is 6" [152mm] diameter, 3/8" [10mm] clear polycarbonate routed to push thru aluminum face. Decorate logo with 1st surface computer cut vinyl film to match PMS 3425 and 3735-50 diffuser film underneath green vinyl. Edges of push thru logo are to be clear polished. All polycarbonate face elements to be attached to aluminum face panel with weld studs.
- Interior aluminum surfaces of sign cabinet to be painted white with Lacryl Starbrite.
- Welded aluminum construction with no visible fasteners. Fasteners retaining the hinged face will be located on the bottom such that they are not visible. All fasteners used in the assembly of internal components shall be coated to prevent corrosion.
- Internal structure of cabinet shall be per approved shop drawings.
- Internally illuminated logo disc with Sloan Prism Enlighten white 6500k, laid out at 1.5 modules per foot, 7" on center with self-contained power supply with U.L approved enclosure.

Support:
- Supporting structure will be all welded aluminum tube and channel construction painted black to match RAL 7021M as per approved shop drawings and shall be integral to the sign cabinet.
- Base tube will be constructed so that it can be retro-fittable to existing sign foundations. All foundations, existing and new must be analyzed for suitability and must meet all local city or state codes regulations.

Regulatory:
- Sign must meet all regulations in the National Electric Code as well as any local or state electrical codes.
- As per NEC 600.6, sign is equipped with a service disconnect switch.
- Sign must be listed as an Electric Sign per Underwriters Laboratories UL48 and/or CSA and bear the appropriate UL, CUL or CSA relevant certification marks.
  Primary power by electrical contractor per NEC.

These Drawings and Specifications are confidential and shall remain the sole property of Starbucks Corporation, which is the owner of the copyright in this work. They shall not be reproduced (in whole or in part), shared with third parties or used in any manner on other projects or extensions to this project without the prior written consent of Starbucks Corporation.

This drawing is a Design Development Document. Site specific modifications made under the responsible charge of the Architect and/or Engineer-of-Record will be required prior to using this document for Bidding, Permitting, or Construction.

Size	Sq. Ft.[1]	Sq. Ft.[2]	Volts	Amps
46" (1168mm)	1.51	9.90	120	0.85

1: Figured as illuminated center part
2: Figured as complete signage

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

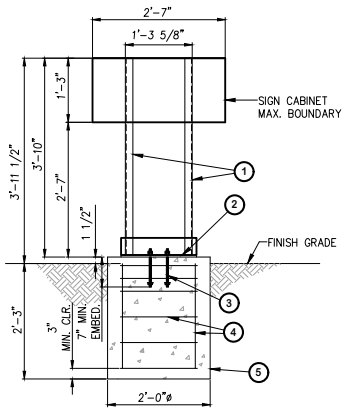
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

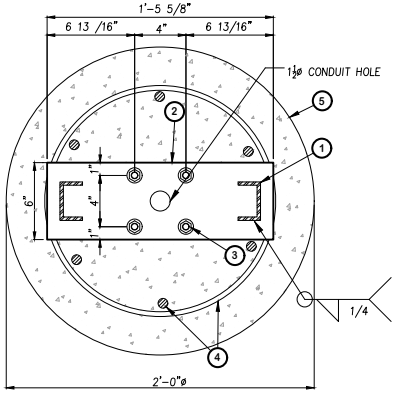
Drawing No
21-253 2

Page: 5.0



ELEVATION VIEW

1/2" = 1'-0"



BASE PLATE DETAIL

1 1/2" = 1'-0"

1. (2) CS 3x1.60 ALUMINUM CHANNEL PER ELEVATION AND BASE PLATE DETAIL HEREON.
2. 5/8" THK. ALUMINUM BASE PLATE (17.63"x6") PER BASE PLATE DETAIL HEREON.
3. (4) 1/2"ø THREADED HOT DIPPED GALVANIZED ANCHOR RODS (ASTM F1554 GRADE 55) WITH GALVANIZED HARDWARE PER ELEVATION AND BASE PLATE DETAIL HEREON.
4. HORIZ: (3) #3 TIES AT 3" O.C. AND THEN (3) #3 TIES AT 6" O.C. VERT: (6) #4 BAR SPACES EVENLY AROUND PERIMETER CLEARANCE 3" MIN. TO EDGE OF CONC.
5. CONCRETE FOOTING PER PLAN AND SPECIFICATIONS HEREON.

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE 2019 CALIFORNIA BUILDING CODE (CBC), AND 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ANY CONFLICTS BETWEEN THESE DRAWINGS, STANDARDS NOTED HEREIN, PROJECT REQUIREMENTS, AND/OR OTHER REFERENCE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE CIVIL ENGINEER, WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
3. PROVIDE ISOLATION OF DISSIMILAR MATERIALS

DESIGN CRITERIA:

1. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ASCE 7-16
   BASIC WIND SPEED: 130 MPH
   RISK CATEGORY: II
   EXPOSURE CATEGORY: C
   SITE CLASS: D
   OCCUPANCY CATEGORY: II
   SEISMIC DESIGN CATEGORY: D
   IMPORTANCE FACTOR: 1.0
   RESPONSE MODIFICATION FACTOR: Rp=3.0
   AMPLIFICATION FACTOR: Ap=2.5

CONCRETE:

1. DESIGN AND CONSTRUCTION IN COMPLIANCE TO ACI 318-14.
2. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GRADE 60.
3. COMPRESSIVE STRENGTH AT 28 DAYS: f'c=2,500 PSI MIN.
4. PROVIDE A MINIMUM 3" CONCRETE COVER OVER ALL EMBEDDED STEEL.
5. CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH SOIL.
6. SOIL PASSIVE PRESSURE PER CBC CLASS 5 (100 PCF).

ALUMINUM

1. FABRICATE AND ERECT ALUMINUM IN COMPLIANCE WITH THE MOST CURRENT ALUMINUM ASSOCIATION ALUMINUM DESIGN MANUAL 1.
2. ALUMINUM ELEMENTS 6061-T6
3. ALL SHOP AND FIELD WELDS SHALL BE PERFORMED BY AN AISC QUALITY CERTIFIED FABRICATOR.
4. UNLESS A LARGER WELD SIZE IS INDICATED, PROVIDE MINIMUM SIZE OF WELD TO MATCH SMALLEST MEMBER/MATERIAL SIZE.
5. ALL SHOP CONNECTIONS SHALL BE WELDED IN CONFOMRANCE WITH STANDARDS BASED UPOON THE CURRENT EDITION OF ANSI/AWS D1.2. WELDERS AND WELDING OPERATORS SHALL BE QUALIFIED AS PROVIDED IN THE CODE.

WINLOADS PER ASCE 7-16:

(29.3-1)	$F_{nq}=q_z*G*C_f*A_f$		(26.10-1)	$q_z = 0.00256*K_z*K_{zt}*K_d*V^2$
	Risk Category:		II	
(26.5)	Wind Speed (V):		130	mph per ATC Council
(Table 26.6-1)	Directional Fac. (K_d):		0.85	(Table 26.6-1)
(26.7)	Exposure Category:		C	
(26.8.2)	Topo Fac. (K_{zt}):		1	(unless unusual terrain)
(26.9)	Ground Elev. Fac. (K_e):		1	(for all elevation)
(26.11)	Gust Effect Fac (G):		0.85	
	s (height of affected area)		1.25	ft
	h (height)		4	ft
	B (width of affected area)		2.583	ft
		s/h=	0.31	
		B/s=	2.07	
	Force Coefficient (C_f):		1.794	
	Velocity pressure exposure coefficient (K_z):			(Table 29.3-1)
	for s/h=1, add 10%			ASCE fig. 29.4-1 therefore: 1.0
	If 2 poles, spacing between:		1.3	O.C.

Structure Component	Height at section c.g. ft	(Table 26.10-1) K_z factor	q_z psf	q_z*G*C_f psf	A_f ft²	Shear lb	Wind Moment lb-ft
1	0.33	0.85	31.26	47.66	0.5	24	8
2	3.38	0.85	31.26	47.66	3.3	157	532
Forces at finish grade		2 pole distribution factor	0.90		4	163	484

DIRECT BURIAL FOOTING:

M_u:	0.48	k-ft	(0.6Mu):	0.29	k-ft	ω:	1.3	IBC 1605.3.2
V_u:	0.16	kips	(0.6Vu):	0.10	kips			
P	0.13	kips	S1:	Sxd/3			200.00 psf	IBC 1806.1
Base	2	ft dia.				12 ft or	1068 psf MAX	&1806.3.4
Depth	2.25	ft deep	A:	2.34*P/(S1xb)			0.74 ft	IBC 1807.3.2.1
h	2.98	ft						
S	100	psf/ft	d:	0.5Av(1+(1+(4.36hA))			1.97 ft	
S'=	266.667	psf/ft	IBC Table 1806.2					

BASE PLATE DESIGN:

Base Plate Check

			Size:				Nominal Yield Moment		
Mu=	0.484	k-ft	t :	0.625	in		Mnp=Fy*Z:	1.46	k-in
	5.81	k-in	S :	4	in		ϕ_b:	0.9	
Vu=	0.16	kip	Arm :	0.5	in		$\phi_b M_{np}$:	1.32	k-in
			b eff :	1	in		Demand/Capacity:	0.28	OKAY
			n:	2	bolts				
Tgrp	1.45	kip							
Tb=	0.73	kip/bolt	Aluminum 6061-T6				Nominal Yield Moment		
Mu PL=	0.4	k-in	Ftuw :	24	ksi		Mnp=Fy*Z:	2.34	k-in
			Ftyw :	15	ksi		ϕ_b:	0.9	
S (in³)=	0.065		F cyw :	15	ksi		$\phi_b M_{np}$:	2.11	k-in
Z (in³) =	0.098		Kt:	1			Demand/Capacity:	0.17	OKAY

ALUMINUM COLUMN DESIGN:

Check Aluminum Rectangular Tube

Mu=	0.484	k-ft	Mut=	5.809	k-in		Aluminum 6061-T6		
Size	C3x1.6		S=	1.310	in³		Ftuw=	24	ksi
			Z=	1.510	in³		Ftyw=	15	ksi
			Req Z	0.39			Fcyw=	15	ksi
							Kt=	1	
Normal Yield Moment			Nominal Rupture Moment						
Mnp=	22.65	k-in	Mnp=	36.24	k-in				
ϕ_b=	0.9		ϕ_b=	0.9					
ϕ_bMnp=	20.39	k-in	ϕ_bMnp=	32.62	k-in				
D/C:	0.28		D/C:	0.18					

REGISTERED PROFESSIONAL ENGINEER YOSIMAR RAMOS No. 89832 Exp. 6/30/21 CIVIL STATE OF CALIFORNIA

YOSIMAR RAMOS
R.C.E. 89832
LIC. EXP 06/30/21

PREPARED BY:

YR ENGINEERING LP
424 E. MAITLAND ST.
SUITE A
ONTARIO, CA 91761
PHONE: (626) 374-5881
EMAIL: YRAMOS@YRENGINEERING.COM

NO	REVISION	BY	APPROVED	DATE
△				
△				
△				
△				
△				
△				

STARBUCKS DRIVE THRU SIGNAGE
DIRECTIONAL SIGNAGE
VARIOUS LOCATIONS, CALIFORNIA

PREPARED FOR: SIGN INDUSTRIES, INC.

CHECKED BY: YR	JOB NO: 2012-00	SHEET: 1 OF 1		
DISREGARD PRINTS BEARING EARLIER REVISION DATES ▶	10-22-20	12-15-20		

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

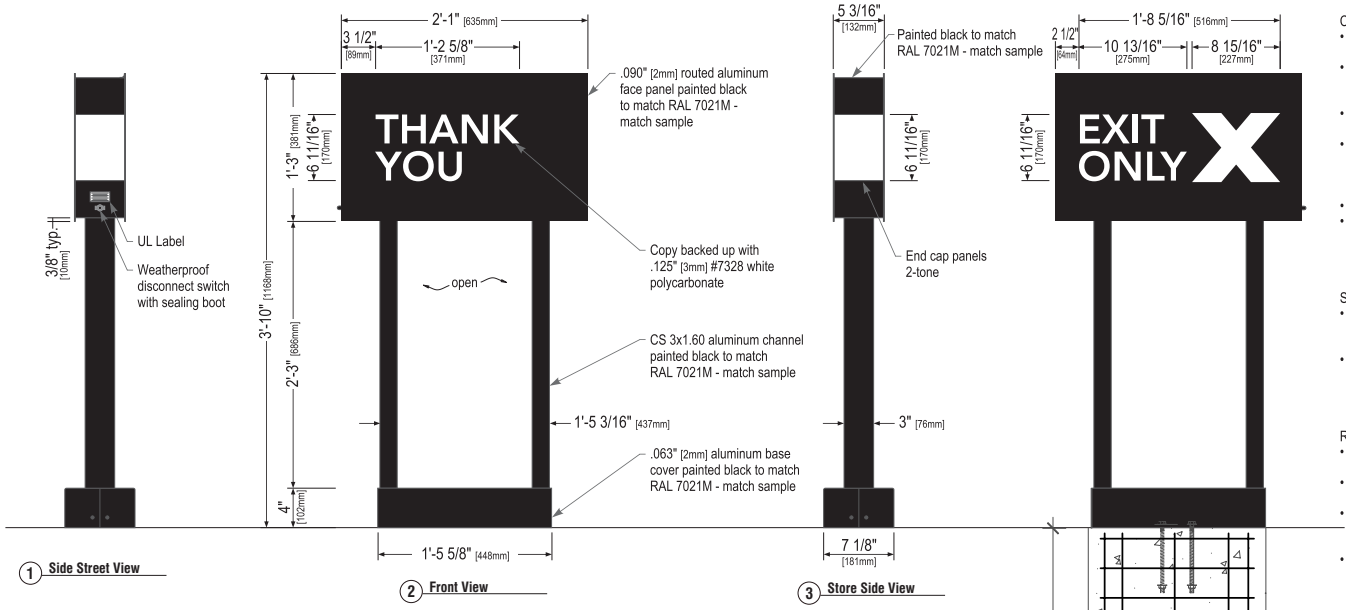
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

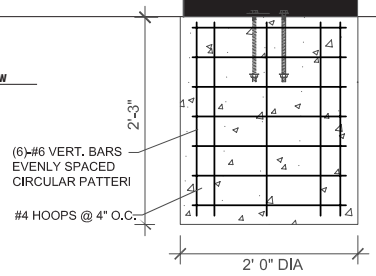
Drawing No
21-253 △2

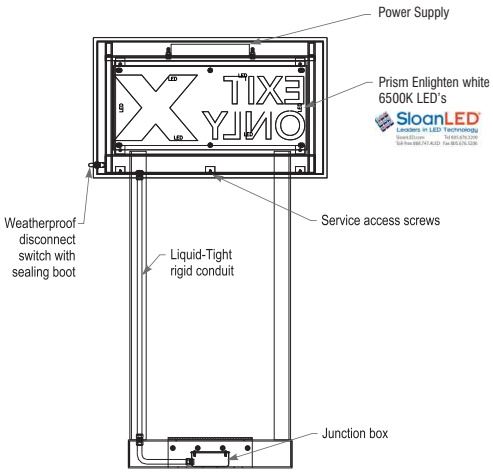
Page: **5.1**



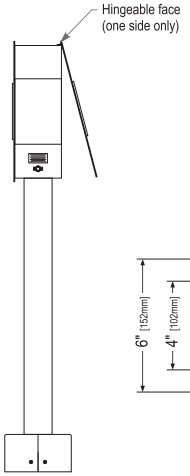
F D/F EXIT DIRECTIONAL SIGNS~ Qty (1)

Scale: 1"= 1'

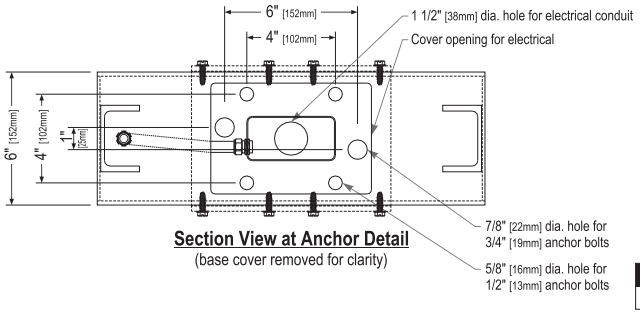




Vertical Cross-Section View, Typ.



Service Position View



Section View at Anchor Detail
(base cover removed for clarity)

Sign Specifications: Design ID#14191

Cabinet:
- Fabricated .090" [2mm] aluminum housing painted black to match RAL 7021M with white end caps as shown.
- Directional copy backed up with .125" [3mm] #7328 white polycarbonate. All polycarbonate face elements to be attached to aluminum face panel with weld studs.
- Interior aluminum surfaces of sign cabinet to be painted white with Lacryl Starbrite.
- Welded aluminum construction with no visible fasteners. Fasteners retaining the hinged face will be located on the bottom such that they are not visible. All fasteners used in the assembly of internal components shall be coated to prevent corrosion.
- Internal structure of cabinet shall be per approved shop drawings.
- Internally illuminated logo disc with Sloan Prism Enlighten white 6500k, laid out at 1.5 modules per foot, 7" on center with self-contained power supply with U.L approved enclosure.

Support:
- Supporting structure will be all welded aluminum tube and channel construction painted black to match RAL 7021M as per approved shop drawings and shall be integral to the sign cabinet.
- Base tube will be constructed so that it can be retro-fittable to existing sign foundations. All foundations, existing and new must be analyzed for suitability and must meet all local city or state codes regulations.

Regulatory:
- Sign must meet all regulations in the National Electric Code as well as any local or state electrical codes.
- As per NEC 600.6, sign is equipped with a service disconnect switch.
- Sign must be listed as an Electric Sign per Underwriters Laboratories UL48 and/or CSA and bear the appropriate UL, CUL or CSA relevant certification marks.
- Primary power by electrical contractor per NEC.

These Drawings and Specifications are confidential and shall remain the sole property of Starbucks Corporation, which is the owner of the copyright in this work. They shall not be reproduced (in whole or in part), shared with third parties or used in any manner on other projects or extensions to this project without the prior written consent of Starbucks Corporation.

This drawing is a Design Development Document. Site specific modifications made under the responsible charge of the Architect and/or Engineer-of-Record will be required prior to using this document for Bidding, Permitting, or Construction.

Size	Sq. Ft.[1]	Sq. Ft.[2]	Volts	Amps
46" (1168mm)	0.94	7.99	120	0.85

1: Figured as illuminated center part
2: Figured as complete signage

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

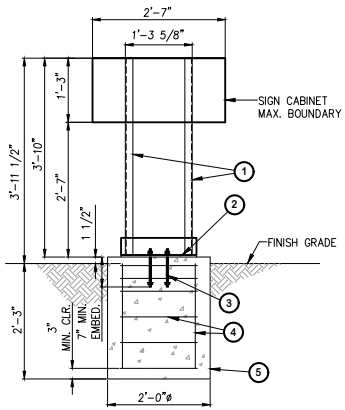
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

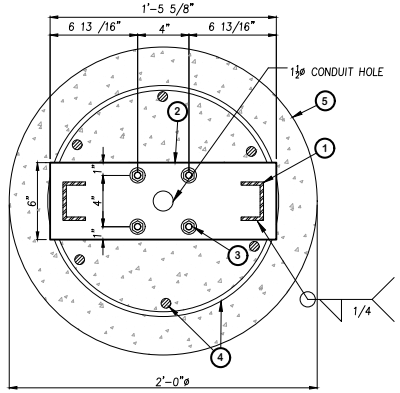
Drawing No
21-253 2

Page: 6.0



ELEVATION VIEW

1/2" = 1'-0"



BASE PLATE DETAIL

1 1/2" = 1'-0"

1. (2) CS 3x1.60 ALUMINUM CHANNEL PER ELEVATION AND BASE PLATE DETAIL HEREON.
2. 5/8" THK. ALUMINUM BASE PLATE (17.63"x6") PER BASE PLATE DETAIL HEREON.
3. (4) 1/2"ø THREADED HOT DIPPED GALVANIZED ANCHOR RODS (ASTM F1554 GRADE 55) WITH GALVANIZED HARDWARE PER ELEVATION AND BASE PLATE DETAIL HEREON.
4. HORIZ: (3) #3 TIES AT 3" O.C. AND THEN (3) #3 TIES AT 6" O.C.
   VERT: (6) #4 BAR SPACES EVENLY AROUND PERIMETER CLEARANCE 3" MIN. TO EDGE OF CONC.
5. CONCRETE FOOTING PER PLAN AND SPECIFICATIONS HEREON.

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE 2019 CALIFORNIA BUILDING CODE (CBC), AND 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ANY CONFLICTS BETWEEN THESE DRAWINGS, STANDARDS NOTED HEREIN, PROJECT REQUIREMENTS, AND/OR OTHER REFERENCE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE CIVIL ENGINEER, WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
3. PROVIDE ISOLATION OF DISSIMILAR MATERIALS

DESIGN CRITERIA:

1. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ASCE 7-16
   BASIC WIND SPEED: 130 MPH
   RISK CATEGORY: II
   EXPOSURE CATEGORY: C
   SITE CLASS: D
   OCCUPANCY CATEGORY: II
   SEISMIC DESIGN CATEGORY: D
   IMPORTANCE FACTOR: 1.0
   RESPONSE MODIFICATION FACTOR: Rp=3.0
   AMPLIFICATION FACTOR: Ap=2.5

CONCRETE:

1. DESIGN AND CONSTRUCTION IN COMPLIANCE TO ACI 318-14.
2. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GRADE 60.
3. COMPRESSIVE STRENGTH AT 28 DAYS: f'c=2,500 PSI MIN.
4. PROVIDE A MINIMUM 3" CONCRETE COVER OVER ALL EMBEDDED STEEL.
5. CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH SOIL.
6. SOIL PASSIVE PRESSURE PER CBC CLASS 5 (100 PCF).

ALUMINUM

1. FABRICATE AND ERECT ALUMINUM IN COMPLIANCE WITH THE MOST CURRENT ALUMINUM ASSOCIATION ALUMINUM DESIGN MANUAL 1.
2. ALUMINUM ELEMENTS 6061-T6
3. ALL SHOP AND FIELD WELDS SHALL BE PERFORMED BY AN AISC QUALITY CERTIFIED FABRICATOR.
4. UNLESS A LARGER WELD SIZE IS INDICATED, PROVIDE MINIMUM SIZE OF WELD TO MATCH SMALLEST MEMBER/MATERIAL SIZE.
5. ALL SHOP CONNECTIONS SHALL BE WELDED IN CONFOMRANCE WITH STANDARDS BASED UPOON THE CURRENT EDITION OF ANSI/AWS D1.2. WELDERS AND WELDING OPERATORS SHALL BE QUALIFIED AS PROVIDED IN THE CODE.

WINLOADS PER ASCE 7-16:

(29.3-1)	$F=q_h*G*C_f*A_s$		(26.10-1)	$q_z = 0.00256*K_z*K_{zt}*K_d*V^2$
	Risk Category:		II	
(26.5)	Wind Speed (V):	130	mph per ATC Council	
(Table 26.6-1)	Directional Fac. (K_d):	0.85	(Table 26.6-1)	
(26.7)	Exposure Category:	C		
(26.8.2)	Topo Fac. (K_{zt}):	1	(unless unusual terrain)	
(26.9)	Ground Elev. Fac. (K_e):	1	(for all elevation)	
(26.11)	Gust Effect Fac (G):	0.85		
	s (height of affected area)	1.25	ft	
	h (height)	4	ft	
	B (width of affected area)	2.583	ft	
	s/h=	0.31		
	B/s=	2.07		
	Force Coefficient (C_f):	1.794		
	Velocity pressure exposure coefficient (K_z):		(Table 29.3-1)	
	for s/h=1, add 10%		ASCE fig. 29.4-1 therefore:	1.0
	If 2 poles, spacing between:	1.3	O.C.	

Structure Component	Height at section c.g. ft	(Table 26.10-1) K_z factor	q_z psf	q_z*G*C_f psf	A_f ft²	Shear lb	Wind Moment lb-ft
1	0.33	0.85	31.26	47.66	0.5	24	8
2	3.38	0.85	31.26	47.66	3.3	157	532
Forces at finish grade		2 pole distribution factor	0.90		4	163	484

DIRECT BURIAL FOOTING:

M_u:	0.48	k-ft	(0.6Mu):	0.29	k-ft	ω:	1.3	IBC 1605.3.2
V_u:	0.16	kips	(0.6Vu):	0.10	kips			
P	0.13	kips	S1:	Sxd/3			200.00 psf	IBC 1806.1
Base	2	ft dia.				12 ft or	1068 psf MAX	&1806.3.4
Depth	2.25	ft deep	A:	2.34*P/(S1xb)			0.74 ft	IBC 1807.3.2.1
h	2.98	ft						
S	100	psf/ft	d:	0.5Av(1+(1+(4.36hA))			1.97 ft	
S'=	266.667	psf/ft	IBC Table 1806.2					

BASE PLATE DESIGN:

Base Plate Check

			Size:				Nominal Yield Moment			
Mu=	0.484	k-ft	t :	0.625	in		Mnp=Fy*Z:	1.46	k-in	
	5.81	k-in	S :	4	in		ϕ_b:	0.9		
Vu=	0.16	kip	Arm :	0.5	in		$\phi_b M_{np}$:	1.32	k-in	
			b eff :	1	in		Demand/Capacity:	0.28	OKAY	
Tgrp	1.45	kip	n:	2	bolts					
Tb=	0.73	kip/bolt	Aluminum 6061-T6				Nominal Yield Moment			
Mu PL=	0.4	k-in	Ftuw :	24	ksi		Mnp=Fy*Z:	2.34	k-in	
			Ftyw :	15	ksi		ϕ_b:	0.9		
S (in³)=	0.065		F cyw :	15	ksi		$\phi_b M_{np}$:	2.11	k-in	
Z (in³) =	0.098		Kt:	1			Demand/Capacity:	0.17	OKAY	

ALUMINUM COLUMN DESIGN:

Check Aluminum Rectangular Tube

Mu=	0.484	k-ft	Mut=	5.809	k-in		Aluminum 6061-T6		
Size	C3x1.6		S=	1.310	in³		Ftuw=	24	ksi
			Z=	1.510	in³		Ftyw=	15	ksi
			Req Z	0.39			Fcyw=	15	ksi
							Kt=	1	
Normal Yield Moment			Nominal Rupture Moment						
Mnp=	22.65	k-in	Mnp=	36.24	k-in				
ϕ_b=	0.9		ϕ_b=	0.9					
ϕ_bMnp=	20.39	k-in	ϕ_bMnp=	32.62	k-in				
D/C:	0.28		D/C:	0.18					

REGISTERED PROFESSIONAL ENGINEER YOSIMAR RAMOS No. 89832 Exp. 6/30/21 CIVIL STATE OF CALIFORNIA

YOSIMAR RAMOS
R.C.E. 89832
LIC. EXP 06/30/21

PREPARED BY:

YR ENGINEERING LP
424 E. MAITLAND ST.
SUITE A
ONTARIO, CA 91761
PHONE: (626) 374-5881
EMAIL: YRAMOS@YRENGINEERING.COM

NO	REVISION	BY	APPROVED	DATE
△				
△				
△				
△				
△				
△				

STARBUCKS DRIVE THRU SIGNAGE
DIRECTIONAL SIGNAGE
VARIOUS LOCATIONS, CALIFORNIA

PREPARED FOR: SIGN INDUSTRIES, INC.

CHECKED BY: YR	JOB NO: 2012-00	SHEET: 1 OF 1		
DISREGARD PRINTS BEARING EARLIER REVISION DATES ▶	10-22-20	12-15-20		

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

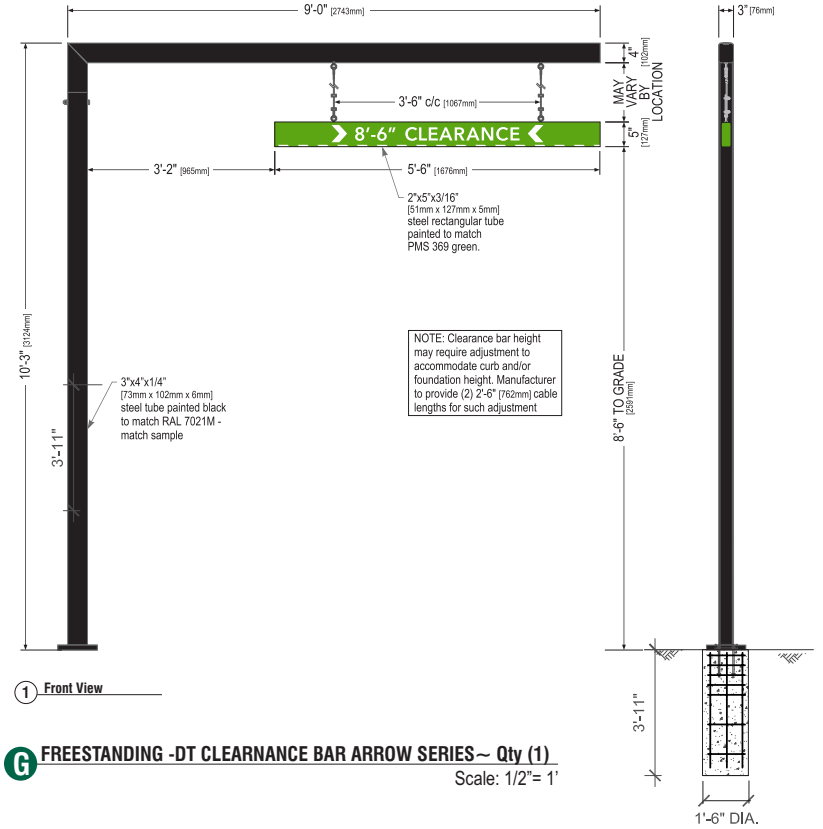
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **6.1**

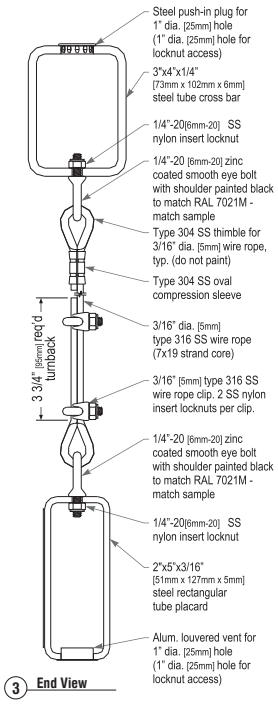


1 Front View

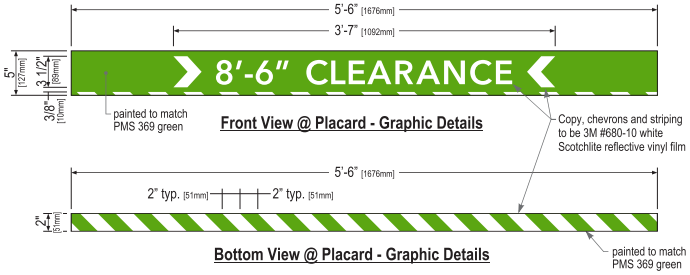
2 Right View

G FREESTANDING -DT CLEARNANCE BAR ARROW SERIES~ Qty (1)

Scale: 1/2"= 1'

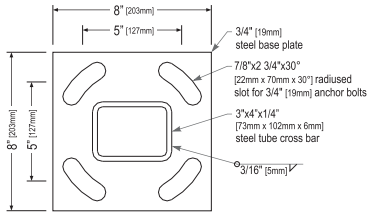


3 End View



Front View @ Placard - Graphic Details

Bottom View @ Placard - Graphic Details



Scale: 1" = 6"

Base Plate Detail

Design ID#14106

SPECIFICATIONS:

Scraper Bar:

- 2"x5" [51mm x 127mm] steel tube painted to match PMS 369 green.
- Flush steel end caps painted to match PMS 369 green.
- Copy and chevrons to be 1st surface computer cut 3M #680-10 white Scotchlite reflective vinyl film.
- Bottom striping to be 1st surface computer cut 3M #680-10 white Scotchlite reflective vinyl film. Striping extends 3/8" [10mm] onto front face.
- Suspend from support with SS cable & hardware. Cable provided requires field adjustment for proper clearance height.

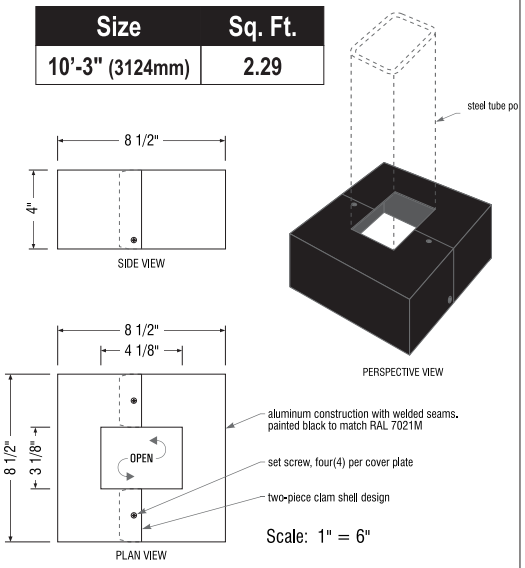
Support:

- Supporting structure will be all welded steel tube construction painted black to match RAL 7021M as per approved shop drawings.
- Base tube will be constructed so that it can be retro-fittable to existing sign foundations. All foundations, existing and new must be analyzed for suitability and must meet all local city or state codes regulations.

These Drawings and Specifications are confidential and shall remain the sole property of Starbucks Corporation, which is the owner of the copyright in this work. They shall not be reproduced (in whole or in part), shared with third parties or used in any manner on other projects or extensions to this project without the prior written consent of Starbucks Corporation.

This drawing is a Design Development Document. Site specific modifications made under the responsible charge of the Architect and/or Engineer-of-Record will be required prior to using this document for Bidding, Permitting, or Construction.

Size	Sq. Ft.
10'-3" (3124mm)	2.29



Scale: 1" = 6"

Base Plate Cover Detail

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

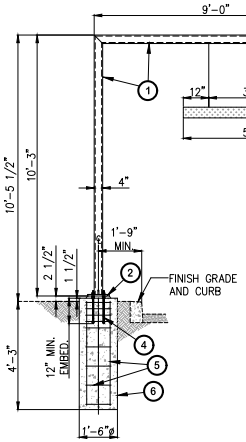
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

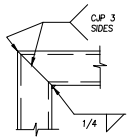
Page: 7.0



ELEVATION VIEW

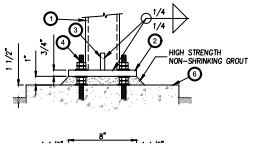
1/4" = 1'-0"

1. 4"x3"x1/4" SQ. HSS FRAME PER ELEVATION AND WELD DETAIL HEREON.
2. 3/4" THK. STEEL BASE PLATE (8"x8") PER BASE PLATE DETAIL HEREON.
3. (2) 2"x2"x1/4" STEEL GUSSET PLATE PER BASE PLATE DETAIL HEREON.
4. (4) 1/2"ø THREADED HOT DIPPED GALVANIZED ANCHOR RODS (ASTM F1554 GRADE 55) WITH GALVANIZED HARDWARE PER ELEVATION AND BASE PLATE DETAIL HEREON.
5. HORIZ: (5) #3 TIES AT 3" O.C. AND THEN (4) #3 TIES AT 9" O.C.
   VERT: (6) #5 BARS SPACES EVENLY AROUND PERIMETER CLEARANCE 3" MIN. TO EDGE OF CONC.
6. CONCRETE FOOTING PER PLAN AND SPECIFICATIONS HEREON.



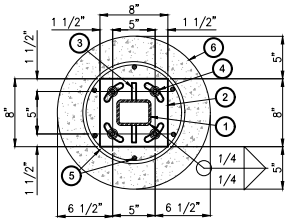
CORNER HSS CONNECTION

NTS



BASE PLATE DETAIL (ELEV VIEW)

1 1/2" = 1'-0"



BASE PLATE DETAIL (PLAN VIEW)

1 1/2" = 1'-0"

STEEL:

1. SQUARE/REC HSS STEEL: ASTM A500GR. B Fy=46 KSI
2. PLATE STEEL: ASTM A36 Fy=36 KSI
3. STRUCTURAL STEEL MEMBERS SHALL BE SHEARED, FORMED, PUNCHED, WELDED, AND PAINTED BY THE MANUFACTURER. ALL SHOP CONNECTIONS SHALL BE WELDED IN CONFORMANCE WITH STANDARDS BASED UPOON THE CURRENT EDITION OF ANSI/AWS D1.1. WELDERS AND WELDING OPERATORS SHALL BE QUALIFIED AS PROVIDED IN THE CODE.

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE 2019 CALIFORNIA BUILDING CODE (CBC), AND 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ANY CONFLICTS BETWEEN THESE DRAWINGS, STANDARDS NOTED HEREIN, PROJECT REQUIREMENTS. AND/OR OTHER REFERENCE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE CIVIL ENGINEER, WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
3. PROVIDE ISOLATION OF DISSIMILAR MATERIALS

DESIGN CRITERIA:

1. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ASCE 7-16
   BASIC WIND SPEED: 130 MPH
   RISK CATEGORY: II
   EXPOSURE CATEGORY: C
   SITE CLASS: D
   OCCUPANCY CATEGORY: II
   SEISMIC DESIGN CATEGORY: D
   IMPORTANCE FACTOR: 1.0
   RESPONSE MODIFICATION FACTOR: Rp=3.0
   AMPLIFICATION FACTOR: Ap=2.5

CONCRETE:

1. DESIGN AND CONSTRUCTION IN COMPLIANCE TO ACI 318-14.
2. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GRADE 60.
3. COMPRESSIVE STRENGTH AT 28 DAYS: f'c=2500 PSI MIN.
4. PROVIDE A MINIMUM 3" CONCRETE COVER OVER ALL EMBEDDED STEEL.
5. CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH SOIL.
6. SOIL PASSIVE PRESSURE PER CBC CLASS 5 (100 PCF).

WINLOADS PER ASCE 7-16:

(29.3-1)	$F=q_h*G*C_f*A_f$		(26.10-1)	$q_z = 0.00256*K_z*K_{zt}*K_d*V^2$
	Risk Category:	II		
(26.5)	Wind Speed (V):	130	mph per ATC Council	
(Table 26.6-1)	Directional Fac. (K_d):	0.85	(Table 26.6-1)	
(26.7)	Exposure Category:	C		
(26.8.2)	Topo Fac. (K_{zt}):	1	(unless unusual terrain)	
(26.9)	Ground Elev. Fac. (K_e):	1	(for all elevation)	
(26.11)	Gust Effect Fac (G):	0.85		
	s (height of affected area)	0.42	ft	
	h (height)	10.25	ft	
	B (width of affected area)	5.5	ft	
	s/h=	0.04		
	B/s=	13.10		
	Force Coefficient (C_f):	1.9		
	Velocity pressure exposure coefficient (K_z):		(Table 29.3-1)	
	for s/h=1, add 10%		ASCE fig. 29.4-1 therefore:	1.0

Structure Component	Height at section c.g. ft	(Table 26.10-1) K_z factor	q_z psf	q_z*G*C_f psf	A_f ft²	Shear lb	Wind Moment lb-ft
1	0.1	0.85	31.26	50.48	0.3	15	2
2	5.33	0.85	31.26	50.48	3.42	173	920
3	10.29	0.85	31.26	50.48	3	151	1558
4	10.29	0.85	31.26	50.48	2.3	116	1195

STEEL REC. 4x3 HSS DESIGN:

Fy:	46	ksi	Area of Sign:	9	ft²	Mu:	3.7	K-ft	
E:	29000	ksi	Wind Load	50.48	psf	Vu:	0.5	kips	

Square Member Design

Size H (in)	3	h/t=	9.9				
Size B (in):	4	b/t=	14.2				
t (in):	1/4	KL/r=	209.2				
Length (ft):	10.25	Fe=	6.54	ksi (E3-4)			
K:	2	Max KL/r=	209.2				
A_g (in²):	3.04	4.71sqrt(E/Fy)=	118.3				
r (in):	1.18	Use:	Eq. 2	Governs			
Z (in³):	3.32	Fcr=	Eq. 1	2.42	(E3-2)		
S (in³):	2.80		Eq. 2	5.73	(E3-3)		
I (in⁴):	4.20	Flange:	b/t=	14.2	< 1.12√(E/F_y)(kp)=	28	True, Section is Compact
wt (lb):	114		b/t=	14.2	< 1.40√(E/F_y) (kr)=	35	False, Try other
be=	0.44	Web:	h/t=	9.9	< 2.42√(E/F_y)(kp)=	61	True, Section is Compact
Se=	0.13		h/t=	9.9	< 5.70√(E/F_y) (kr)=	143	False, Try other
						LRFD	ϕ=0.90

Flexural Buckling:		Pn=Fcrsg		ϕPn=	15.68 kips
Yield Moment:		Mn=MpnFyS		ϕMn=	9.66 k-ft
Plastic Moment:	Compact Shapes	Mn=MpnFyZ		ϕMn=	11.46 k-ft (F7-1)
Z req:	1.07 in³	Choose Size (Z):	3.32 in3	OKAY	0.32

DIRECT BURIAL FOOTING:

Direct Burial Footing Design

M_u:	3.73	k-ft	(0.6Mu):	2.24	k-ft	ω: 1.3	IBC 1605.3.2
V_u:	0.46	kips	(0.6Vu):	0.27	kips		
P	0.36	kips	S1:	Sxd/3		385.37 psf	IBC 1806.1
Base	1.5	ft dia.				1068.00	R1806.3.4
Depth	4.33	ft deep	A:	2.34*P/(S1xb)		1.44 ft	IBC 1807.3.2.1
h	8.19	ft					
S	267	psf/ft	d:	0.5A(1+√(1+(4.36hA))		4.37 ft	

IBC Table 1806.2

BASE PLATE DESIGN:

Base Plate Check

Mu=	3.730	k-ft	Size:				Nominal Yield Moment	
	44.76	k-in	t :	0.75	in		Mnp=Fy*Z:	15.19 k-in
Vu=	0.46	kip	S :	6	in		ϕb:	0.9
			Arm :	1.5	in		ϕbMnp:	13.67 k-in
Tgrp	7.46	kip	b eff :	3	in		Demand/Capacity:	0.41 OKAY
Tb=	3.73	kip/bolt	n:	2	bolts			
Mu PL=	5.6	k-in	Steel A36				Nominal Yield Moment	
			Ftaw :	36	ksi		Mnp=Fy*Z:	15.19 k-in
S (in³)=	0.281		Ftyw :	36	ksi		ϕb:	0.9
Z (in³) =	0.422		F cyw :	36	ksi		ϕbMnp:	13.67 k-in
			Kt:	1			Demand/Capacity:	0.41 OKAY

REGISTERED PROFESSIONAL ENGINEER YOSIMAR RAMOS No. 89832 Exp. 6/30/21 CIVIL STATE OF CALIFORNIA

YOSIMAR RAMOS
R.C.E. 89832
LIC. EXP 06/30/21

PREPARED BY:

YR ENGINEERING LP
424 E. MAITLAND ST.
SUITE A
ONTARIO, CA 91761
PHONE: (626) 374-5881
EMAIL: YRAMOS@YRENGINEERING.COM

NO	REVISION	BY	APPROVED	DATE
△				
△				
△				
△				
△				
△				

STARBUCKS DRIVE THRU SIGNAGE
CLEARANCE BAR DETAILS
VARIOUS LOCATIONS, CALIFORNIA

PREPARED FOR: SIGN INDUSTRIES, INC.

CHECKED BY: YR | JOB NO: 2012-09 | SHEET: 1 OF 1

DISREGARD PRINTS BEARING EARLIER REVISION DATES ▶ 10-22-20

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 | Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

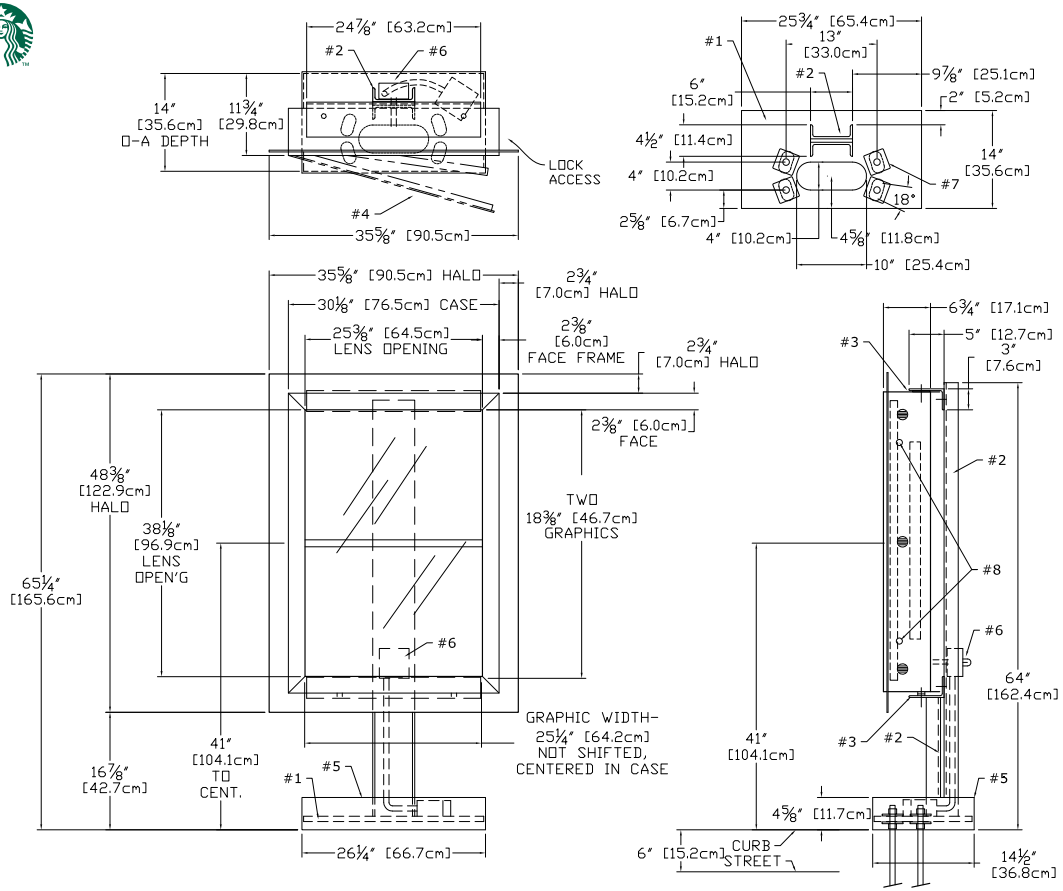
All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 △2

Page: 7.1

Design ID#14120

PRE-MENU SIGN



H DRIVE THRU PRE-MENU SIGN~ Qty (1)
INSTALLATION ONLY

Scale: 3/4" = 1'

Sign Specifications:

#1 -¾" [19mm] STEEL BASE PLATE w/ 18deg HOLES
PATTERN LEFT SQUARE / SYMETRICAL
#2 - C6X10.5 (6"x2"x5/16") STEEL POST (1x)
#3 - 5"x3"X¼" STEEL SUPPORT ANGLES (2x)
(WELDED TO STEEL POST)
#4 - EXTRUDED ALUMINUM MENU BOARD (1x)
ONE SPLIT PANEL LIGHTBOX
TWO 25¼"x18⅜" GRAPHICS
GRAPHIC ASSEMBLY CENTERED, NOT SHIFTED
STANDARD LED TUBE LIGHTING, SIDE LOCKS

#5 - WELDED ALUMINUM BASE COVER
#6 - WATER-TIGHT BOX w/SWITCHES & SENSOR,
RIDGID CONDUIT RUN TO SECOND EXT BOX
BELOW BASE COVER, 120 WATT, 0.30Aac
#7 - 8 BASE WASHERS, ¼" THICK
#8 - TWO SIDE MOUNT LOCKS, RETAIN EXISTING
KEY #E3-26-819-15

RAL7021 BLACK GREY, 10% SHEEN, EXT

APPROVED
02/04/14

DT PRE ORDER FREESTANDING			11036584
ALL DESIGN, OPERATIVE AND PROCESS DATA PERTAINING TO THE ARTICLE SHOWN ON THIS SHEET IS THE PROPERTY OF DSA PHOTOTECH. IT IS DISCLOSED IN CONFIDENCE AND IS NOT TO BE COPIED, REPRODUCED, REVEALED TO, OR APPROPRIATED BY OTHERS, IN PART OR IN WHOLE, WITHOUT THE EXPRESS CONSENT OF DSA PHOTOTECH. THIS PRINT IS LOANED AND MUST NOT BE USED IN ANY MANNER DETRIMENTAL TO THE INTEREST OF DSA PHOTOTECH.	DSA	DSA/PHOTOTECH 16961 Central Avenue, Carson, CA 90746 (310) 537-5000 (310) 537-7060 Fax phubbell@dsaphototech.com	
		DRIVE THRU PRE ORDER w/ STAND	
PAH	DATE 02/13/14	CQSBEDTPRELED	SCALE 1:16 S

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

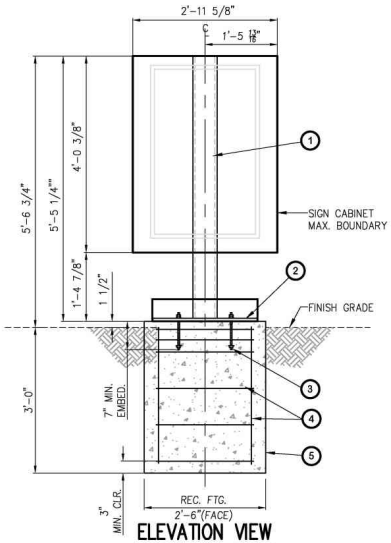
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

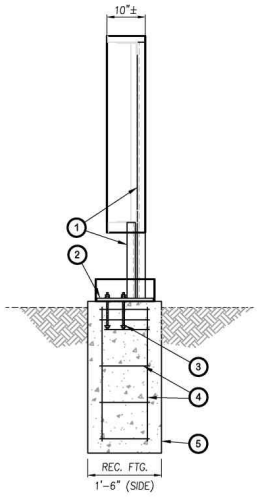
Drawing No
21-253 2

Page: **8.0**



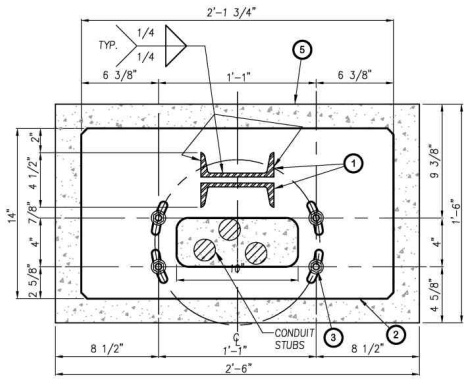
ELEVATION VIEW

1/2" = 1'-0"



SIDE VIEW

1/2" = 1'-0"



BASE PLATE DETAIL

1 1/2" = 1'-0"

1. (2) C6x10.5 STEEL CHANNEL PER ELEVATION AND WELD DETAIL HEREON.
2. 3/4" THK. STEEL BASE PLATE (25.75"x14") PER BASE PLATE DETAIL HEREON.
3. (4) 1/2"ø THREADED HOT DIPPED GALVANIZED ANCHOR RODS (ASTM F1554 GRADE 55) WITH GALVANIZED HARDWARE PER ELEVATION AND BASE PLATE DETAIL HEREON.
4. HORIZ: (3) #3 TIES AT 3" O.C. AND THEN (3) #3 TIES AT 8" O.C.
   VERT: (6) #5 BARS SPACES EVENLY AROUND PERIMETER CLEARANCE 3" MIN. TO EDGE OF CONC.
5. CONCRETE FOOTING PER PLAN AND SPECIFICATIONS HEREON.

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE 2019 CALIFORNIA BUILDING CODE (CBC), AND 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ANY CONFLICTS BETWEEN THESE DRAWINGS, STANDARDS NOTED HEREIN, PROJECT REQUIREMENTS. AND/OR OTHER REFERENCE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE CIVIL ENGINEER, WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
3. PROVIDE ISOLATION OF DISSIMILAR MATERIALS

STEEL:

1. C CHANNEL: ASTM A36 Fy=36 KSI
2. PLATE STEEL: ASTM A36 Fy=36 KSI
3. STRUCTURAL STEEL MEMBERS SHALL BE SHEARED, FORMED, PUNCHED, WELDED, AND PAINTED BY THE MANUFACTURER. ALL SHOP CONNECTIONS SHALL BE WELDED IN CONFORMANCE WITH STANDAROS BASED UPOON THE CURRENT EDITION OF ANSI/AWS D1.1. WELDERS AND WELDING OPERATORS SHALL BE QUALIFIED AS PROVIDED IN THE CODE.

CONCRETE:

1. DESIGN AND CONSTRUCTION IN COMPLIANCE TO ACI 318-14.
2. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GRADE 60.
3. COMPRESSIVE STRENGTH AT 28 DAYS: f'c=2500 PSI MIN.
4. PROVIDE A MINIMUM 3" CONCRETE COVER OVER ALL EMBEDDED STEEL.
5. CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH SOIL.
6. SOIL PASSIVE PRESSURE PER CBC CLASS 5 (100 PCF).

WINLOADS PER ASCE 7-16:

(29.3-1)	$F_{Wq}=q_z*G*C_f*A_s$		(26.10-1)	$q_z = 0.00256*K_z*K_{zt}*K_d*V^2$
	Risk Category:		II	
(26.5)	Wind Speed (V):	130	mph per ATC Council	
(Table 26.6-1)	Directional Fac. (K_d):	0.85	(Table 26.6-1)	
(26.7)	Exposure Category:	C		
(26.8.2)	Topo Fac. (K_{zt}):	1	(unless unusual terrain)	
(26.9)	Ground Elev. Fac. (K_e):	1	(for all elevation)	
(26.11)	Gust Effect Fac (G):	0.85		
	s (height of affected area)	4.04	ft	
	h (height)	5.58	ft	
	B (width of affected area)	3	ft	
	s/h=	0.72		
	B/s=	0.74		
	Force Coefficient (C_f):	1.664		
	Velocity pressure exposure coefficient (K_z):		(Table 29.3-1)	
	for s/h=1, add 10%		ASCE fig. 29.4-1 therefore:	1.0

Structure Component	Height at section c.g. ft	(Table 26.10-1) K_z factor	q_z psf	q_z*G*C_f psf	A_f ft²	Shear lb	Wind Moment lb-ft
1	0.13	0.85	31.26	44.20	0.25	11	1
2	0.29	0.85	31.26	44.20	0.67	30	9
3	0.94	0.85	31.26	44.20	0.32	14	13
4	3.56	0.85	31.26	44.20	12	530	1888
Forces at finish grade					13	585	1912

DIRECT BURIAL FOOTING:

M_{uc}:	1.91	k-ft	(0.6M_u):	1.15	k-ft	ω:	1.3		IBC 1605.3.2
V_{uc}:	0.59	kips	(0.6V_u):	0.35	kips				
P	0.46	kips	S1:	Sxd/3		266.67	psf		IBC 1806.1 &1806.3.4
Base	2.92	ft							
Depth	3.00	ft	A:	2.34*P/(S1xb)		1.37	ft		IBC 1807.3.2.1
h	3.27	ft							
S	100	psf/ft	d:	0.5Av/(1+(1+(4.36hA))		3.00	ft		
S'=	266.667	psf/ft	IBC Table 1806.2						

STEEL COLUMN DESIGN:

Check Steel Channel									
Mu=	1.912	k-ft	Mut=	22.941	k-in	ASTM A36			
Size	C6x10.5		S=	5.040	in³	Ftuw=	36	ksi	
			Z=	6.180	in³	Ftyw=	36	ksi	
			Req Z	0.64		Fcyw=	36	ksi	
						Kt=	1		
Normal Yield Moment			Nominal Rupture Moment						
Mnp=	222.48	k-in	Mnp=	222.48	k-in				
ϕ_b=	0.9		ϕ_b=	0.9					
ϕ_bMnp=	200.23	k-in	ϕ_bMnp=	200.23	k-in				
D/C:	0.11		D/C:	0.11					

BASE PLATE DESIGN:

Base Plate Check											
			Size:					Nominal Yield Moment			
Mu=	1.912	k-ft	t :	0.75	in			Mnp=Fy*Z:	8.86	k-in	
	22.94	k-in	S :	4	in			ϕ_b:	0.9		
Vu=	0.59	kip	Arm :	0.875	in			$\phi_b M_{np}$:	7.97	k-in	
			b eff :	1.75	in			Demand/Capacity:	0.31	OKAY	
Tgrp	5.74	kip	n:	2	bolts						
Tb=	2.87	kip/bolt	Material Steel A36					Nominal Yield Moment			
Mu PL=	2.5	k-in	Ftuw :	36	ksi			Mnp=Fy*Z:	8.86	k-in	
			Ftyw :	36	ksi			ϕ_b:	0.9		
S (in^3)=	0.164		F cyw :	36	ksi			$\phi_b M_{np}$:	7.97	k-in	
Z (in^3) =	0.246		Kt:	1				Demand/Capacity:	0.31	OKAY	

REGISTERED PROFESSIONAL ENGINEER YOSIMAR RAMOS No. 89832 Exp. 6/30/21 CIVIL STATE OF CALIFORNIA

YOSIMAR RAMOS
R.C.E. 89832
LIC. EXP 06/30/21

PREPARED BY:

YR ENGINEERING LP
424 E. MAITLAND ST.
SUITE A
ONTARIO, CA 91761
PHONE: (626) 374-5881
EMAIL: YRAMOS@YRENGINEERING.COM

NO	REVISION	BY	APPROVED	DATE
△				
△				
△				
△				
△				
△				

STARBUCKS DRIVE THRU SIGNAGE
PRE-MENU BOARDS
VARIOUS LOCATIONS, CALIFORNIA

PREPARED FOR: SIGN INDUSTRIES, INC.

CHECKED BY: YR	JOB NO: 2012-00	SHEET: 1 OF 1
DISREGARD PRINTS BEARING EARLIER REVISION DATES ▶	10-22-20	

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

△1	08-11-21	L.S
△2	08-23-21	L.S
△3		
△4		
△5		
△6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

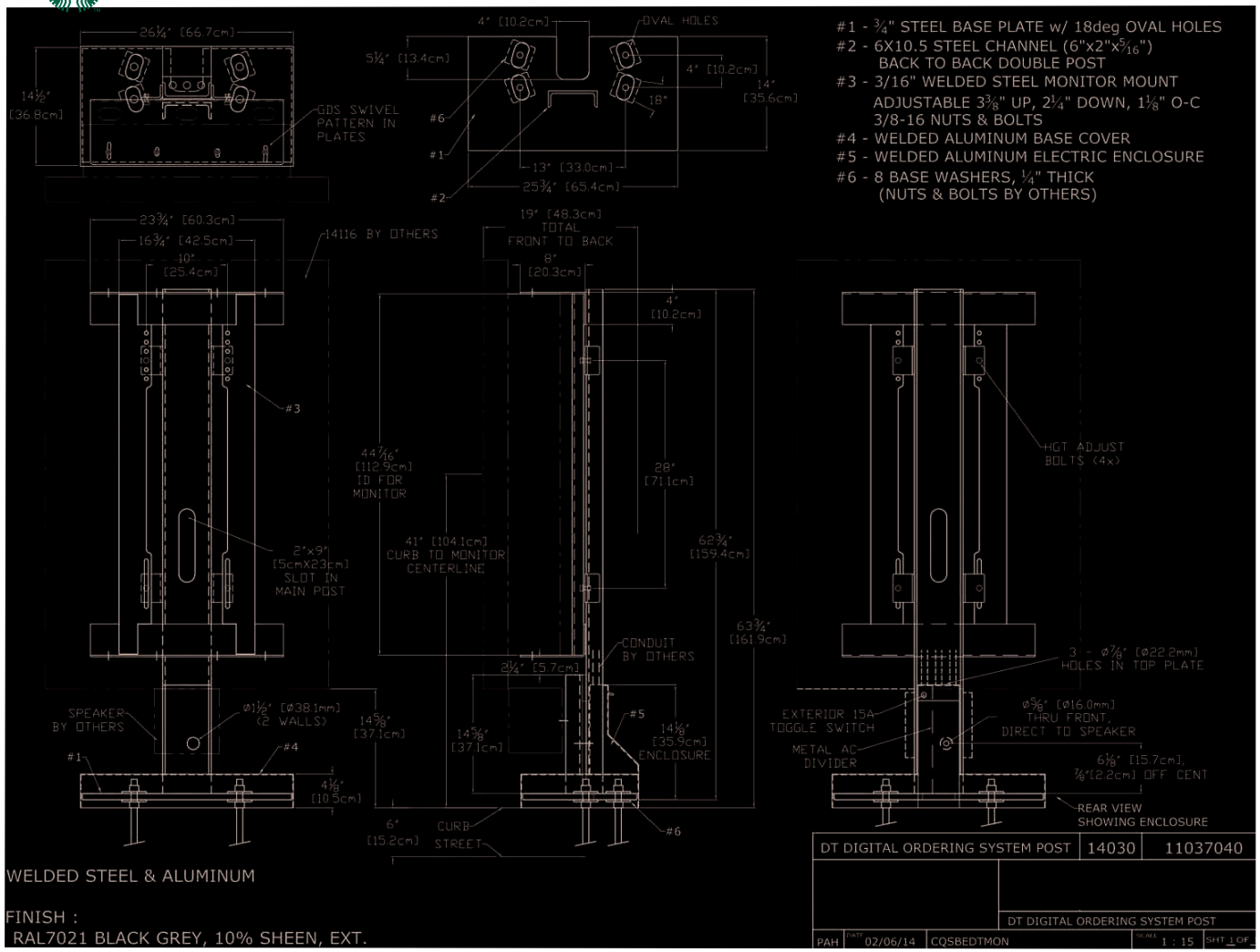
Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 △2

Page: **8.1**

Design ID#14130



H **DRIVE THRU DIGITAL ORDER POST~ Qty (1)**

INSTALLATION ONLY

NTS

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

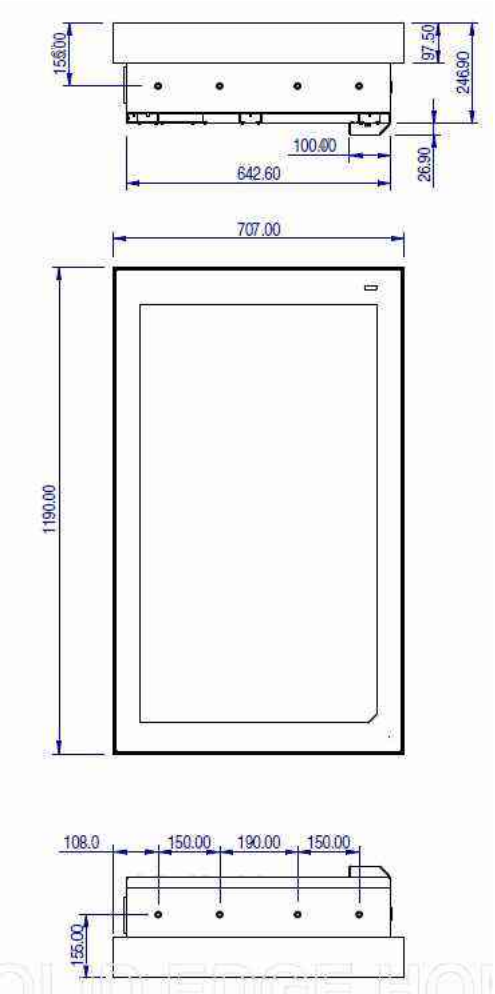
Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

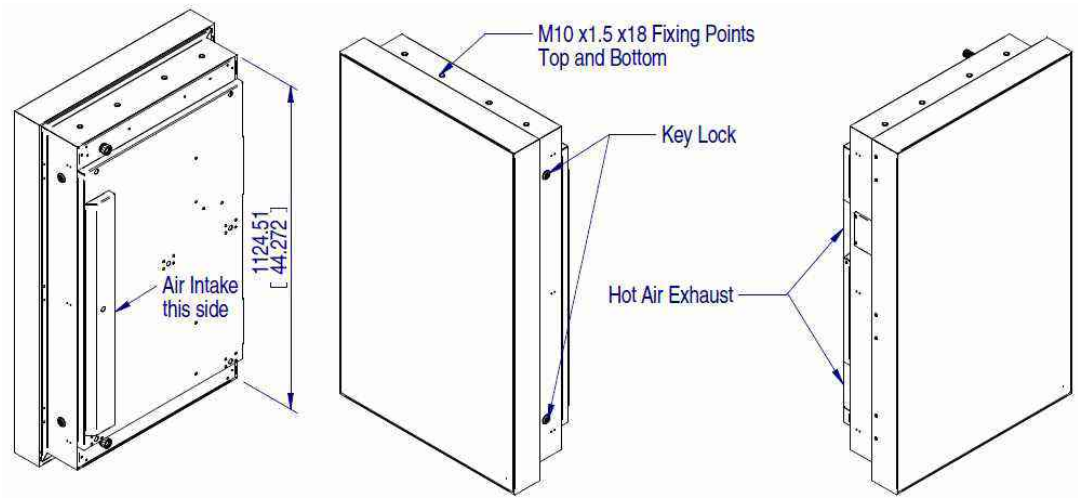
All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **9.0**

Design ID#14116





H.1 **DRIVE THRU DIGITAL ORDER SCREEN~ Qty (1)**
INSTALLATION ONLY ON

NTS

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

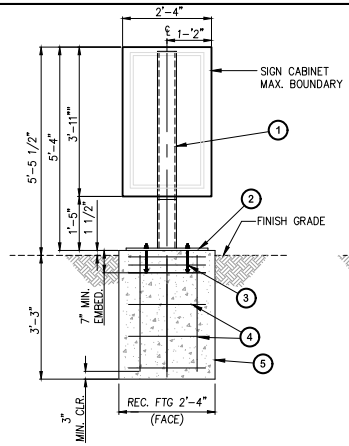
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

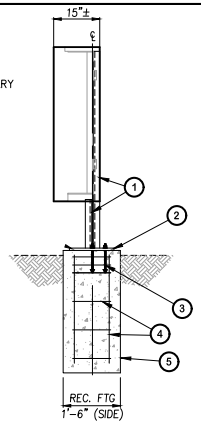
Drawing No
21-253 2

Page: **9.1**



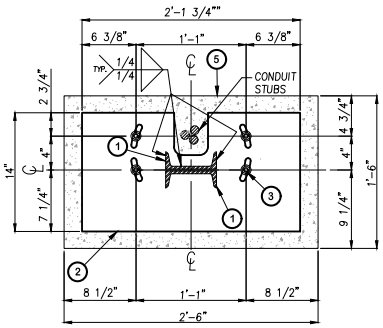
ELEVATION VIEW

3/8" = 1'-0"



SIDE VIEW

3/8" = 1'-0"



BASE PLATE DETAIL

1" = 1'-0"

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE 2019 CALIFORNIA BUILDING CODE (CBC), AND 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ANY CONFLICTS BETWEEN THESE DRAWINGS, STANDARDS NOTED HEREIN, PROJECT REQUIREMENTS. AND/OR OTHER REFERENCE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE CIVIL ENGINEER, WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
3. PROVIDE ISOLATION OF DISSIMILAR MATERIALS

STEEL:

1. C CHANNEL: ASTM A36 Fy=36 KSI
2. PLATE STEEL: ASTM A36 Fy=36 KSI
3. STRUCTURAL STEEL MEMBERS SHALL BE SHEARED, FORMED, PUNCHED, WELDED, AND PAINTED BY THE MANUFACTURER. ALL SHOP CONNECTIONS SHALL BE WELDED IN CONFORMANCE WITH STANDARDS BASED UPOON THE CURRENT EDITION OF ANSI/AWS D1.1. WELDERS AND WELDING OPERATORS SHALL BE QUALIFIED AS PROVIDED IN THE CODE.

DESIGN CRITERIA:

1. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ASCE 7-16
   BASIC WIND SPEED: 130 MPH
   RISK CATEGORY: II
   EXPOSURE CATEGORY: C
   SITE CLASS: D
   OCCUPANCY CATEGORY: II
   SEISMIC DESIGN CATEGORY: D
   IMPORTANCE FACTOR: 1.0
   RESPONSE MODIFICATION FACTOR: Rp=3.0
   AMPLIFICATION FACTOR: Ap=2.5

CONCRETE:

1. DESIGN AND CONSTRUCTION IN COMPLIANCE TO ACI 318-14.
2. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GRADE 60.
3. COMPRESSIVE STRENGTH AT 28 DAYS: f'c=2500 PSI MIN.
4. PROVIDE A MINIMUM 3" CONCRETE COVER OVER ALL EMBEDDED STEEL.
5. CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH SOIL.
6. SOIL PASSIVE PRESSURE PER CBC CLASS 5 (100 PCF).

1. (2) C6x10.5 STEEL CHANNEL PER ELEVATION AND WELD DETAIL ON SHEET 2.
2. 3/4" THK. STEEL BASE PLATE (25.75"x14") PER BASE PLATE DETAIL ON SHEET 2.
3. (4) 1/2"ø THREADED HOT DIPPED GALVANIZED ANCHOR RODS (ASTM F1554 GRADE 55) WITH GALVANIZED HARDWARE PER ELEVATION AND BASE PLATE DETAIL ON SHEET 2.
4. HORIZ: (3) #3 TIES AT 3" O.C. AND THEN (3) #3 TIES AT 10" O.C.
   VERT: (6) #5 BARS SPACES EVENLY AROUND PERIMETER CLEARANCE 3" MIN. TO EDGE OF CONC.
5. CONCRETE FOOTING PER PLAN AND SPECIFICATIONS HEREON AND SHEET 2.

WINLOADS PER ASCE 7-16:

(29.3-1)	$F=q_h*G*C_f*A_s$	(26.10-1)	$q_z = 0.00256*K_z*K_{zt}*K_d*V^2$	
	Risk Category:	II		
(26.5)	Wind Speed (V):	130	mph per ATC Council	
(Table 26.6-1)	Directional Fac. (K_d):	0.85	(Table 26.6-1)	
(26.7)	Exposure Category:	C		
(26.8.2)	Topo Fac. (K_{zt}):	1	(unless unusual terrain)	
(26.9)	Ground Elev. Fac. (K_e):	1	(for all elevation)	
(26.11)	Gust Effect Fac (G):	0.85		
	s (height of affected area)	4.4	ft	
	h (height)	5.9	ft	
	B (width of affected area)	2.92	ft	
	s/h=	0.75		
	B/s=	0.66		
	Force Coefficient (C_f):	1.661		
	Velocity pressure exposure coefficient (K_z):		(Table 29.3-1)	
	for s/h=1, add 10%		ASCE fig. 29.4-1 therefore:	1.0

Structure Component	Height at section c.g. ft	(Table 26.10-1) K_z factor	q_z psf	q_z*G*C_f psf	A_f ft²	Shear lb	Wind Moment lb-ft
1	0.1	0.85	31.26	44.13	0.56	25	2
2	0.88	0.85	31.26	44.13	0.69	30	27
3	3.76	0.85	31.26	44.13	12.84	567	2130
Forces at finish grade					14	622	2160

DIRECT BURIAL FOOTING:

M_u:	2.16	k-ft	(0.6M_u):	1.30	k-ft	ω:	1.3	IBC 1605.3.2
V_u:	0.62	kips	(0.6V_u):	0.37	kips			
P	0.48	kips	S1:	Sxd/3		288.89	psf	IBC 1806.1 &1806.3.4
Base	2.77	ft						
Depth	3.25	ft deep	A:	2.34*P/(S1xb)		1.42	ft	IBC 1807.3.2.1
h	3.47	ft						
S	100	psf/ft	d:	0.5Av(1+(1+(4.36hA))		3.13	ft	
S'=	266.667	psf/ft	IBC Table 1806.2					

STEEL COLUMN DESIGN:

Check Steel Channel

Mu=	2.160	k-ft	Mut=	25.915	k-in	ASTM A36		
Size	C6x10.5		S=	5.040	in³	Ftuw=	36	ksi
			Z=	6.180	in³	Ftyw=	36	ksi
			Req Z	0.72		Fcyw=	36	ksi
						Kt=	1	
Normal Yield Moment			Nominal Rupture Moment					
Mnp=	222.48	k-in	Mnp=	222.48	k-in			
ϕ_b=	0.9		ϕ_b=	0.9				
ϕ_bMnp=	200.23	k-in	ϕ_bMnp=	200.23	k-in			
D/C:	0.13		D/C:	0.13				

BASE PLATE DESIGN:

Base Plate Check

			Size:			Nominal Yield Moment		
Mu=	2.160	k-ft	t :	0.75	in	Mnp=Fy*Z:	20.25	k-in
	25.91	k-in	S :	4	in	ϕ_b:	0.9	
Vu=	0.62	kip	Arm :	2	in	$\phi_b M_{np}$:	18.23	k-in
			b eff :	4	in	Demand/Capacity:	0.36	OKAY
Tgrp	6.48	kip	nt:	2	bolts			
Tb=	3.24	kip/bolt	Steel A36			Nominal Yield Moment		
Mu PL=	6.5	k-in	Ftuw :	36	ksi	Mnp=Fy*Z:	20.25	k-in
			Ftyw :	36	ksi	ϕ_b:	0.9	
S (in^3)=	0.375		F cyw :	36	ksi	$\phi_b M_{np}$:	18.23	k-in
Z (in^3) =	0.563		Kt:	1		Demand/Capacity:	0.36	OKAY

REGISTERED PROFESSIONAL ENGINEER YOSIMAR RAMOS No. 89832 Exp. 6/30/21 CIVIL STATE OF CALIFORNIA

YOSIMAR RAMOS
R.C.E. 89832
LIC. EXP 06/30/21

PREPARED BY:

YR ENGINEERING LP
424 E. MAITLAND ST.
SUITE A
ONTARIO, CA 91761
PHONE: (626) 374-5881
EMAIL: YRAMOS@YRENGINEERING.COM

NO	REVISION	BY	APPROVED	DATE
△				
△				
△				
△				
△				
△				

STARBUCKS DRIVE THRU SIGNAGE
DIGITAL ORDER SCREEN DETAILS
VARIOUS LOCATIONS, CALIFORNIA

PREPARED FOR: SIGN INDUSTRIES, INC.

CHECKED BY: YR	JOB NO: 2012-00	SHEET: 1 OF 1
DISREGARD PRINTS BEARING EARLIER REVISION DATES ▶	10-22-20	

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

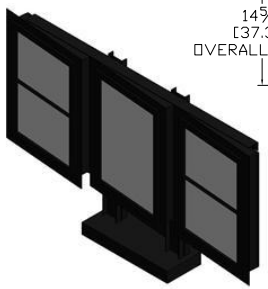
Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

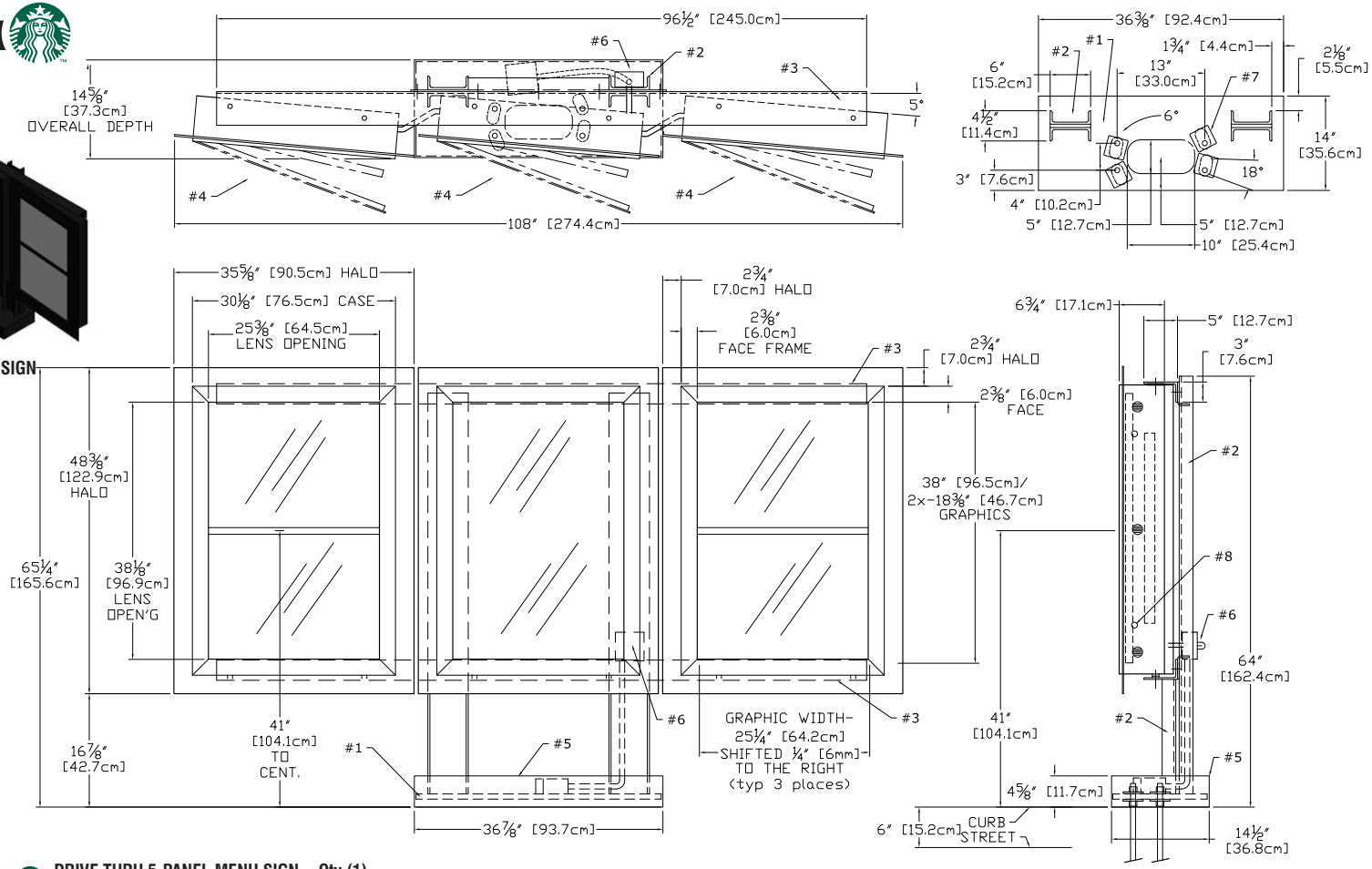
Drawing No
21-253 △2

Page: **9.2**

Design ID#14119



5- PANEL MENU SIGN



J **DRIVE THRU 5-PANEL MENU SIGN~ Qty (1)**
INSTALLATION ONLY

Scale: 1" = 3/4"

Sq. Ft.
36

RAL7021 BLACK GREY, 10% SHEEN, EXT

Sign Specifications:

#1 -¾" [19mm] STEEL BASE PLATE w/ 18deg HOLES PATTERN ROTATED FOR 15deg THRU 3deg POSITION
#2 - C6X10.5 (6"x2"x5/16") STEEL POST (2x)
#3 - 5"x3"X¼" STEEL SUPPORT ANGLES (2x) (BOLTED TO WELDED ¼" STEEL CROSSBARS)
#4 - EXTRUDED ALUMINUM MENU BOARDS (3x)
ONE FULL AND TWO SPLIT PANEL LIGHTBOXES
ONE - 25¼"x38" AND FOUR 25¼"x18⅜" GRAPHICS
ALL GRAPHIC ASSEMBLIES SHIFTED ¼" TO RIGHT
STANDARD LED TUBE LIGHTING, SIDE LOCKS
#5 - WELDED ALUMINUM BASE COVER
#6 - WATER-TIGHT BOX w/SWITCH & SENSOR, RIDGID CONDUIT RUN TO SECOND EXT BOX BELOW BASE COVER, 120 WATT, 0.90Aac
#7 - 8 BASE WASHERS, ¼" THICK
#8 - TWO SIDE MOUNT LOCKS per MENUBOARD RETAIN EXISTING KEY #E3-26-819-15

APPROVED 02/06/14

DT 5 PANEL FREESTANDING	14119	11036585
ALL DESIGN, OPERATIVE AND PROCESS DATA PERTAINING TO THE ARTICLE SHOWN ON THIS SHEET IS THE PROPERTY OF DSA PHOTOTECH. IT IS DISCLOSED IN CONFIDENCE AND IS NOT TO BE COPIED, REPRODUCED, REVEALED TO, OR APPROPRIATED BY OTHERS, IN PART OR IN WHOLE, WITHOUT THE EXPRESS CONSENT OF DSA PHOTOTECH. THIS PRINT IS LOANED AND MUST NOT BE USED IN ANY MANNER DETRIMENTAL TO THE INTEREST OF DSA PHOTOTECH.	DSA	DSA/PHOTOTECH 16961 Central Avenue, Carson, CA 90746 (310) 537-5000 (310) 537-7060 Fax phubbell@dsaphototech.com
	DRIVE THRU 5 PANEL w/ STAND	
PAH / DATE 02/06/14	CQSBEDT5LED	SCALE 1 : 20 / SHT 1 OF 1

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

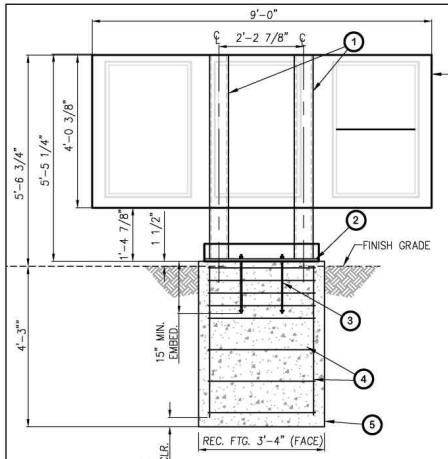
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

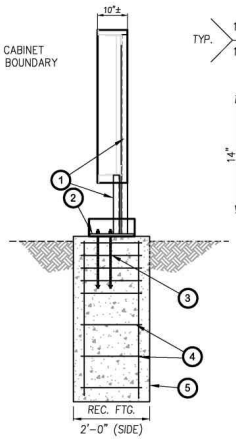
Drawing No
21-253 2

Page: **10.0**



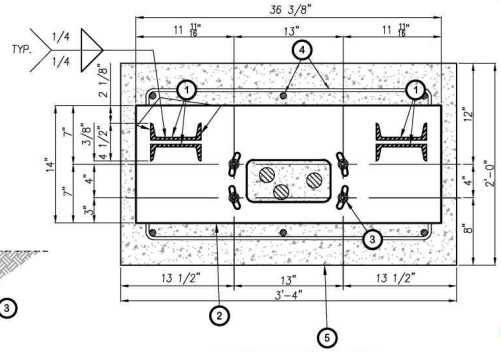
ELEVATION VIEW

3/8" = 1'-0"



SIDE VIEW

3/8" = 1'-0"



BASE PLATE DETAIL

1" = 1'-0"

1. (4) C6x10.5 STEEL CHANNEL PER ELEVATION AND WELD DETAIL HEREON.
2. 3/4" THK. STEEL BASE PLATE (30"x24") PER BASE PLATE DETAIL HEREON.
3. (4) 1/2"ø THREADED HOT DIPPED GALVANIZED ANCHOR RODS (ASTM F1554 GRADE 55) WITH GALVANIZED HARDWARE PER ELEVATION AND BASE PLATE DETAIL HEREON.
4. HORIZ: (3) #3 TIES AT 3" O.C. AND THEN (3) #3 TIES AT 10" O.C.
   VERT: (6) #5 BARS SPACES EVENLY AROUND PERIMETER CLEARANCE 3" MIN. TO EDGE OF CONC.
5. CONCRETE FOOTING PER PLAN AND SPECIFICATIONS HEREON.

STEEL:

1. C CHANNEL: ASTM A36 Fy=36 KSI
2. PLATE STEEL: ASTM A36 Fy=36 KSI
3. STRUCTURAL STEEL MEMBERS SHALL BE SHEARED, FORMED, PUNCHED, WELDED, AND PAINTED BY THE MANUFACTURER. ALL SHOP CONNECTIONS SHALL BE WELDED IN CONFORMANCE WITH STANDARDS BASED UPOON THE CURRENT EDITION OF ANSI/AWS D1.1. WELDERS AND WELDING OPERATORS SHALL BE QUALIFIED AS PROVIDED IN THE CODE.

CONCRETE:

1. DESIGN AND CONSTRUCTION IN COMPLIANCE TO ACI 318–14.
2. STEEL REINFORCEMENT IN CONCRETE ASTM A615 GRADE 60.
3. COMPRESSIVE STRENGTH AT 28 DAYS: f'c=2500 PSI MIN.
4. PROVIDE A MINIMUM 3" CONCRETE COVER OVER ALL EMBEDDED STEEL.
5. CONCRETE MUST BE POURED AGAINST UNDISTURBED EARTH SOIL.
6. SOIL PASSIVE PRESSURE PER CBC CLASS 5 (100 PCF).

DESIGN CRITERIA:

1. STRUCTURE IS DESIGNED IN ACCORDANCE WITH ASCE 7–16
   BASIC WIND SPEED: 130 MPH
   RISK CATEGORY: II
   EXPOSURE CATEGORY: C
   SITE CLASS: D
   OCCUPANCY CATEGORY: II
   SEISMIC DESIGN CATEGORY: D
   IMPORTANCE FACTOR: 1.0
   RESPONSE MODIFICATION FACTOR: Rp=3.0
   AMPLIFICATION FACTOR: Ap=2.5

GENERAL NOTES:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION, THE 2019 CALIFORNIA BUILDING CODE (CBC), AND 2018 INTERNATIONAL BUILDING CODE (IBC).
2. ANY CONFLICTS BETWEEN THESE DRAWINGS, STANDARDS NOTED HEREIN, PROJECT REQUIREMENTS, AND/OR OTHER REFERENCE DOCUMENTS SHALL BE BROUGHT TO THE ATTENTION OF THE CIVIL ENGINEER, WHERE CONFLICTS OCCUR, THE MOST STRINGENT REQUIREMENTS SHALL BE FOLLOWED.
3. PROVIDE ISOLATION OF DISSIMILAR MATERIALS

WINLOADS PER ASCE 7-16:

(29.3-1)	$F=q_h*G*C_f*A_s$	(26.10-1)	$q_z = 0.00256*K_z*K_{zt}*K_d*K_e*V^2$
	Risk Category:	II	
(26.5)	Wind Speed (V):	130	mph per ATC Council
(Table 26.6-1)	Directional Fac. (K_d):	0.85	(Table 26.6-1)
(26.7)	Exposure Category:	C	
(26.8.2)	Topo Fac. (K_{zt}):	1	(unless unusual terrain)
(26.9)	Ground Elev. Fac. (K_e):	1	(for all elevation)
(26.11)	Gust Effect Fac (G):	0.85	
	s (height of affected area)	4.04	ft
	h (height)	5.58	ft
	B (width of affected area)	9	ft
	s/h=	0.72	
	B/s=	2.23	
	Force Coefficient (C_f):	1.589	
	Velocity pressure exposure coefficient (K_z):		(Table 29.3-1)
	for s/h=1, add 10%	ASCE fig. 29.4-1 therefore:	1.0

Structure Component	Height at section c.g. ft	(Table 26.10-1) K_z factor	q_z psf	q_z*G*C_f psf	A_f ft²	Shear lb	Wind Moment lb-ft
1	0.23	0.85	31.26	44.23	1.53	65	15
2	0.48	0.85	31.26	44.23	2	84	41
3	2.56	0.85	31.26	44.23	36.38	1536	5469
Forces at finish grade					40	2191	7182

DIRECT BURIAL FOOTING:

M_u:	5.52	k-ft	(0.6Mu):	3.31	k-ft	ω:	1.3		IBC 1605.3.2
V_u:	1.69	kips	(0.6Vu):	1.01	kips				
P	1.31	kips	S1:	Sxd/3			377.78	psf	IBC 1806.1
Base	3.89	ft dia.				12 ft or	1068	psf MAX	&1806.3.4
Depth	4.25	ft deep	A:	2.34*P/(S1xb)			2.09	ft	IBC 1807.3.2.1
h	3.28	ft							
S	100	psf/ft	d:	0.5Av[1+(1+(4.36hA))]			3.97	ft	
S'=	266.667	psf/ft	IBC Table 1806.2						

STEEL COLUMN DESIGN:

Check Steel Channel

Mu=	7.182	k-ft	Mut=	86.183	k-in	ASTM A36		
Size	C6x10.5		S=	5.040	in^3	Ftuw=	36	ksi
			Z=	6.180	in^3	Ftyw=	36	ksi
			Req Z	2.39		Fcyw=	36	ksi
						Kt=	1	

Normal Yield Moment			Nominal Rupture Moment		
Mnp=	222.48	k-in	Mnp=	222.48	k-in
ϕ_n=	0.9		ϕ_n=	0.9	
ϕ_nMnp=	200.23	k-in	ϕ_nMnp=	200.23	k-in
D/C:	0.43		D/C:	0.43	

BASE PLATE DESIGN:

Base Plate Check

			Size:				Nominal Yield Moment		
Mu=	7.182	k-ft	t :	0.75	in		Mnp=Fy*Z:	20.25	k-in
	86.18	k-in	S :	4	in		ϕ_n:	0.9	
Vu=	2.19	kip	Arm :	0.375	in		$\phi_n M_{np}$:	18.23	k-in
			b eff :	4	in		Demand/Capacity:	0.22	OKAY
Tgrp	21.55	kip	n:	2	bolts				
Tb=	10.77	kip/bolt	Steel A36				Nominal Yield Moment		
Mu PL=	4.0	k-in	Ftuw :	36	ksi		Mnp=Fy*Z:	20.25	k-in
			Ftyw :	36	ksi		ϕ_n:	0.9	
S (in^3)=	0.375		F.cyw :	36	ksi		$\phi_n M_{np}$:	18.23	k-in
Z (in^3) =	0.563		Kt:	1			Demand/Capacity:	0.22	OKAY

REGISTERED PROFESSIONAL ENGINEER
YOSIMAR RAMOS
No. 89832
Exp. 6/30/21
CIVIL
STATE OF CALIFORNIA

YOSIMAR RAMOS
R.C.E. 89832
LIC. EXP 06/30/21

PREPARED BY:

YR ENGINEERING LP
424 E. MAITLAND ST.
SUITE A
ONTARIO, CA 91761
PHONE: (626) 374–5881
EMAIL: YRAMOS@YRENGINEERING.COM

NO	REVISION	BY	APPROVED	DATE
△				
△				
△				
△				
△				
△				

STARBUCKS DRIVE THRU SIGNAGE
5-PANEL MENU BOARD
VARIOUS LOCATIONS, CALIFORNIA

PREPARED FOR: SIGN INDUSTRIES, INC.

CHECKED BY: YR	JOB NO: 2012–00	SHEET: 1 OF 1
DISREGARD PRINTS BEARING EARLIER REVISION DATES ▶	10–22–20	

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

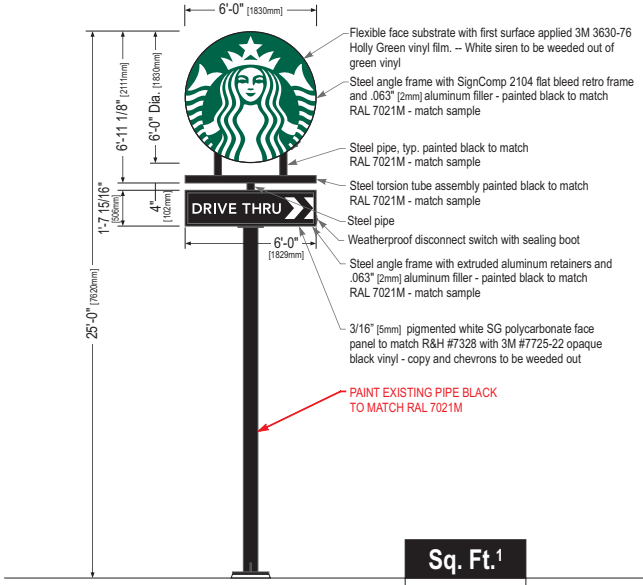
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

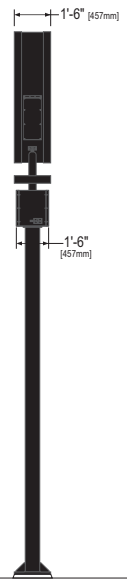
Drawing No
21-253 △2

Page: 10.1

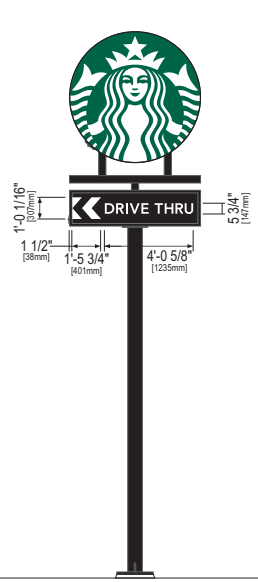


Front Elevation View

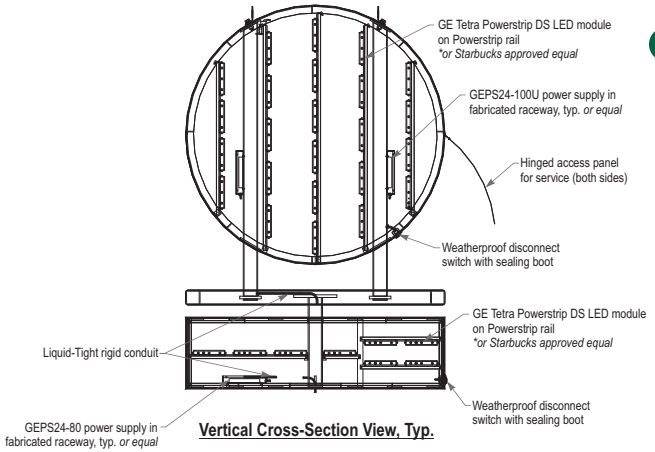
Sq. Ft.[1]
41.76



Side View



Rear View



Vertical Cross-Section View, Typ.

K NEW LOGO AND CABINET FOR EXISTING POLE

QTY (1)

Scale: 3/8" = 1'-0"

Sign Specifications:

Disk Cabinet:
- Steel angle frame with .063" [2mm] aluminum filler painted black to match RAL 7021M.
- SignComp retro bleed flex face retainer painted black to match RAL 7021M.
- Areas using black paint to match RAL 7021M shall have a max 20% gloss level, match sample.
- Flexible face substrate with first surface applied 3M 3630-76 Holly Green vinyl film. White siren to be weeded out of green vinyl.
- Interior aluminum surfaces of sign cabinet to be painted white with Lacryl Starbrite.
- All fasteners used in the assembly of internal components shall be coated to prevent corrosion.
- Internal structure of cabinet shall be per approved shop drawings.
- Graphic elements are internally illuminated using GE Tetra Powerstrips DS LED modules mounted on GE Powerstrip Rail operating off (2) GEPS24-100U power supplies in fabricated raceways *or Starbucks approved equal*. All electrical components are removable for service.
- Torsion tube assembly to be constructed of 4"x 4" x 1/4" [102mm x 102mm x 6mm] square steel tube with .063" [2mm] aluminum filler, top and bottom. Assembly painted black to match RAL 7021M.

Drive Thru Cabinet:
- Steel angle frame with extruded aluminum retainers and .063" [2mm] aluminum filler painted black to match RAL 7021M.
- Areas using black paint to match RAL 7021M shall have a max 20% gloss level, match sample.
- 3/16" [5mm] pigmented white solar grade polycarbonate face panel to match R&H #7328 with 3M #7725-22 opaque black vinyl - copy and chevrons to be weeded out.
- Interior aluminum surfaces of sign cabinet to be painted white with Lacryl Starbrite.
- All fasteners used in the assembly of internal components shall be coated to prevent corrosion.
- Internal structure of cabinet shall be per approved shop drawings.
- Graphic elements are internally illuminated using GE Tetra Powerstrips DS LED modules mounted on GE Powerstrip Rail operating off (1) GEPS24-80 power supply in fabricated raceway *or Starbucks approved equal*. All electrical components are removable for service.

Support:
- Supporting structure will be all welded steel tube, pipe, channel and plate construction painted black to match RAL 7021M as per approved shop drawings.
- Base plate will be constructed so that it can be retro-fittable to existing sign foundations. All foundations, existing and new must be analyzed for suitability and must meet all local city or state codes regulations.

Regulatory:
- Sign must meet all regulations in the National Electric Code as well as any local or state electrical codes.
- As per NEC 600.6, sign is equipped with a service disconnect switch.
- Sign must be listed as an Electric Sign per Underwriters Laboratories UL48 and/or CSA and bear the appropriate UL, CUL or CSA relevant certification marks.
- Primary power by electrical contractor per NEC.

These Drawings and Specifications are confidential and shall remain the sole property of Starbucks Corporation, which is the owner of the copyright in this work. They shall not be reproduced (in whole or in part), shared with third parties or used in any manner on other projects or extensions to this project without the prior written consent of Starbucks Corporation.

This drawing is a Design Development Document. Site specific modifications made under the responsible charge of the Architect and/or Engineer-of-Record will be required prior to using this document for Bidding, Permitting, or Construction.

Size	Sq. Ft.[1]	Sq. Ft.[2]	Volts	Amps
25' (7620mm)	41.76	45.97	120	3.1

1: Figured as illuminated area
2: Figured as complete signage

Design ID #14110

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: 11.0

1) PrismBEAM FIXTURES LAID OUT 12" CENTER TO CENTER

2) LAYOUT BASED ON THE PrismBEAM BEING MOUNTED 5"–10" FROM FACE

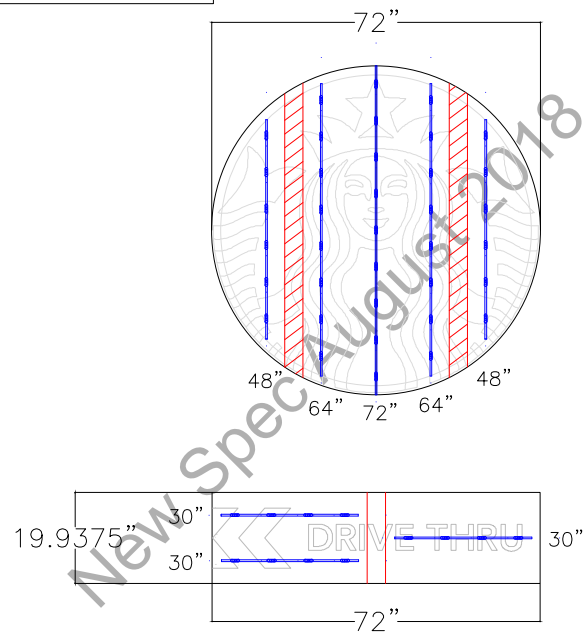
3) SEE INSTALLATION INSTRUCTIONS FOR QUANTITY OF POWER SUPPLIES FOR PrismBEAM FIXTURES

4) HORIZONTAL MOUNTING OF PrismBEAM FIXTURES REQUIRES A SUPPORT IN THE CENTER FOR LENGTHS 96" OR GREATER

5) ALL DIMENSIONS ARE IN INCHES UNLESS OTHERWISE STATED

6) TOTAL WATTS REQUIRED FOR THIS JOB = 154.7

SloanLED®
Leaders in LED Technology
www.SloanLED.com Phone 805.676.3200
Toll–Free 888.747.4LED Fax 805.676.3206



New Spec August 2018

DID# – 14110

ESTIMATED PRODUCT B.O.M. PER DOUBLE SIDED SIGN:
1 Each 72" PrismBeam Double Sided Fixtures
PN: 701972–6WPD721
2 Each 64" PrismBeam Double Sided Fixtures
PN: 701972–6WPD641
2 Each 48" PrismBeam Double Sided Fixtures
PN: 701972–6WPD481
3 Each 30" PrismBeam Double Sided Fixtures
PN: 701972–6WPD301
3 Each 701895–24C 100W Power Supply 24VDC
1 Each 100' Roll of Jacketed Cable

DRAWN	DATE	JOB NUMBER	
CC/kl	06/28/18	LS538	STARBUCKS

1) This design and drawing are proprietary and the property of SloanLED. Any reproduction or use without prior written approval is prohibited.

2) This layout is based upon SloanLED product standards. PrismBEAM and power supply quantities are ESTIMATES ONLY and are based on the supplied information and drawings. To ensure accurate product requirements, it is recommended that product is tested using customer's specific lens material and letter configuration.

3) SloanLED highly recommends applying Light Enhancement Paint (LEP) or Light Enhancement Film (LEF) inside cabinets for optimal illumination.

4) Jacketed cable estimated assumes maximum run length of 15' per leg of the power supply.

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21
Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

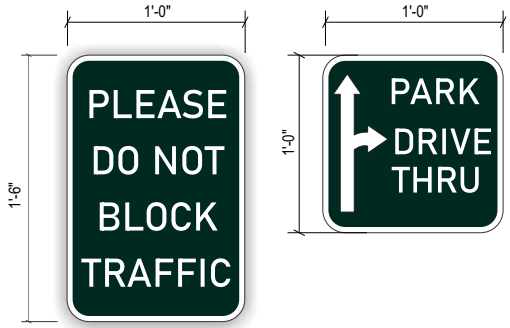
Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: 11.01



L POST SIGN

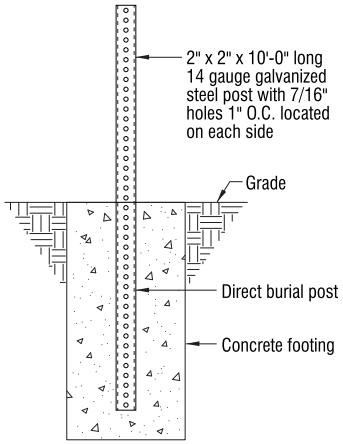
QTY (1) Scale: 1 1/2" = 1'

SPECIFICATIONS:

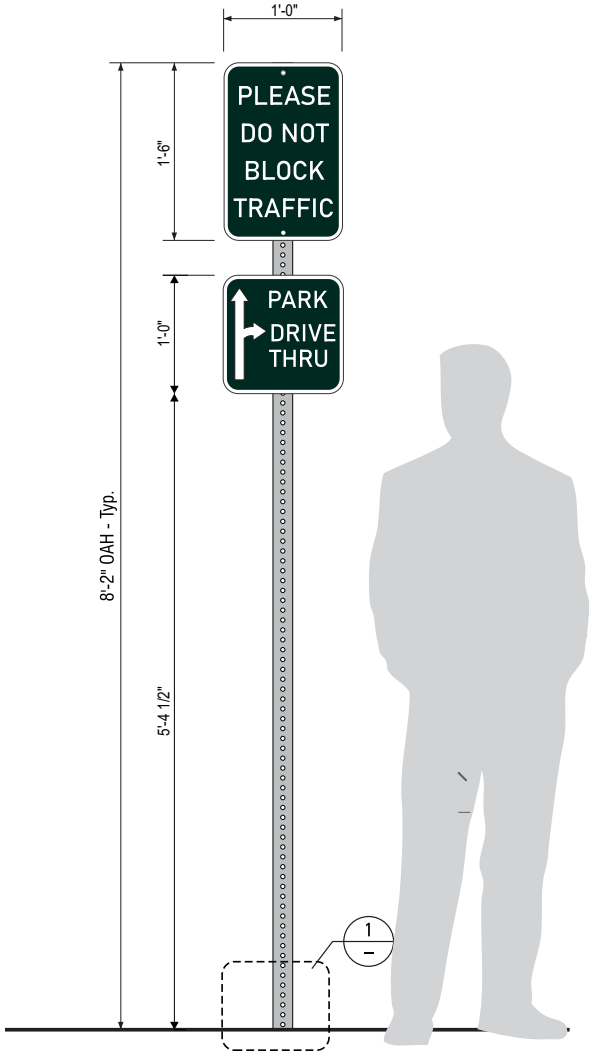
PANEL : TO BE .080 ALUMINUM PANELS WITH 1" RADIUS CORNERS AND PAINTED WHITE SEMI - GLOSS FINISH

COPY/ARROWS: TO BE APPLIED WHITE OPAQUE VINYL

NOTES : STARBUCKS GENERAL CONTRACTOR (GC) WILL PROVIDE AND INSTALL PARKING POLE PER NOTED SITE PLAN



1 **DIRECT BURIAL DETAIL**
Scale: 1" = 1'-0"



FACE VIEW

Project:

Location:
2551 E. Vineyard Ave.
Oxnard, CA 93036

Client Approval:

Date of Approval:

Sales Rep:
Paul L.

Date: 6-23-21 Drawn by: L.S.

1	08-11-21	L.S
2	08-23-21	L.S
3		
4		
5		
6		

Electrical Requirement:
☐ 120 Volts ☐ 277 Volts

Sign Industries INCORPORATED
2101 Carrillo Privado, Ontario, CA 91761
(909) 930-0303 Fax: (909) 930-0308
E-mail: design@signindustries.tv
Web: www.signindustries.tv

All ideas, plans or arrangements indicated on this drawing are copyrighted and owned by Sign Industries Incorporated and shall not be reproduced, used by or disclosed to any persons, firm or corporation for any purpose whatsoever without written permission of Sign Industries Incorporated.

Drawing No
21-253 2

Page: **12.0**

ATTACHMENT
G

RESOLUTION NO. 2021-XX
(MAJOR MODIFICATION TO U-916)

RESOLUTION NO. 2021 - XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 21-550-01 (MAJOR MODIFICATION TO U-916 (SPECIAL USE PERMIT)) TO ALLOW FOR MODIFICATIONS TO AN EXISTING 2,450 SQUARE-FOOT DRIVE-THROUGH FAST FOOD RESTAURANT BUILDING AND TO ALLOW FOR A 2,500 SQUARE-FOOT STARBUCKS DRIVE-THROUGH COFFEE SHOP ON A 0.66 ACRE PROJECT SITE AND ADMINISTRATIVE PARKING RELIEF TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 50 TO 35 (INCLUDING 15 SPACES WHICH ARE PROVIDED VIA THE DRIVE-THROUGH QUEUE) AND TO ALLOW FOR 11 COMPACT PARKING SPACES, LOCATED AT 2551 NORTH VINEYARD AVENUE (APN: 132-0-043-215), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY BEVERLY METZ, OF STARBUCKS, (APPLICANT) 555 ANTON BOULEVARD, COSTA MESA, CA 92626.

WHEREAS, on February 12, 2021, Jennifer Cribbs (the **"Applicant"** and/or **"Permittee"**) submitted a request to allow for modifications to an existing 2,450 square-foot drive-through fast food restaurant building to allow for a Starbucks drive-through coffee shop on a 0.66 acre site. The proposed improvements will consist of a small addition, facade changes, revised signage, upgraded landscaping, new parking lot striping, drive-through lane modification to allow for an extended queuing lane to allow for a maximum capacity of 16 vehicles. The request also includes a request for a parking modification to allow for a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-through queue. The parking modification will also allow for 11 of the parking spaces to be compact parking spaces. The project includes a Transportation Demand Management Plan. The project is located in the General Commercial Planned Development (C-2-PD) zone at 2551 North Vineyard Avenue (APN: 132-0-043-215); and

WHEREAS, on November 4, 2021, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, to consider the Applicant's request to approve Planning and Zoning Permit No. 21-550-01 (Major Modification) to allow for modifications to an existing 2,450 square foot drive-through fast food restaurant building to allow for a Starbucks coffee shop on a 0.66 acre site (the **"Project"**), in accordance with Section 16-561 of the Oxnard City Code (OCC) and to allow for a parking modification to allow for 1) a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-through queue, and 2) a parking modification to allow for 11 of the parking spaces to be compact parking spaces in accordance with Section 16-651 of the OCC; and

WHEREAS, Sections 16-561, 16-651(B)(3) and 16-651(B)(4) of the OCC authorize the Planning Commission to approve a Major Modification and relief from parking requirements; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project meets the criteria set out in Sections 16-651(B)(3) and 16-651(B)(4) of the OCC; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons set forth in the Planning Commission Staff Report; and

WHEREAS, the Planning and Environmental Services Division has completed a preliminary environmental assessment of the Project in accordance with the California Environmental Quality Act (CEQA) and determined that the Project is subject to a Class 1 Categorical Exemption (Section 15301). Further, the project does not trigger any of the Exceptions to the Exemptions (15300.2):

A. Location. Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located. A project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply to all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

The project site has a 2030 General Plan land use designation of Commercial General and is in the General Commercial - Planned Development (C-2-PD) zoning designation. The project is currently developed with an existing fast food drive-through restaurant and is surrounded by other commercial and residential urban development. The project site and adjacent sites do not contain any known environmental resource of hazardous or critical concern. Therefore, the project will have no impact on an environmental resource of hazardous or critical concern.

B. Cumulative Impact. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.

The existing development consists of a drive-through fast food restaurant. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed drive-through coffee shop, but the project also includes site modifications which are intended to improve the site conditions including circulation and aesthetics. As such, the proposed Project is consistent with the 2030 General Plan and Oxnard City Code and is compatible with the physical scale and character of allowable development in the project area. Any projects requiring discretionary approval would be analyzed with the General Plan and the Oxnard City Code for consistency and CEQA for any potential impacts. Therefore, the project will have no significant

cumulative impact.

C. Significant Effect. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.

The existing development consists of a drive-through fast food restaurant. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed drive-through coffee shop, but the project also includes site modifications which are intended to improve the site conditions including circulation and aesthetics. The proposed site improvements will not result in an unusual circumstance that would cause the project to have a significant effect on the environment. The Project will not alter the urban development (commercial and residential) character of the surrounding development and the property does not contain any unusual environmental characteristics as the property will be surrounded on all sides by commercial and residential development. Therefore, the Project will not have a significant effect on the environment due to unusual circumstances.

D. Scenic Highways. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements, which are required as mitigation by an adopted negative declaration or certified EIR.

The Project is not located in or adjacent to a state designated scenic highway.

E. Hazardous Waste Sites. A categorical exemption shall not be used for a project located on a site, which is included on any list compiled pursuant to Section 65962.5 of the Government Code.

The proposed project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code.

F. Historical Resources. A categorical exemption shall not be used for a project, which may cause a substantial adverse change in the significance of a historical resource.

The project site does not contain an existing or potential landmark, point of interest, or historic resource, and it is not located within an existing, proposed, or potential Historic District. Therefore, the proposed project will not cause a substantial adverse change in the significance of a historical resource.

WHEREAS, the Planning Commission finds after due study and deliberation that the that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting,

providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular. .

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   As described in the Staff Report, the existing development consists of a drive-through fast food restaurant. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed drive-through coffee shop. The Project is within the General Commercial Planned Development (C-2-PD) zone district which is consistent with the 2030 General Plan land use designation of Commercial General.

   As discussed in detail in the Planning Commission Staff Report Sections b, c, d, e, f, and g, the Project, as designed and conditioned, meets all applicable development standards with the approval of the Administrative Parking Relief under OCC 16-651(B)(3), "Compact parking spaces" to allow for 11 of the required parking spaces to be compact spaces, and OCC 16-651(B)(4), "Decrease in required parking spaces" to reduce the number of required parking spaces.

   The new business and associated improvements does not change the land use of the subject site. The project site is not subject to a Specific Plan. Therefore, the proposed project is in compliance with the 2030 General Plan and other adopted policies of the City of Oxnard and meets this Finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, pursuant to the 2030 General Plan land use designation "Commercial General" and the General Commercial - Planned Development (C-2 PD) zoning district, the proposed use of the project site as a drive-through coffee shop, is an allowed use, subject to a Special Use Permit. The surrounding uses are characterized by commercial uses, which are predominantly commercial centers, other drive-through facilities serving food products, and residential uses. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Additionally, the redesign of the Project and the included conditions of approval, will minimize the potential for impacts to adjacent roadways and properties.

Therefore, the proposed use and improvements, as conditioned, will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. **The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).**

   As described in the Staff Report, the project as designed and conditioned meets the development standards of the General Commercial Planned Development (C2-PD) zone as described above in Finding Section 1(1). The Project will result in an overall increase in onsite landscaping, with the landscaping increasing from 22.8 percent of the site to 26.4 percent. The majority of the new landscaping will be installed along North Vineyard Avenue, a designated scenic corridor which requires a landscaped buffer of at least 30 feet. The existing parking lot is located within this 30-foot area and is considered to be a "legal nonconforming" existing condition. The drive-through queue will be located within this 30-foot paved area, but paved areas will be removed and additional landscaping is proposed to be installed on both linear sides of the drive-through queue within the 30-foot area. This new landscaping will bring the project site more into compliance with the General Plan's 30-foot wide landscape buffer standard. The revised site landscaping will provide parkways and landscape areas throughout the parking lot that will feature low water use, native and regionally adapted plants including grasses, succulents, and trees. Additionally, 8 trees will be added throughout the property, which will assist in meeting the requirement of 1 tree for every 40 feet of property line. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

4. **The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.**

   As described in the Staff Report, the existing development consists of a drive-through fast food restaurant. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed drive-through coffee shop. The Project site is and will be accessed from Riverpark Boulevard via the existing driveways. The City's Traffic Engineer finds that the proposed project, as conditioned, and in the context of the documentation provided and reviewed demonstrate that there is sufficient vehicle queue and parking capacity. The project has provided and been conditioned to implement a Transportation Demand Management Plan (TDMP) that identifies how the internal circulation of the site shall be managed, back-ups are avoided, and conflicting turning movements are to be avoided with the introduction of the new business operations. Therefore, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

As described in the Staff Report, the existing development consists of a drive-through fast food restaurant. The proposed development would intensify the use and modify the operational characteristics of the existing development to allow the proposed drive-through coffee shop. The proposed Project improvements have been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing City of Oxnard water and sewer mains and adequate Fire Protection will be provided as determined by the Development Advisory Committee. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit. The Project is consistent with the level of development identified under the General Plan and Oxnard City Code, and therefore are within the anticipated level of development. The project is not anticipated to result in any significant impacts to utilities and public services. Therefore, the site for the proposed use will be provided with adequate sewage, water, fire protection and storm drainage facilities.

SECTION 2. The Planning Commission, in accordance with the California Environmental Quality Act (CEQA), determines that the Project will not have a significant impact on the environment and is categorically exempt from CEQA pursuant to CEQA Guidelines §15301 (Class 1) of the State CEQA Guidelines. The Project involves a request to convert an existing drive-through fast food restaurant to a drive-through coffee shop. The small addition will only increase the building size by 50 square feet or approximately 2 percent, and will be within the existing developed area. Onsite circulation will be improved through the realignment of the drive-through lane. This will work to prevent impacts to adjacent roadways. In addition, to the design improvements a Transportation Demand Management Plan will be implemented for the site to prevent vehicles from backing-up into adjacent roadways. As a result, this Project will not result in any significant effects relating to traffic, noise, or air quality. The Planning Commission has determined that there is no substantial evidence that the project will have a significant effect on the environment and no Exceptions to the Exemptions (Section 15300.2) apply to defeat the Exemption. The Planning & Environmental Services Manager is hereby authorized and directed to file a Notice of Exemption with the Ventura County Clerk pursuant to Section 15602 of the State CEQA Guidelines within five (5) working days of passage, approval and adoption of this Resolution.

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 21-550-01 (Major Modification), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Landscape Design	CE	Code Enforcement

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated November 4, 2021, ("the plans") on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items (PL, *G-2*).

3. This permit shall automatically become null and void 36 months from the date of its issuance, unless Developer has diligently developed the proposed project, as shown by the issuance of a grading, foundation, or building permit and the construction of substantial improvements (PL, *G-3*).

4. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)

5. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit and waives any challenge to the validity of the conditions and obligations stated therein (CA, *G-5*).

6. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, *G-6*).

7. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, *G-7*).

8. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, *G-8*).

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).

10. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, *G-10*).

11. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)

12. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)

13. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)

14. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

15. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

LANDSCAPE STANDARD CONDITIONS

16. Prior to submittal of landscape and irrigation plans, Developer shall obtain approval of the Planning Manager or designee of a plan showing on the project property all existing trees and identifying the trees to be saved, transplanted or removed. (PK, PK-1)

17. Prior to issuance of building permits or the proposed use is initiated, whichever comes first, Developer shall submit two copies of landscape and irrigation plans, along with the appropriate permit application and fees, to the Development Services Division and obtain approval of such plans. (PK/DS, PK-2)

18. Prior to issuance of a certificate of occupancy, Developer shall install landscape and automatic irrigation systems that have been approved by Parks and Facilities Superintendent. (PK, PK-3)

19. Developer shall properly maintain landscape planting and all irrigation systems as required by the City Code and as specified by this permit. Failure of Developer to do so may result in the revocation of this permit and initiation of legal proceedings against Developer to ensue compliance (PK, PK-4)

20. Prior to the issuance of City issues a certificate of occupancy, Developer shall provide a watering schedule to the building owner or manager and to Planning Division or designee. The irrigation system shall include automatic rain shut-off devices, or instructions on how to override the irrigation system during rainy periods. (PK, PK-5)

21. All trees planted or placed on the property by Developer shall be at least 24-inch-box size. All shrubs and vines shall be at least five-gallon size, except as otherwise specified by this permit. (PK, PK-6)

22. At the time of landscape plan check submittal, the landscape planting and irrigation plans shall comply with the current title 23 Model Water Efficient Landscape Ordinance (MWELO). (PK, PK-7.1)

23. Developer shall install an irrigation system that includes a water sensor shut off device as a water conservation measure. (PK, PK-22)

24. At time of submittal to the Building and Engineering Division for plan check, Developer's Landscape Architect or Architect shall provide the City with written confirmation that they have reviewed the civil engineering construction drawings and that the NPDES requirements are not in conflict with meeting the City's landscape requirements. (PK, PK-23)

25. Developer shall include a note on the Landscape Plans submitted to the Building and Engineering Division for a building permit that "all landscaping and irrigation comply with Ordinance No. 2822, which adopted the City of Oxnard Landscape Water Conservation Standards, and applicable water conservation requirements of the State of California". (PK, PK-24)

26. At the time of Plan Check submittal, the landscape plans shall contain an exhibit titled "Tree Tabulation Chart". The Tree Tabulation Chart shall contain a listing of all existing trees on site and shall refer to them by number as identified in the Arborist's Tree Report. The Tree Tabulation Chart shall clearly list all trees to remain, be removed or transplanted. The Chart shall contain the Arborist's economic appraisal value of each tree(s) removed as well as computations and calculations showing how the value of the removed tree(s) was put back into new tree sizes for the project that are in addition to meeting the City's minimum tree size of 24" box. (PK)

PLANNING DIVISION SPECIAL CONDITIONS

27. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)

28. Developer shall remove any and all graffiti from the project premises within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch.

29. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval of the Planning Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

30. Applicant shall screen, to the satisfaction of the Planning Manager, any HVAC equipment visible from the public right-of-way. Screening plants shall be consistent with other species on the property and a minimum size of five gallons. (PL)

31. Applicant shall seek approval for the proposed monument sign under separate building permit. (PL)

32. Prior to building permit issuance, the developer shall provide a public improvement plan which identifies, and includes, city fiber optic network infrastructure. This shall be established by installing fiber optic infrastructure to the project's frontage on the east side of Riverpark Blvd according to city specifications. The fiber optic network infrastructure must be included in the project's master utility plans and installed prior to the granting of a certificate of occupancy.

33. Prior to submitting plans to Building and Engineering for Plan Check, the project plans are to be modified to add trees and drive-through screening along Vineyard Avenue to the satisfaction of the Community Development Director. No less than four trees shall be added spaced approximately 40 feet apart. In addition to the trees a 36-inch high landscape berm or a combination of a 36-inch high decorative wall and landscaping shall be provided to screen the drive-through lane.

34. Design measures to avoid vehicle and pedestrian/bicycle conflicts shall be maintained. Direct pedestrian entry through the front of the building shall be maintained from streets

and sidewalks to the building entrance. Well articulated pedestrian routes and zones shall be maintained on the site, linking building entrances and parking areas. Drive-through lanes should be maintained to minimize conflicts with pedestrian walkways, bicycle routes, and paths of travel. Drive-through lanes that obstruct a pedestrian pathway between parking areas or sidewalks and entries into the building should maintain a pedestrian crossing that is delineated by landscaping, striping, curbing, and raised or decorative paving to separate pedestrian and vehicular access and circulation to the satisfaction of the Community Development Director.

35. The location of drive-through facilities in relation to the building, including the location of the pick-up windows, stacking lane, and vehicle access, shall be oriented in a manner such that headlight glare is not directed towards oncoming traffic on public streets, or is to be screened with landscaping, berms, walls or other means to the satisfaction of the Community Development Director.

36. The drive-through may operate 24 hours per day but the speaker box shall be equipped with an automatic volume control. The design of the drive-up audio system shall control and minimize the volume of the system to comply with the City's Noise Regulations in order to control unnecessary, excessive and annoying noises which could be detrimental to the public health and welfare to the satisfaction of the Community Development Director.

37. Prior to the issuance of a Building Permit, the Applicant/Operator is to submit a draft Transportation Demand Management Plan (TDMP) that identifies how the internal circulation of the site shall be managed, back-ups are avoided, and conflicting turning movements are to be avoided with the introduction of the new drive-through use. The TDMP should describe solutions that are available through personnel, technology and/or temporary and permanent barriers. For instance, the Applicant may propose using roving staff with mobile ordering devices when the drive-through exceeds the designed capacity. Prior to the issuance of a Certificate of Occupancy, the Community Development and Public Works Departments shall approve the TDMP.

38. After implementation of the TDMP, and upon the determination of the Community Development or Public Works Departments that the TDMP created for the drive-through use is not functioning effectively, or upon any future modification or expansion, the TDMP shall be comprehensively re-evaluated by the Community Development and Public Works Departments. This TDMP re-evaluation work effort shall be accompanied by a filing fee determined by the Community Development Director and Public Works Director to address staff review time by Community Development and Public Works staff.

39. All dining establishments with cooking operations shall implement best management practices to minimize the potential release of food processing facility odors and smoke outside the building as could be detected at the property line. Such best practices could include changing operating practices, improving maintenance of cooking equipment, installing odor control equipment, and/or upgrading venting systems to control unnecessary, excessive and annoying odors or smoke which in the judgement of the City of Oxnard or the Ventura County Air Pollution Control District is determined to be a public nuisance or to be detrimental to the public health and welfare.

40. No alcohol use of any type is approved as a part of this action. A separate alcohol use request must receive a Special Use Permit approved by the City and Alcohol Beverage Control prior to inauguration of the use.

41. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property due to the construction of the Project, as directed by the City Inspector. (DS)

42. Developer shall construct a waste enclosure, with a roof and level concrete pad for the storage of the required containers out of view of the public street. Developer shall provide a concrete apron in front of the enclosure to facilitate proper servicing. Enclosure gates must be constructed to allow eight (8) feet of clear space to allow passage of the City issued containers. (DS)

PLANNING DIVISION STANDARD CONDITIONS

43. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

44. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development Director in all sets of construction documents and specifications for the project. (PL, *PL-3*)

45. Before the City issues building permits, Developer shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Community Development Director. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

46. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, *PL-5*)

47. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

48. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect

49. During the plan check review process, the Developer shall provide a lighting plan that provides design details (light standards, bollards, wall mounted packs, etc.) and illumination site information within alleyways, pathways, streetscapes, and open spaces proposed throughout the development. An electrical engineer shall prepare the site lighting plan demonstrating that adequate lighting ranges will be provided throughout the development without creating light spillover, light pollution, or conflicts with surrounding

factors such as tree locations, off-site or adjacent lighting. (PL)

50. Prior to issuance of building permits, Developer shall demonstrate that light standards illustrated on conceptual lighting plan do not conflict with tree locations. Developer shall submit a plan showing both the lighting and landscape on the same sheet.

51. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)

52. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, PL-9)

53. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).

POLICE DEPARTMENT STANDARD CONDITIONS

54. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline
    a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
        i. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
        ii. Luminaires with a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    c. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one food-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

55. Graffiti shall be removed within 48-hours of application. (PD)

56. Police recommends graffiti/etching-resistant film application on accessible windowpanes. (PD)

57. Exterior security lighting shall be on photocells and shall be on from dusk to dawn. Exterior lighting of the site including parking areas shall be between 1 and 7 foot candles and shall be in harmony with existing adjacent lighting scheme. (PD)

58. LED or similar in nature and spectrum (3,000K to 20,000K Correlated Color Temperature). (PD)

59. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians. (PD)

60. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity. (PD)

61. Integrated landscape/lighting/photometric plan shall be submitted illustrating a 20-year tree maturity. This is to ensure that tree growth will not adversely impact future lighting and therefore site safety as the project matures. Luminaires used in the photometric calculations shall only include those instruments mounted 8-feet or more above walking/driving surface. This plan shall be submitted and approved prior to the issuance of building permits. (PD)

62. Porte Cocheres and drive-up window areas shall be illuminated between 15 and 30 foot-candles with a gradual drop off transition to adjacent parking/walking areas having illumination of 4 to 7 foot-candles. (PD)

63. Landscape elements shall be arranged to provide clear lines of sight and eliminate potential places of concealment. (PD)

64. Trees shall not be located where they would conflict with lighting instruments. Appropriate proximity is based on a tree's canopy size at twenty-year maturity. (PD)

65. Creeping fig or similar climbing vine shall be used to dissuade the application of graffiti on CMU walls. This specifically includes trash enclosures, where adjacent to landscaped planters. (PD)

66. A security camera system is required to be installed, operated and maintained and shall meet or exceed these minimum standards:
    a. Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Grayscale images are expected for infra-red lighting.
    b. Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
    c. Cameras shall have low light capture ability to identify persons conducting

transactions or entering the business.

d. The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
e. The video system shall allow recording, live viewing and playback of recorded video for a period of at least 30 days.
f. Video system shall operate 24-hours a day.
g. Recorded images shall bear a date and time stamp that cannot be altered.
h. Prior to the installation of a security camera system applicant shall submit a plan showing location of cameras and the scope of their capture area. The plan shall include a list of components.
i. Camera installations intended to capture images of faces are best located so they target doorways and choke-points for foot traffic.
j. Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
k. Cameras shall be installed to capture head and shoulder images of persons entering any entrance to the building. Such cameras shall be mounted no higher than 7-feet above the floor in order to capture quality images of faces.
l. The security camera system shall be maintained in good working order.
m. Images from the security camera system shall be made available to any member of the Oxnard Police Department pursuant to a police investigation or inspection of the operability of the camera system. Requested images shall be delivered in a timely manner.
n. Questions concerning security camera requirements can be sent to specialprojects@oxnardpd.org

67. An intrusion alarm system shall be installed and maintained. It shall utilize motion and infrared technology to differentiate between human and non-human motion or other technology approved by the Chief of Police or his/her designee. The alarm system shall be compliant with Oxnard City Code 11-95 through 11-100.

DEVELOPMENT SERVICES DIVISION STANDARD CONDITIONS

68. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

69. Developer shall have the site improvement plans prepared using standard DevelopmentServices Division format(s) by a civil engineer licensed in the State of California. The plans shall incorporate recommendations from soil engineering and geology reports. Prior to issuance of a grading permit, improvement plans must be approved by the City Engineer and ink-on-mylar plans filed with the Building and Engineering Division. (DS-3)

70. Developer shall protect building pads from inundation during a 1% chance (100-year) storm. (DS-5)

71. Developer shall replace all broken, uplifted, or missing curb, gutter, or sidewalk along the street frontage(s) of the project. (DS-6)

72. Before connecting the project to existing sewer and water service laterals, Developer shall inspect (pothole or video) existing lateral(s) and arrange for City staff to view inspection results. Developer shall make repairs to such facilities as determined necessary by City staff. Developer shall bring all existing water services into compliance with current City standards including removal of unused water or sewer laterals by disconnection at the main. (DS-7)

73. Developer shall enter into an agreement, approved as to form by the City Attorney, to install and construct all public improvements required by this permit and by the City Code. Developer shall post security satisfactory to the Finance Director, guaranteeing the installation and construction of all required improvements within the time period specified in the agreement or any approved time extension. (DS-14)

74. A California licensed civil engineer shall prepare the public improvement plans and documents for this project in accordance with City standards and shall submit all such plans to the City Engineer. Submittal shall include, but not necessarily be limited to, grading, street, drainage, sewer, water and other appurtenant improvement plans, construction cost estimates, soils reports, and all pertinent engineering design calculations. City will not approve a parcel map or final map nor issue a grading, site improvement or building permit until the City Engineer has approved all improvement plans. (DS-15)

75. Prior to issuance of a site improvement permit, Developer shall provide to the Building and Engineering Division a compact Disc (CD) containing digital copies of all project maps, address map, and/or civil improvements drawings in DWG format. Prior to improvement bond release, Developer shall provide an updated CD containing all changes that occur during construction. (DS-16)

76. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If the Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

77. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

78. Developer shall pay the cost of all inspections of on-site and off-site improvements. (DS-22)

79. Developer shall be responsible for all project-related actions of Developer's employees,contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

80. Prior to beginning construction, Developer shall designate in writing an authorized agent who shall have complete authority to represent and to act for Developer. The authorized agent shall be present at the work site whenever work is in progress. Developer or the authorized agent shall make arrangements acceptable to City for any emergency work. When City gives orders to the authorized agent to do work required for the convenience and safety of the general public because of inclement weather or any other cause, and the

orders are not immediately acted upon by the authorized agent, City may do or have such work done by others at Developer's expense. (DS-24)

81. "Standard Specifications for Public Works Construction" latest edition (including modifications thereto by City) and applicable City Standard Plates and Design Criteria shall be the project specifications, except as noted otherwise on the approved improvement plans. City reserves the right to upgrade, add to, or revise these specifications and plans and all other City ordinances, policies, and standards. If the improvements required of this project are not completed within 12 months from the date of City's approval of the improvement plans, Developer shall comply with and conform to any and all upgraded, additional or revised specifications, plans, ordinances, policies and standards. (DS-27)

82. Developer shall retain a California licensed Civil Engineer to ensure that the construction work conforms to the approved improvement plans and specifications and to provide certified "as-built" plans after project completion. Developer's submittal of certified "as-built" plans is a condition of City's final acceptance of the project and release of any associated security. (DS-29)

83. All grading shall conform to City's standard grading notes, City Code, and recommendations of Developer's soils engineer as approved by the City Engineer. (DS-30)

84. Developer shall design all slopes steeper than 5 (horizontal) to 1 (vertical) with a minimum 18- inch wide level area (at both top and bottom of slope) where it adjoins a wall, fence, sidewalk, trail, curb or similar improvement. (DS-32)

85. Developer shall design project grading to convey stormwater to a street, alley, or approved drain so that there are no undrained depressions. (DS-35)

86. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a manner approved by the City Engineer. (DS-38)

87. Developer shall install water mains, fire hydrants and water services in conformance with City standard plates, design criteria and specifications as directed by the City Engineer. (DS-41)

88. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

89. Developer shall submit a landscape irrigation plan prepared by a licensed professional, showing proper water meter size, backflow prevention devices, and cross-connection control. (DS-59)

90. Developer shall be responsible for and bear the cost of replacement of all existing survey monumentation (e.g., property corners) disturbed or destroyed during construction, and shall file appropriate records with the Ventura County Surveyor's Office. (DS-64)

91. Developer shall construct a concrete apron along the length of the trash enclosure opening that extends a minimum of 15-feet from the face of the enclosure. (DS-69)

92. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

93. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for new development and redevelopment projects. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures ("2011 TGM"). (DS-78)

94. Developer shall construct the trash enclosure with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall provide a traffic rated drainage inlet within the enclosure to catch all enclosure wash water. This drain shall connect to the sanitary sewer system via a grease interceptor by a gravity system. If a gravity system is proven infeasible by the Developer and approved by the City Engineer, the connection may be waived provided that spill control design measures are incorporated. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Building and Engineering Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-80)

95. Developer's stormwater quality calculations shall include site specific analysis and recommendations from a geotechnical engineer, and if applicable, a landscape architect for design and implementation of stormwater treatment and infiltration devices. Geotechnical Engineering analysis and recommendations shall include, but not necessarily be limited to, determination of site specific soil infiltration rates, depth to permeable soil layers, methods to reach permeable soil layers, appropriate compaction rates, recommendations to enhance infiltration, and other requirements of the 2011 TGM. Landscape architectural recommendations shall include, but not necessarily be limited to, suggestions regarding appropriate vegetation and soil amendments for vegetated infiltration devices. Project plans shall implement approved design recommendations. (DS-81)

96. Using forms provided by the Building and Engineering Division, Developer shall submit a stormwater quality control measures maintenance and operations plan ("the Plan") for this project. If the BMPs implemented with this project include proprietary products that require regular replacement and/or cleaning, Developer shall provide proof of a contract with an entity qualified to provide such periodic maintenance. The property owner is responsible for the long-term maintenance and operation of all BMPs included in the project design. Upon request by City, property owner shall provide written proof of ongoing BMP maintenance operations. No grading or building permit shall be issued until the City Engineer approves the Plan and Developer provides an executed copy of the

City's stormwater covenant with the Plan included as an exhibit for recordation by the City. (DS-82)

97. Developer's stormwater quality control measures maintenance and operations plan shall include: 1) Requirement to clean on-site storm drains at least twice a year; once immediately before the first of October (the beginning of the rainy season) and once in January. The City Engineer may require additional cleaning; 2) Requirement to maintain parking lots free of litter and debris. Developer shall sweep sidewalks, drive aisles, and parking lots regularly to prevent the accumulation of litter and debris. When swept or cleaned, debris must be trapped and collected to prevent entry into the storm drain system. Developer may not discharge any cleaning agent into the storm drain system; 3) Requirement to label all on-site storm drain inlets and catch basins with the message "Don't Dump - Drains to Ocean" in accordance with City standards. (DS-83)

98. Developer shall provide pre-treatment for all infiltration based stormwater quality Best Management Practices ("BMPs".) Pre-treatment devices must effectively reduce sediment load entering infiltration BMPs to minimize occlusion of underlying soils and reduce long term maintenance requirements and thereby maintain the infiltration capacity of the BMP. 2011 TGM compliant pre-treatment such as vegetated swales are an approved form of pre-treatment. Proprietary pre-treatment devices must be capable of removing 80% of 50 micron particles to be considered adequate pre-treatment. Typical catch basin inserts do not provide the sufficient sediment storage to provide pre-treatment. (DS-85)

99. Prior to issuance of a grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall prepare a Local Stormwater Pollution Prevention Plan ("Local SWPPP".) The Local SWPPP shall be developed and implemented in accordance with requirements of the Ventura Countywide MS4 Permit. The Local SWPPP shall be approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the Local SWPPP updated to reflect current site conditions and a copy of the Local SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS-87)

100. Developer shall install 'Full Capture System Devices' ("Devices") certified by the State Water Resources Control Board Executive Director in compliance with the Statewide Trash Amendments ("Amendments") in all catch basins accepting stormwater runoff from any portion of this project that meets the definition of 'Priority Land Use' as defined by the Amendments at the time of issuance of a grading/site improvement permit. The Devices shall be sized and designed in accordance with requirements of the Amendments and the Technical Guidance Manual for Stormwater Quality Control Measures ("TGM"). (DS-88)

DEVELOPMENT DIVISION SPECIAL CONDITIONS

101. Developer shall reconstruct the existing walkway from the public right-of-way to the building to be at 5-feet wide minimum, in full compliance with 2019 CBC disabled access standards. (DS)

102. In accordance with City Code, Developer shall provide separate services and water meters for commercial and irrigation. (DS)

103. Developer shall design the storm drain inlets to allow 6-inches of stormwater to pond over the catch basins or submit an alternative design to demonstrate that enough head will develop over the inlets to capture the required runoff rate and volume. (DS)

104. The trash enclosure shall be designed with sufficient room to house all of the required dumpsters and food waste containers with doors facing the alley. The gates or doors shall not interfere or block any portions of the alley. The design shall also allow the bins to be serviced without the need to be shuffled inside the storage room. An accessible path of travel shall connect the building employee door to the enclosure without steps. (DS)

105. The site drainage shall be designed to maintain the pre-existing drainage pattern. No alteration of drainage pattern is allowed unless approved by the City Engineer. (DS)

106. Developer shall properly abandon all existing sewer and water laterals currently extended to the site that will not be used in the final design, as required by the City Engineer. Abandonment shall occur at the City main. (DS)

TRAFFIC DIVISION SPECIAL CONDITIONS

107. 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. 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)

108. The Developer shall comply with Oxnard City Code Section 16-639 in relation to the design of parking stalls within the development, or as approved by the Planning Commission. (TR)

109. The site shall be designed and operated in a manner that vehicles do and will not spill into the adjacent street waiting to enter the site or into the drive-through aisle. Vehicles must be able to pull into the drive-through entrance lane as easily and quickly as possible. Final project design shall verify that vehicle entrance into the drive lane and then into the drive-through aisle can be accomplished with a single turning movement. The project will need to adjust the location of the drive-through median island nose, as necessary, to allow for these movements. Final design of the driveway and drive-through location shall be subject to the approval of the City Traffic Engineer. (TR)

110. A Transportation Demand Management Plan (June 21, 2021) has been prepared for the project and shall be utilized by the occupant at all times during daily operations to reduce the potential for project traffic to back into the adjacent street system. The Developer is responsible for taking appropriate actions as identified in the Plan, as well as any other necessary means, as directed by the City Traffic Engineer, to ensure traffic does not spill back into the adjacent street system. If traffic does back into the street system the

occupant will work with the City to revise the Plan to develop additional measures to limit this occurrence. (TR)

111. A report on the effectiveness of the Transportation Demand Management Plan shall be prepared and submitted for review and approval to the City Traffic Engineer at 6 Months and 12 months after operations begin on the site 1) verify the Plan adequately addresses safety concerns, or 2) propose modifications to ensure the site will be designed and operated in a manner that vehicles will not spill into the adjacent street. Proposed design and operational modifications shall be subject to approval of the City Traffic Engineer. (TR)

ENVIRONMENTAL RESOURCES DIVISION

112. This property is required to comply with state mandated diversion laws (AB 939, AB 341, AB 1826 and SB 1383) and must make provisions to manage three material streams (recycling, organics, trash) in any waste enclosure(s) constructed.

113. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "Environmental Resources Division Construction and Demolition Waste Management Plan" ("C&D Plan") to the City for review and approval. The C&D Plan shall provide that at least 65% of the waste generated on the project be diverted from the landfill. The C&D Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The C&D Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The C&D Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the appropriate C&D Plan form as defined by the Environmental Resources Division.

114. Developer shall follow the approved "Environmental Resources Division Construction and Demolition Waste Management Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of project activity, Developer shall complete and submit the "Environmental Resources Division Construction and Demolition Waste Management Report" ("C&D Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the C&D Report prior to issuance of a certificate of occupancy.

115. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling.

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 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.

117. Per AB 827, public areas that provide waste collection to customers must have an equitable distribution of containers for recycling, organics and trash that are easily accessible. This requirement does not apply to restrooms.

118. This property is required to adhere to applicable solid waste management ordinances, including future ordinance creation and/or revisions.

119. Any landscaping maintenance resulting in organic material needing disposal, if performed in-house or via third party, must not be placed in the trash. All organic materials are required to be diverted from landfill disposal. Any third-party contract/service agreement must stipulate this requirement and be verified through the Environmental Resources Division.

120. Waste enclosures must conform to the Material Management and Design Guidelines developed by the Environmental Resources Division. A copy of these guidelines can be found here:
https://www.oxnard.org/wp-content/uploads/2020/09/Design-Guidelines-for-Recycling-Waste-Collection-1.pdf

121. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a matter approved by the City Engineer.

FIRE DEPARTMENT STANDARD CONDITIONS

122. Developer shall construct all vehicle access driveways on the project property to be at least 26 feet wide. Developer shall mark curbs adjacent to designated fire lanes in parking lots to prohibit stopping and parking in the fire lanes. Developer shall mark all designated fire lanes in accordance with the California Vehicle Code. (FD/B, *F-1*)

123. All roof covering materials on the project property shall be of non-combustible or fire retardant materials approved by the Fire Chief and in compliance with the City Code. (FD, *F-2*)

124. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, *F-3*)

125. At Developer's expense, Developer shall obtain two certified fire flow tests for the project property. The first test shall be completed before City approval of building plans and the second shall be completed after construction and prior to the issuance of a certificate of occupancy. A mechanical, civil, or fire protection engineer must certify the tests.

Developer shall obtain permits for the tests from the Engineering Division. Developer shall send the results of the tests to the Fire Chief and the City Engineer. (FD/DS, *F-4*)

126. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, *F-5*)

127. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, *F-6*)

128. At all times during construction, developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for fire fighting apparatus to all parts of the project property. (FD/DS, *F-7*)

129. Developer shall identify all hydrants, standpipes and other fire protection equipment on the project property as required by the Fire Chief. (FD, *F-8*)

130. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, *F-10*)

131. The turning radius of all project property driveways and turnaround areas used for emergency access shall be a minimum of 48 feet outside diameter for a semi-trailer. (FD, *F-11*)

132. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, *F-12*)

133. Developer shall install in each structure in the project a detection/alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and allows the central station monitor to inform the Fire Department of the point of entry into the structure that is nearest the fire. (FD, *F-13*)

134. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, *F-15*)

135. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD*, F-16*)

FIRE DEPARTMENT SPECIAL CONDITIONS

136. Areas designated by the Fire Marshal as Fire Lanes shall be identified by a red curb and signage per the California Department of Motor Vehicles.

137. Before the city issues a certificate of occupancy, the developer shall install a Knox key vault at a location to be determined by the Fire Department.

138. All drive overhangs shall be a minimum of 13 feet 6 inches.

139. All overhangs are required to be sprinklered.

140. Trash enclosure is required to be sprinklered.

141. FDC is required to be within 50-feet of the fire hydrant and not across drive aisles.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 4th day of November 2021.

_____
Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 4th day of November 2021, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____
Scott Kolwitz, Secretary

ATTACHMENT H

Staff Presentation

Vineyard Starbucks Site Renovations

Planning & Zoning Permit No. 21-550-01
(Major Modification to U-916 (Special Use Permit))

Applicant: Beverly Metz, Starbucks, Applicant

Joe Pearson II, Senior Planner
Scott Kolwitz, Planning and Environmental Services Manager

Planning Commission
October 21, 2021

CITY OF OXNARD CALIFORNIA

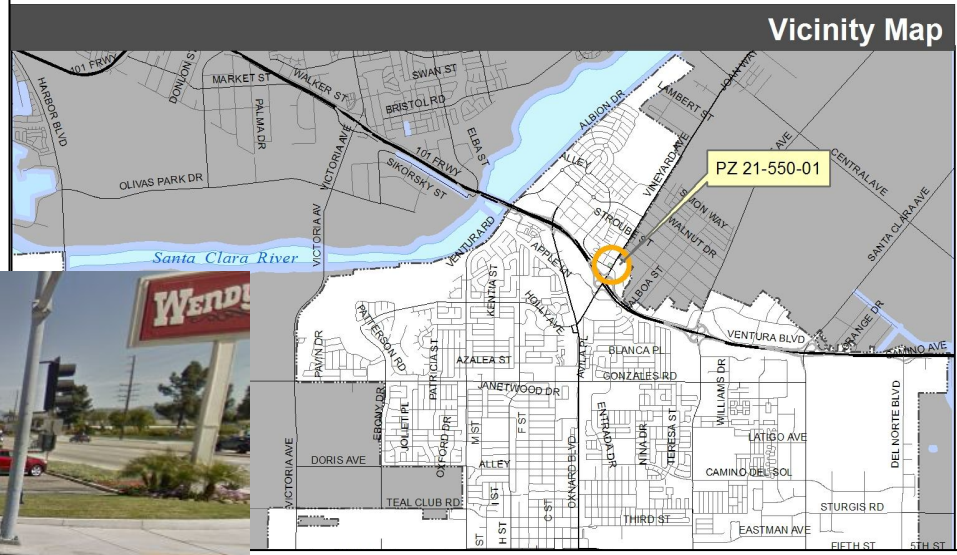
Project Description (SUP)

- A request for a Major Modification (MJMD) to Special Use Permit U-916 to allow for modifications to an existing 2,450 sq ft drive-through fast food restaurant building and to allow for a drive-through coffee shop on a 0.66 acre site:
  - 50 square foot addition.
  - Redesign of the drive-through lane to increase the queue length from 5 vehicles to 16 vehicles.
  - 20 parking spaces
    - Grant administrative parking relief to allow for a decrease in the number of parking spaces and to allow for up to 25 percent of the required parking spaces to be compact spaces.
  - Facade, landscaping, and infrastructure improvements
  - Revised Site and drive-through signage

Project Location

Subject Site: 2551 North Vineyard Avenue

Existing Wendy's Drive-through restaurant



Project Location

Project Location

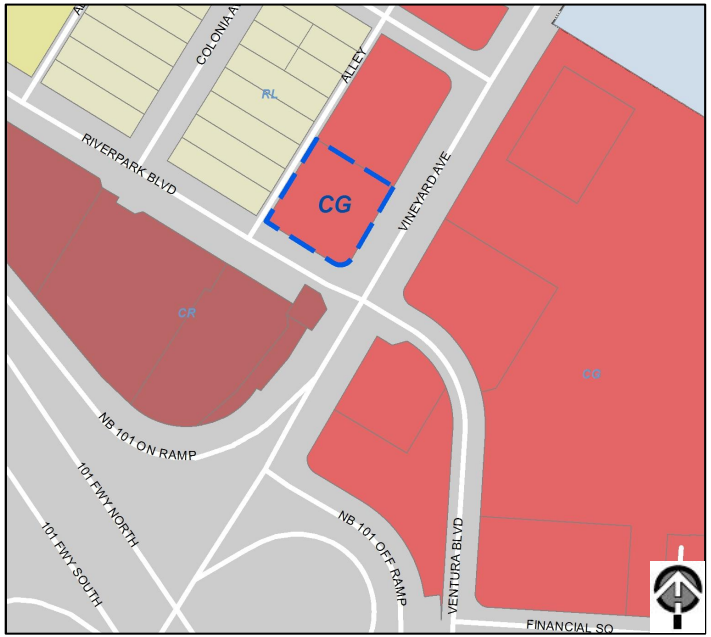
Aerial-View

Reference North

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General	General Commercial Planned Development (C-2-PD)	Fast Food Restaurant (Wendys)
North	Residential Low	Single-Family Planned Development (R-1-PD)	Single Family
South	Commercial General	C-2-PD	Shopping Center
East	Commercial General	C-2-PD	Shopping Center
West	Commercial Regional	Specific Plan (RiverPark)	Fast Food Restaurant (McDonalds)

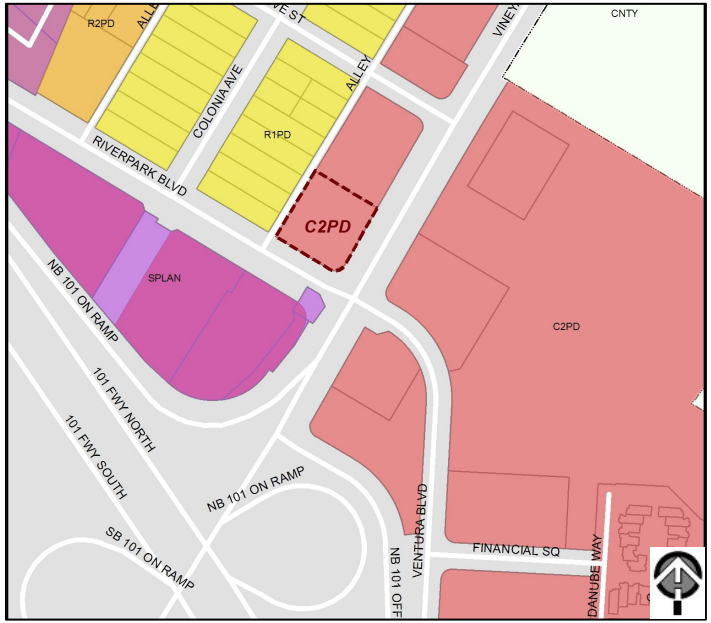
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



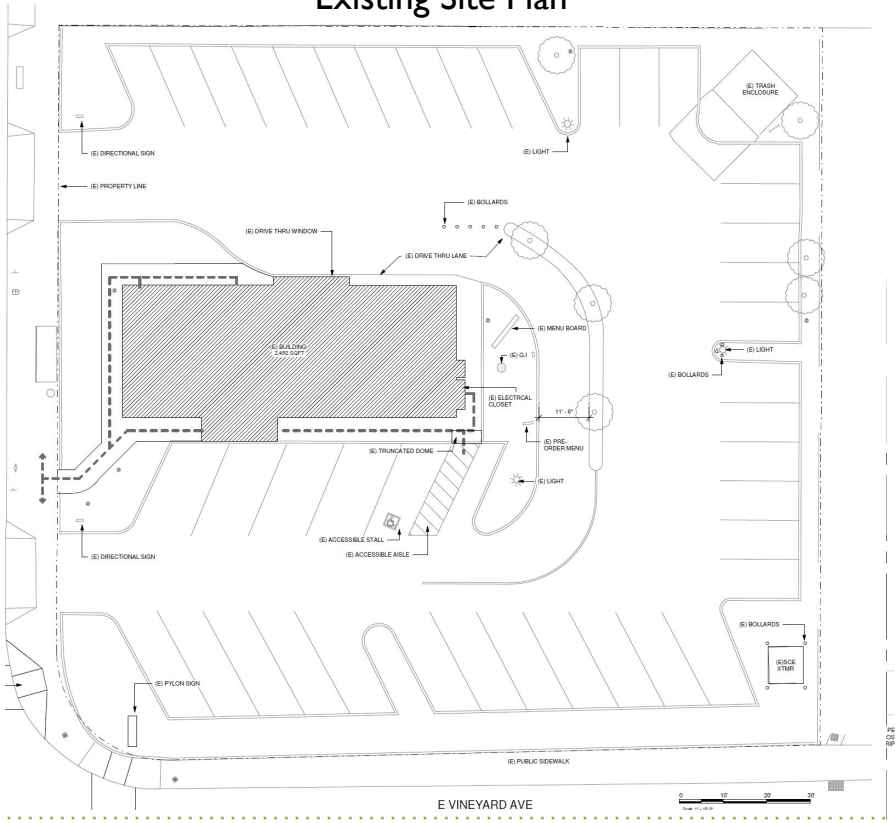
General Commercial-Planned Development (C-2-PD)

Background - Existing Restaurant

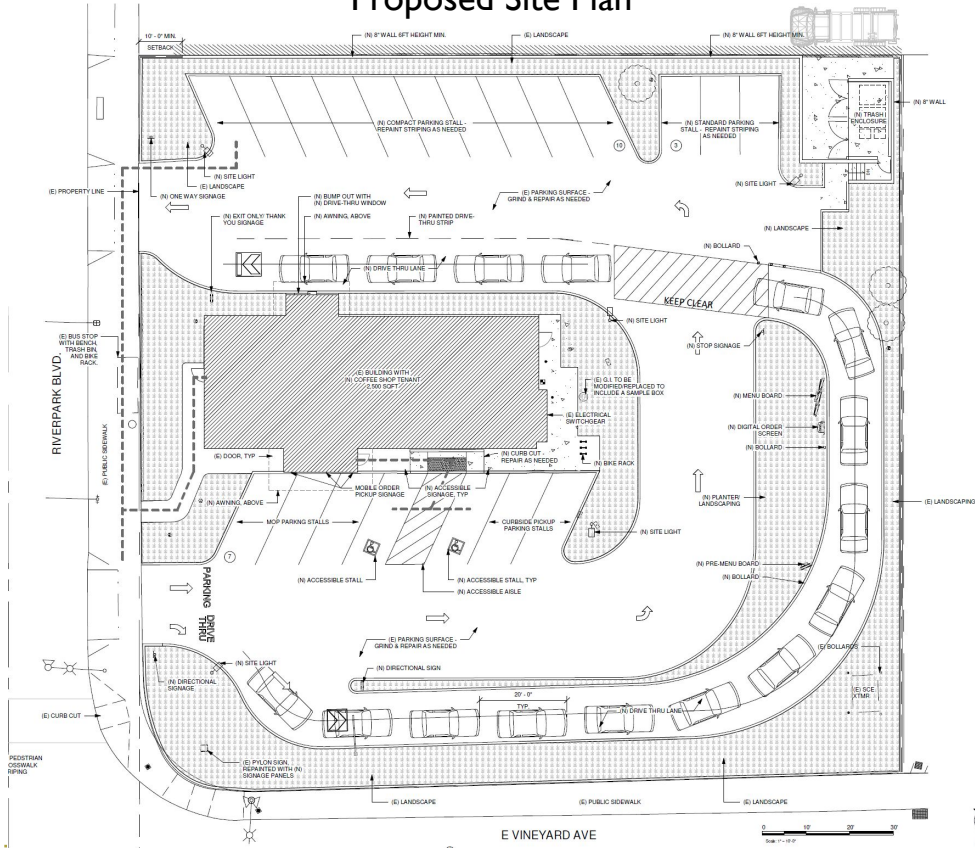
- The existing drive-through restaurant and signage were approved in 1980, through a Special Use Permit. Since that time the site has generally remained unchanged, with only minor facade and landscape changes taking place.

Existing vs. Proposed Site Plan

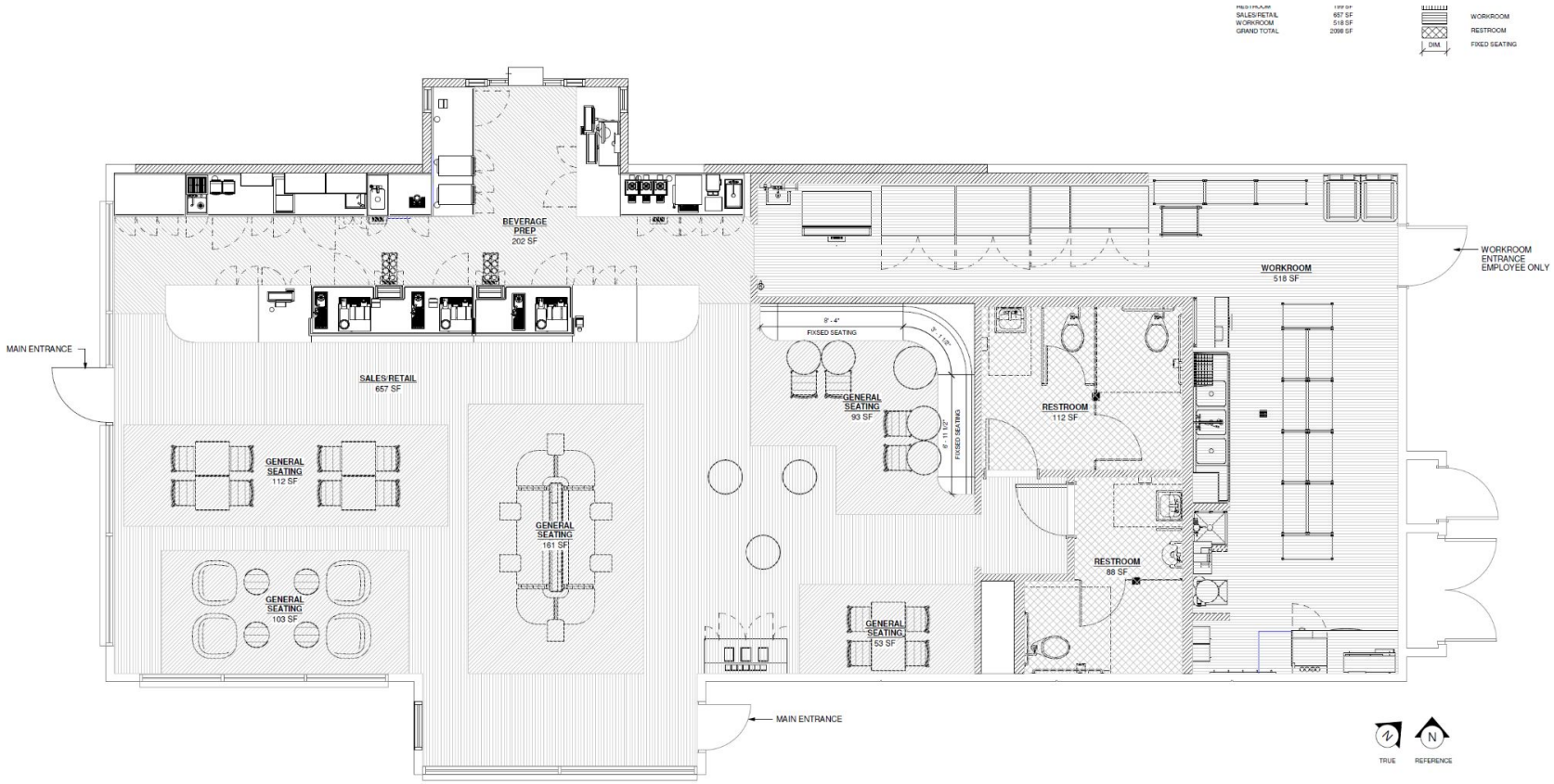
Existing Site Plan



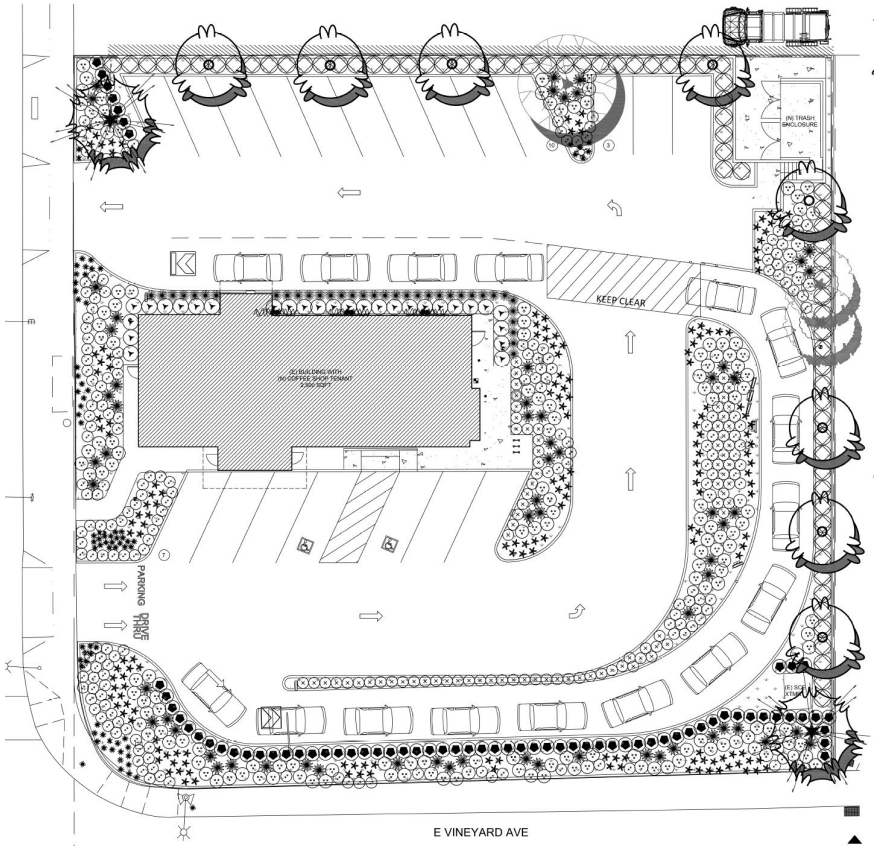
Proposed Site Plan



Floor Plan


SALES/RETAIL 657 SF
WORKROOM 518 SF
GRAND TOTAL 2098 SF
WORKROOM
RESTROOM
FIXED SEATING
DIM
BEVERAGE PREP 202 SF
WORKROOM 518 SF
WORKROOM ENTRANCE EMPLOYEE ONLY
MAIN ENTRANCE
SALES/RETAIL 657 SF
FIXSED SEATING
GENERAL SEATING 93 SF
FIXSED SEATING
RESTROOM 112 SF
GENERAL SEATING 112 SF
GENERAL SEATING 161 SF
RESTROOM 88 SF
GENERAL SEATING 103 SF
GENERAL SEATING 53 SF
MAIN ENTRANCE
TRUE
REFERENCE

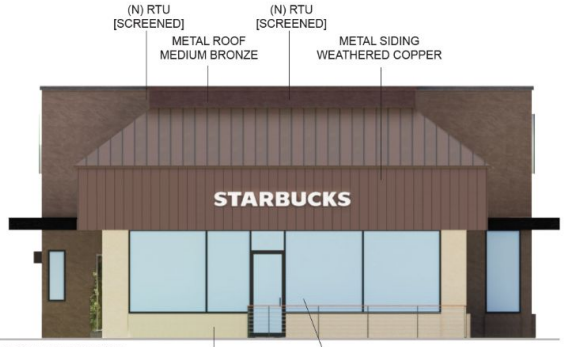
Landscape Plan



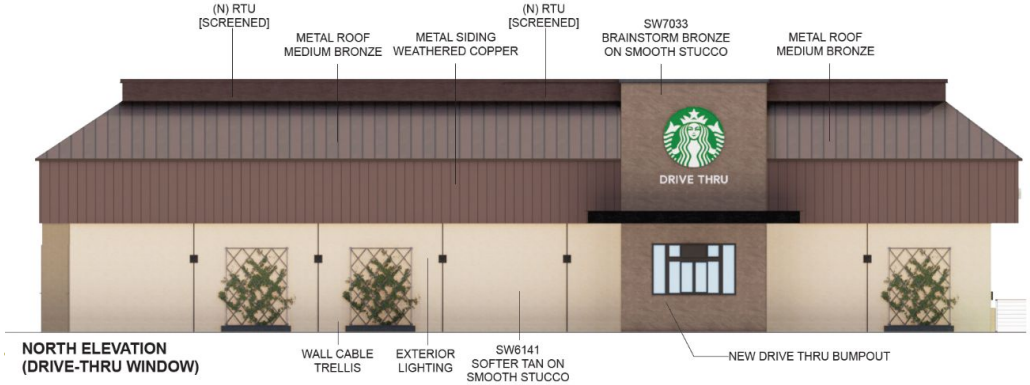
1 PRELIMINARY LANDSCAPE PLAN

Elevations - Rendered

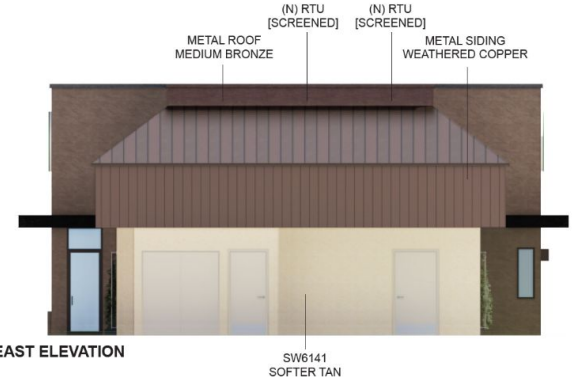
SOUTH ELEVATION
(MAIN ENTRANCE)



WEST ELEVATION

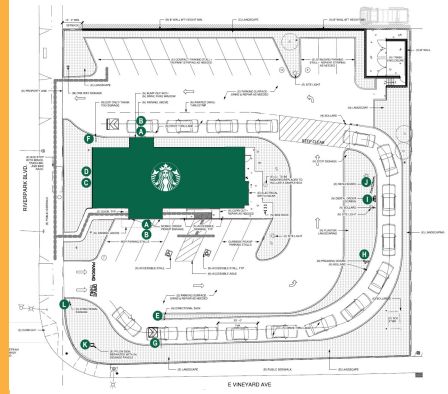


NORTH ELEVATION
(DRIVE-THRU WINDOW)



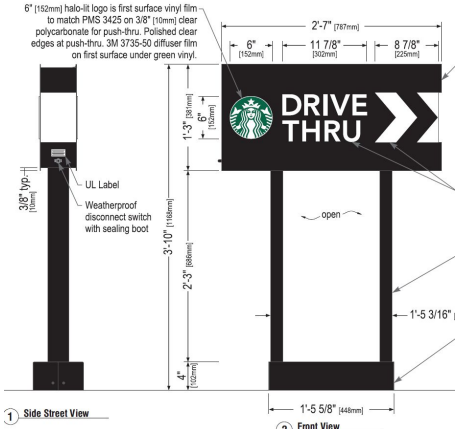
EAST ELEVATION

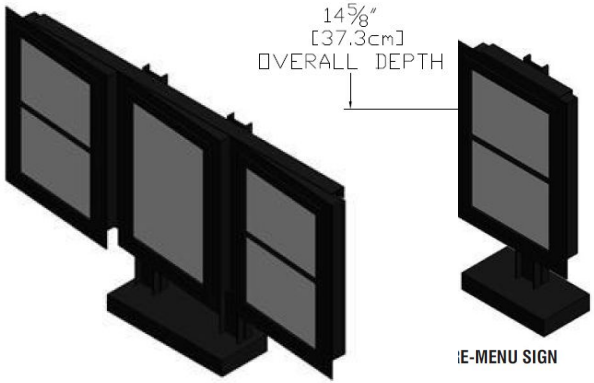
Drive-Thru and Freestanding Signage



KEY LEGEND

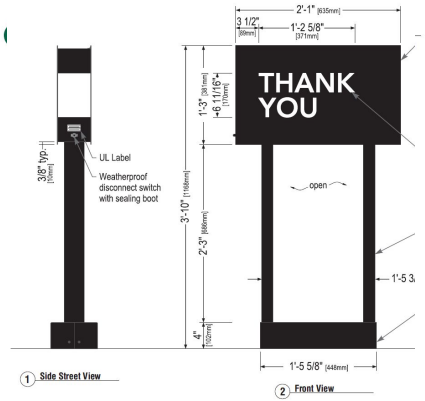
- A 60" SIREN LOGO DICS
- B 8" DT CHANNEL LETTES
- C 16" CHANNEL LETTERS
- D 10" DT CHANNEL LETTERS
- E DT ENTRANCE DIRECTIONAL
- F DT EXIT/THANK YOU DIRECTIONAL
- G CLEARANCE BAR
- H PRE MENU BOARD
- I DT DIGITAL ORDER SCREEN
- J DT 5-PANEL MENU SIGN
- K PYLON SIGN
- L POST SIGN





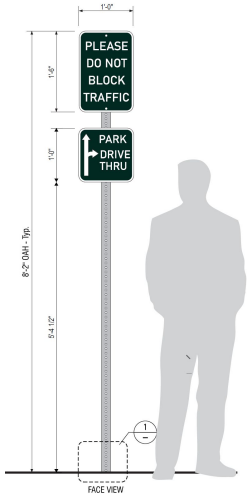
E-MENU SIGN

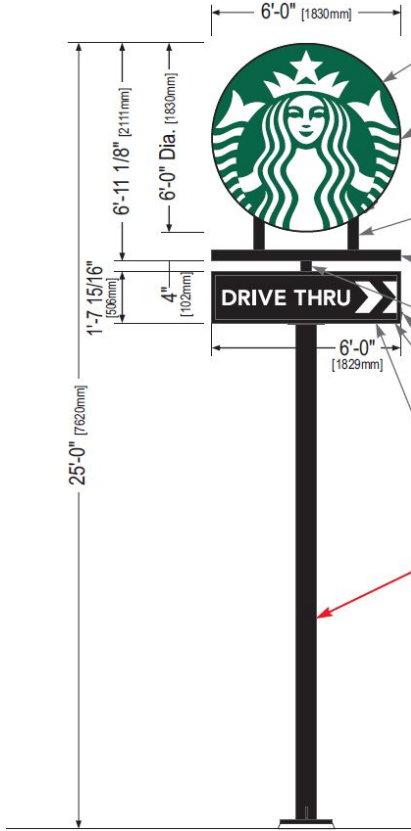
5- PANEL MENU SIGN



F D/F EXIT DIRECTIONAL SIGNS~ Qty (1)

Scale: 1"= 1'





General Plan Consistency

- The development of the proposed Project furthers many of the policies identified in the 2030 General Plan, as identified in the staff report. Some of the key policies are:
  - Community Development Policy 1.2 - Infill Development
  - Community Development Policy 4.2 - Commercial Revitalization and Redevelopment
  - Community Development Policy 9.2 - Revitalization and Redevelopment
  - Community Development Policy 9.4 - View Corridor Preservation
  - Community Development Policy 18.1 - Attract new Business

Zoning Code Compliance

- The Project is subject to the "General Commercial-Planned Development" (C-2-PD) zone district.

- Two variations from the standards are being requested:
  - A reduction in the required parking from 50 to 35 pursuant to the approval of a administrative parking relief under OMC 16-651(B)(4)
  - Allow for up to 25 percent of the required parking to be compact spaces pursuant to the approval of a administrative parking relief under OMC 16-651(B)(3)

Zoning Code Compliance

DEVELOPMENT	PARKING REQUIREMENT PER OXNARD CITY CODE SECTION 16-622(F)	STACKING REQUIREMENT PER OXNARD CITY CODE SECTION 16-647(D)	PARKING + STACKING PROVIDED	TOTAL PROVIDED
Existing Wendy's	Fast Food: 1 space per 50 gsf. 2450 gsf =49 spaces	8 Spaces	41 parking spaces + 5 stacking spaces	46 spaces
Proposed Starbuck	Fast Food: 1 space per 50 gsf. 2500 gsf =50	8 Spaces	20 parking spaces + 16 stacking spaces	35 spaces (Maximum of 15 spaces can count toward parking requirement)

Zoning Code Compliance

DEVELOPMENT	STANDARD PARKING DIMENSION REQUIREMENT PER OXNARD CITY CODE SECTION 16-639	COMPACT PARKING DIMENSION REQUIREMENT PER OXNARD CITY CODE SECTION 16-639	PROPOSED COMPACT PARKING DIMENSIONS	TOTAL PROVIDED
Proposed Starbuck	9 feet x 19 feet	8 feet x 16 feet	10 Spaces: 8 feet-7 inches x 19 feet 1 space: 9 feet x 18 feet-1 inch	11 Compact spaces (22 percent)

Environmental Review

Exempt for California Environmental Quality Act (CEQA):

1. Section 15301, “Existing Facilities”;
2. Project consists of existing facilities involving negligible or no expansion of capacity;
3. Any proposed additions represent less than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.
4. As proposed Project will not have significant environmental impacts;
5. No Exceptions to the Exemption apply.

Select Recommended Conditions of Approval

- COA# 3:

  The permit is granted for 36 months.

- COA # 33:

  Requires additional screening of the drive -through lane.

- COA #36:

  Requires the drive-through speaker box use automatic volume control.

- COA #s 37, 38, 107, 109, 110, and 111:

  Requires the applicant implement a Transportation Demand Management Plan (TDMP) and allows for re-evaluation by the City.

Public Comments

On July 19, 2021 a Community Workshop was held.

- Approximately 3,200 mailed notices were sent to owners within the El Rio, El Rio West, and RiverPark neighborhoods;
- On-site posted notice;
- Prior to the meeting three comments were received in response to the Community Workshop notices; and
- During the meeting one comment was received by a member of the public regarding the Project.

The primary concerns expressed in the comments were related to traffic and circulation. As discussed in the staff report, through the DAC process and subsequent reviews, City staff from Planning, Building and Engineering, Traffic, Fire and Police have reviewed both the site design and Traffic Management Plan to ensure the project will not impede traffic on the adjacent streets. Also, as conditioned if it is determined the Traffic Management Plan is not functioning as needed the City shall have the ability to re-evaluate and amend the plan as needed.

Public Notice

- Notice of PC hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.

- To date, no public comment has been submitted in support of the project.

Staff Recommendation

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 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.

CITY OF OXNARD CALIFORNIA

Questions

MEMO

CITY OF OXNARD CALIFORNIA

DATE: October 27, 2021

TO: Planning Commission

FROM: Joe Pearson II, Senior Planner

SUBJECT: **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 sq ft drive-through fast food restaurant building and to allow for a Starbucks drive-through coffee shop on a 0.66 acre site. The proposed improvements will consist of a small addition, facade changes, revised signage, upgraded landscaping, new parking lot striping, drive-through lane modification to allow for an extended queuing lane to allow for a maximum capacity of 16 vehicles. The request also includes a request for a parking modification to allow for a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-thru queue. The parking modification will also allow for 11 of the parking spaces to be compact parking spaces. The project includes a Queue Management Plan. 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. Filed by Jennifer Cribbs, of Starbucks, 555 Anton Boulevard, Costa Mesa, CA 92626.

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 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.

Background:

At the request of the Applicant team, on October 21, 2021, the Planning Commission continued the Vineyard Starbucks Site Renovations Major Modification to U-916 (Special Use Permit) project to the Regular Meeting of November 4, 2021, starting at 6:00 PM.

Since the October 21, 2021 Planning Commission public hearing, the Applicant team requested modifications to select Conditions of Approval included within the draft Resolution. City Departments and Divisions have reviewed and discussed the requested changes to the Conditions

of Approval included in staff report Attachment G. City Departments and Divisions have agreed to the modify conditions as specified below in the body of this memo.

Revised Conditions

Modify conditions 32, 38, 41, 65, and 94 in the draft Resolution with the following following language:

32. Prior to building permit issuance, the developer shall provide a public improvement plan which identifies, and includes, ~~a connection to~~ city fiber optic network infrastructure. This ~~connection~~ shall be established by installing fiber optic infrastructure to the project's frontage on the east side of Riverpark Blvd according to city specifications. The fiber optic network infrastructure must be included in the project's master utility plans and installed prior to the granting of a certificate of occupancy.

38. After implementation of the TDMP, and upon the determination of the Community Development or Public Works Departments that the TDMP created for the drive-through use is not functioning effectively, or upon any future modification or expansion ~~of the shopping center~~, the TDMP shall be comprehensively re-evaluated by the Community Development and Public Works Departments. This TDMP re-evaluation work effort shall be accompanied by a filing fee determined by the Community Development Director and Public Works Director to address staff review time by Community Development and Public Works staff.

41. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property due to the construction of the Project, as directed by the City Inspector. (DS)

65. Creeping fig or similar climbing vine shall be used to dissuade the application of graffiti on CMU walls. This specifically includes trash enclosures, where adjacent to landscaped planters. (PD)

94. Developer shall construct the trash enclosure with a solid non-combustible roof (8-foot minimum clearance) that prevents stormwater from entering the refuse bins. Developer shall provide a traffic rated drainage inlet within the enclosure to catch all enclosure wash water. This drain shall connect to the sanitary sewer system via a grease interceptor by a gravity system. If a gravity system is proven infeasible by the Developer and approved by the City Engineer, the connection may be waived provided that spill control design measures are incorporated. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Building and Engineering Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. All site refuse bins shall be stored in an approved enclosure. No objects other

than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS-80)

For the convenience of the Planning Commission and interested parties attached to this memo are the following documents originally prepared for the Planning Commission's public hearing on October 21, 2021.

1. Staff Report and associated attachments.

With the exception of the draft resolution, which has been revised to incorporate the modifications identified above and update the date of the hearing, the staff report and other attachments have not changed. Additionally, the required Measure M pre-recorded presentation video has not been changed, and it can be viewed online at this address: https://youtu.be/NUnbC3J_WWY

PLANNING COMMISSION
MEMORANDUM

TO: Planning Commission

FROM: Joe Pearson II, AICP, Senior Planner

DATE: December 2, 2021

SUBJECT: **Project Name: Vineyard Starbucks Site Renovations**; Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)); 2551 North Vineyard Avenue; APN: 132-0-043-215

At the meeting of November 4, 2021, the Planning Commission received staff's presentation for the proposed Vineyard Starbucks Site Renovations (Project) that required approval of a Major Modification (MJMD) to U-916 (Special Use Permit). In the deliberation that followed, Planning Commissioners raised several issues, and asked specific questions.

Subsequently, the Planning Commission voted on three motions. The first two motions were a motion of intent to deny the project and a motion to approve the project. These two motions failed as a result of two tie votes (3 to 3, with one Planning Commissioner absent). A third motion was approved to continue the item to the Planning Commission's meeting of December 2, 2021. As a continued agendized item, no additional mailed or published public notices were required. The on-site hearing notice signs were updated to indicate the December 2, 2021 continued hearing.

As a continued public hearing, the Planning Commission will first need to reopen the public hearing, accept public comment on the item and then may proceed with deliberation on the matter.There are no changes to the Project's proposed site and civil plans or building designs and elevations distributed for the November 4, 2021 meeting.

The Planning Commissioners' questions and requests are posed below and grouped by topic. Responses and/or references to attachments are provided by City staff, as noted.

1. How would Condition of Approval #38 be implemented?

   If City staff or members of the public report issues of a backup being created which results in vehicles spilling out into the City's public right-of-way, City staff would begin by contacting the business and property owner to notify them of the problem, to understand what immediate actions the business and property owner have already taken to resolve the issue consistent with the TDMP, and direct them to submit an appropriate application with proposed TDMP modifications if the immediate actions are not working

pursuant to Condition No. 38, while continuing to simultaneously work with City staff to correct real time issues.

As part of the initial process, the City and the business team would work together to implement short-term solutions to address the immediate issues. Following the initial steps City staff and the applicant team would comprehensively review the TDMP, identifying the operational issues leading to the circulation problems. Based on the issues identified, the TDMP would be revised as directed by the Community Development Director and Public Works Director. A similar process would be undertaken if there were any changes proposed to the operations or site layout, if there was a potential to adversely impact the circulation in a way that would result in a back up on to City right-of-way.

2. Can a no U-Turn sign be installed at the intersection of Vineyard Avenue and Riverpark Boulevard?

   The intersection of Vineyard Avenue and Riverpark Boulevard is a state controlled intersection. As a result, any changes to the operation of the intersection would need to be approved by the California Department of Transportation (Caltrans), and would ultimately be controlled by Caltrans. The City Traffic Engineer reviewed the suggestion that U-Turns for the SB direction from River Park Boulevard be restricted to reduce operational or safety issues arising from the proposed development. Historical volume data indicate that U-turns occurring from the turn lane are low for peak periods and it is not anticipated that significant additional U-Turns will result from the change in use. Field observations show that the U-Turns currently being conducted are not problematic for most vehicles; however, trucks or larger vehicles may not be able to execute the turn in one fluid motion.

   No larger vehicles have been observed attempting to make U-Turns during observation periods. At this time The City Traffic Engineer believes the current U-Turns can be made safely and do not hinder safety or operations of the intersection due to the low volume of occurrences and the ability for most vehicles to make the turn easily. Since the intersection is not under the applicant's or the City's control, the Project cannot be required to install signage or make other modifications to the intersection as a condition of this permit. However, City staff will continue to monitor the location both before and after project occupancy, and if it is determined that the U-Turns are becoming problematic, will work with the State to determine the feasibility of establishing the no U-Turn restriction.

3. Provide additional information on other Starbucks parking provided and queue length for their facilities in the area.

   The applicant team has provided the Starbucks Site Analysis document (Attachment A). The applicant team has identified that there are five (5) other stores in the direct vicinity of this store. Per the applicant team "The map highlights a gap in the Starbucks service area." As identified in the document the queue lengths and parking for the three closest

drive-through Starbucks in the vicinity are provided in the chart below. Additionally, the parking provided and queue length for this project are also included in the chart.

Starbucks Location	Parking Provided	Queue Length
Project Site: Vineyard Avenue & Riverpark Boulevard	20 spaces	16 spaces
Esplanade & Wagon Wheel Starbucks	10 spaces	10 spaces
Gonzales & Rose Starbucks	16 spaces	10 spaces
Victoria & Moon Starbucks	20 spaces	10 spaces

4. Is there an ability to connect the parking area on this site to the property to the north?

   The property to the north is a separate property, and it is under separate ownership. Without permission from the property owner, a connection with that property cannot be required. However, in the event it were feasible, it would not be recommended a connection would conflict with the existing circulation / site design of both properties. A connection would result in a shorter queue length for the proposed project, and a connection would likely result in a further reduction of the amount of parking available on both properties.

For the convenience of the Planning Commission and interested parties, this memo includes the staff report and associated attachments prepared for the Planning Commission's public hearing on November 4, 2021. The staff report, recommendation, and other attachments have not changed. If the Planning Commission approves the draft Resolution attached to this memo, staff notes it will need to be updated to reflect the multiple hearing dates in the recitals and the final approval date.

For the convenience of the Planning Commission and interested parties, staff has pulled forward our recommendation:

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

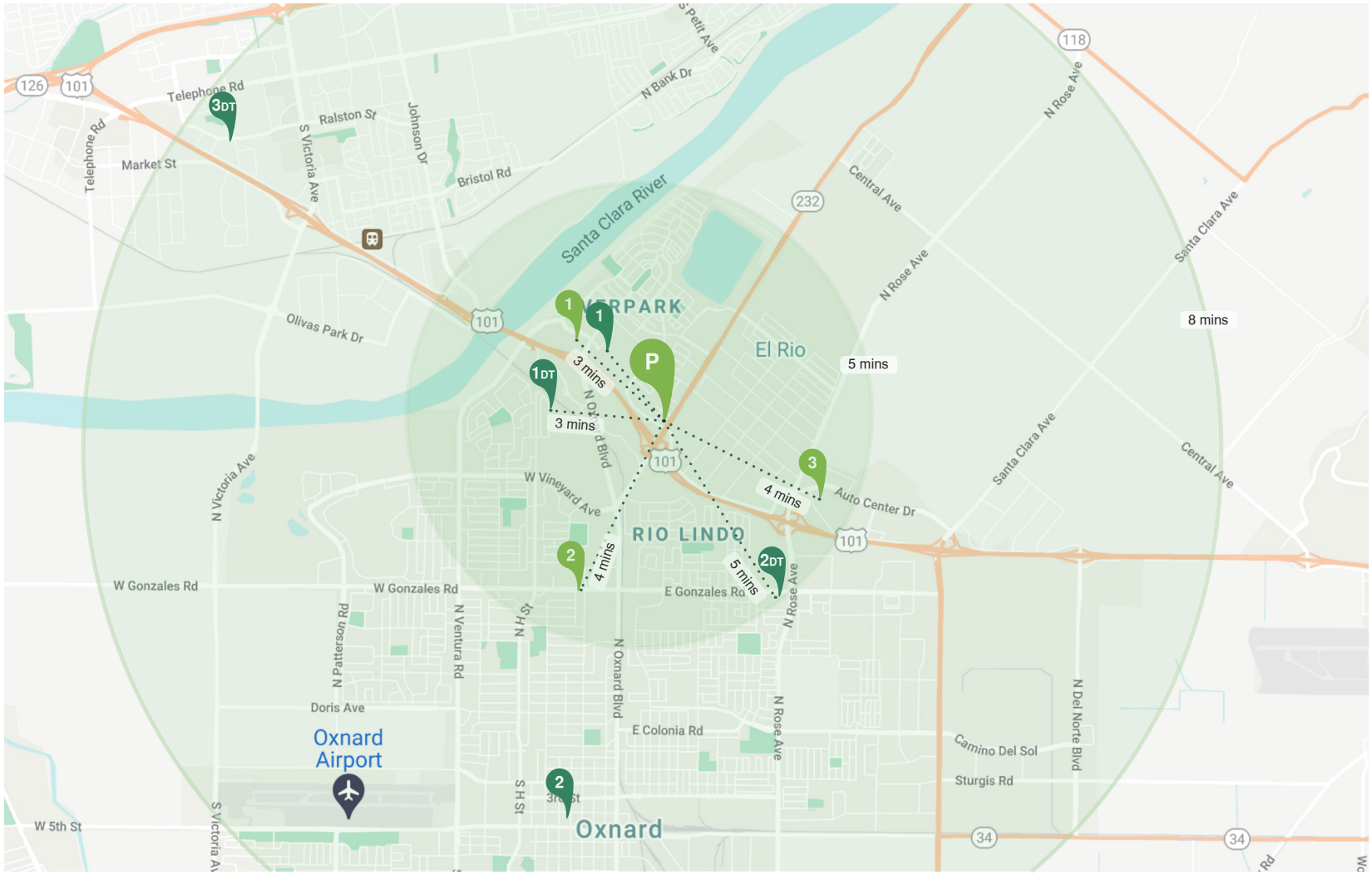
b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to certain findings and

conditions.

Additionally, the required Measure M pre-recorded presentation video has not been changed, and it can be viewed online at this address: https://youtu.be/GuM_jawL1e8.

ATTACHMENTS:

A. Starbucks Site Analysis
B. November 4, 2021 Staff Report and associated attachments.



CITY MAP

STARBUCKS

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com

1 **ESPLANADE & WAGON WHEEL (3MINS)**

QUEUE: 10
PARKING: 10

2 **GONZALES & ROSE (5MINS)**

QUEUE: 10
PARKING: 15

3 **VICTORIA & MOON (7MINS)**

QUEUE: 10
PARKING: 20

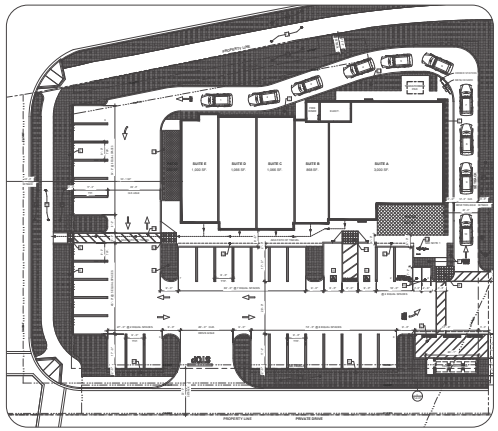
EXISTING DRIVE-THRU STORE WITH IN 3 MILES

STARBUCKS

2551 E. VINEYARD AVE.
OXNARD, CA 93036

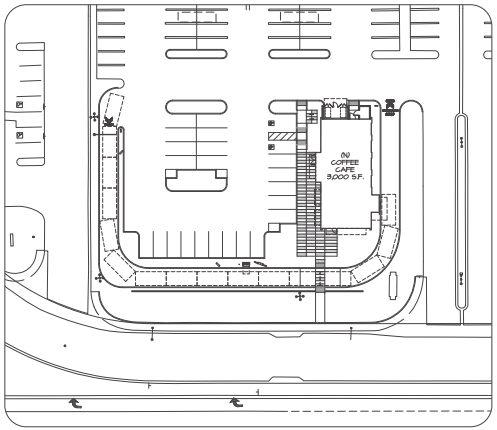
15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com

1 OXNARD & TOWN CENTER (3MINS)



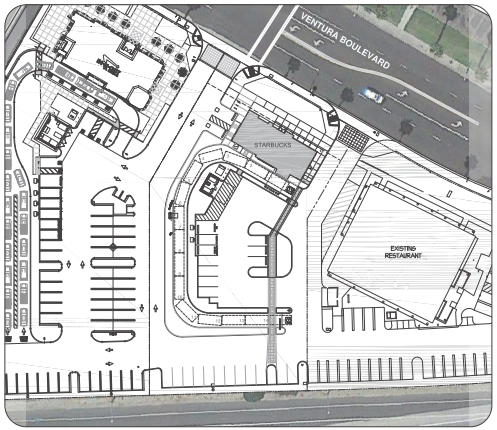
QUEUE: 10
PARKING: 14

2 OXNARD & CITRUS GROVE (4MINS)



QUEUE: 16
PARKING: 24

3 VENTURA & AUTO CENTER DR (4MINS)



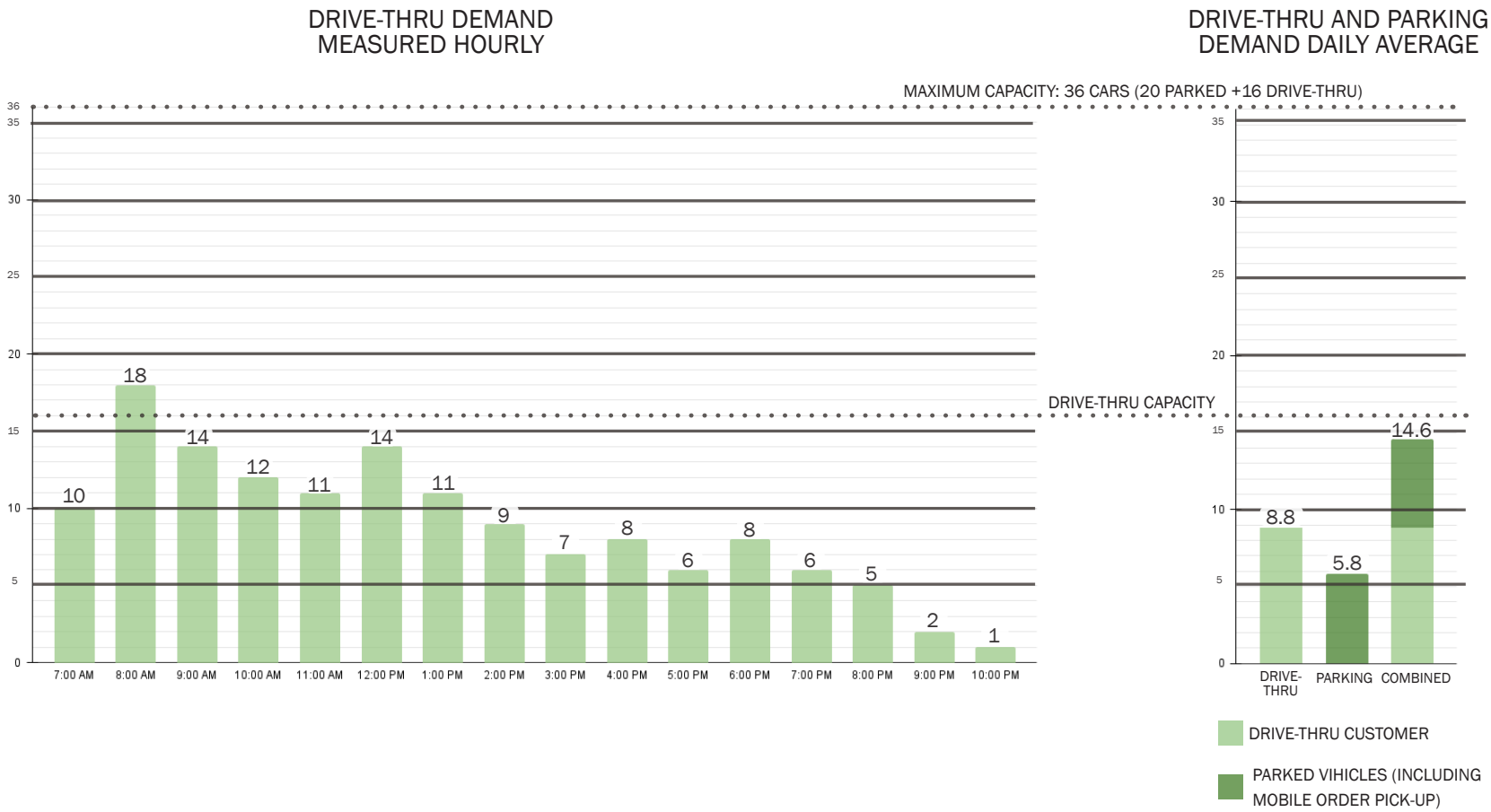
QUEUE: 15
PARKING: 20

PROPOSED DRIVE-THRU STORE IN ENTITLEMENT PHASE

STARBUCKS

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com



GRAPHIC REPRESENTATION OF DATA FROM QUEUEING STUDY PERFORMED ON THE HIGHTEST VOLUME STORE IN SOUTHERN CALIFORNIA

STARBUCKS

2551 E. VINEYARD AVE.
OXNARD, CA 93036

15635 Alton Pkwy, Suite 100
Irvine, California 92618
T 949.553.1117 F 949.474.7056
www.mcgarchitecture.com

PLANNING COMMISSION
MEMORANDUM

TO: Planning Commission

FROM: Joe Pearson II, AICP, Senior Planner

DATE: January 13, 2022

SUBJECT: **Project Name: Vineyard Starbucks Site Renovations**; Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)); 2551 North Vineyard Avenue; APN: 132-0-043-215

Summary

On December 2, 2021, the Planning Commission (the "Commission") considered PZ No. 21-550-01 (Major Modification to U-916 (Special Use Permit))[1] and made a Motion of Intent to Deny the Project as they could not make all of the Findings required to grant the Major Modification in accordance with Oxnard City Code Section 16-531, and they continued the hearing to January 13, 2022, to ratify the action by approving a Resolution of Denial. The motion carried 4:3:0:0:0[2].

Staff has prepared the Resolution of Denial for the proposed Project (Attachment A). .

Appeal Process

In accordance with Section 16-545 of the City Code, the Planning Commission's action on PZ 21-550-01 (MJMD) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate

[1] The project includes modifications to an existing 2,450 sq ft drive-through fast food restaurant building and to allow for a Starbucks drive-through coffee shop on a 0.66 acre site. The proposed improvements will consist of a small addition, facade changes, revised signage, upgraded landscaping, new parking lot striping, drive-through lane modification to allow for an extended queuing lane to allow for a maximum capacity of 16 vehicles. The request also includes a request for a parking modification to allow for a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-thru queue. The parking modification will also allow for 11 of the parking spaces to be compact parking spaces. The project includes a Queue Management Plan. 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.

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

fees before the end of the appeal period. If an appeal is not filed within 18 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

Attachments

A – Resolution for Denial of PZ 21-550-01

B – Staff Presentation

ATTACHMENT
B

Staff Presentation

Vineyard Starbucks Site Renovations

Planning & Zoning Permit No. 21-550-01
(Major Modification to U-916 (Special Use Permit))

Applicant: Beverly Metz, Starbucks, Applicant

Joe Pearson II, Senior Planner
Scott Kolwitz, Planning and Environmental Services Manager

Planning Commission
January 13, 2022

CITY OF OXNARD CALIFORNIA

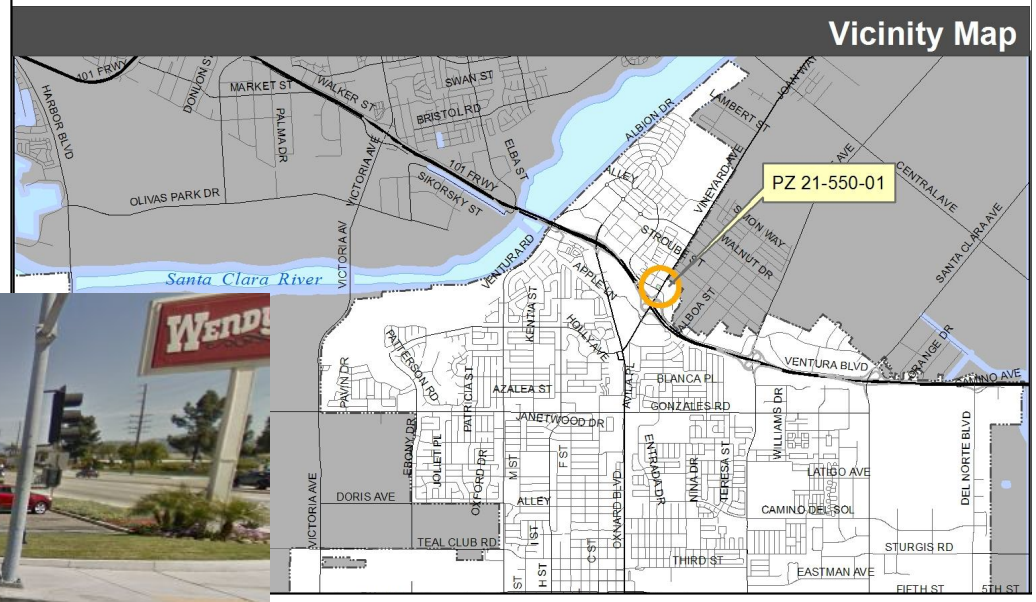
Project Description (SUP)

- A request for a Major Modification (MJMD) to Special Use Permit U-916 to allow for modifications to an existing 2,450 sq ft drive-through fast food restaurant building and to allow for a drive-through coffee shop on a 0.66 acre site:
  - 50 square foot addition.
  - Redesign of the drive-through lane to increase the queue length from 5 vehicles to 16 vehicles.
  - 20 parking spaces
    - Grant administrative parking relief to allow for a decrease in the number of parking spaces and to allow for up to 25 percent of the required parking spaces to be compact spaces.
  - Facade, landscaping, and infrastructure improvements
  - Revised Site and drive-through signage

Project Location

Subject Site: 2551 North Vineyard Avenue

Existing Wendy's Drive-through restaurant



Project Location

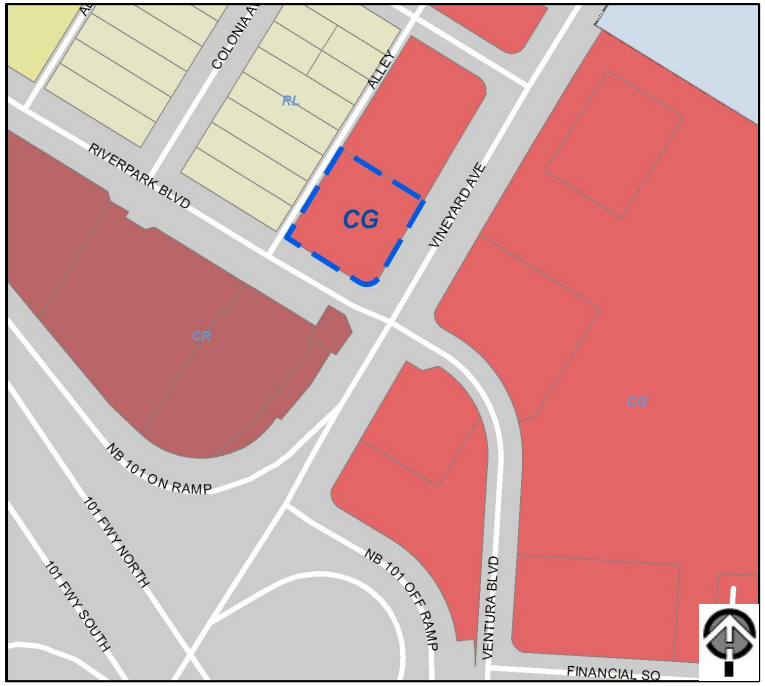
Aerial-View

Reference North

LOCATION	GENERAL PLAN	ZONING	EXISTING LAND USE
Project Site	Commercial General	General Commercial Planned Development (C-2-PD)	Fast Food Restaurant (Wendys)
North	Residential Low	Single-Family Planned Development (R-1-PD)	Single Family
South	Commercial General	C-2-PD	Shopping Center
East	Commercial General	C-2-PD	Shopping Center
West	Commercial Regional	Specific Plan (RiverPark)	Fast Food Restaurant (McDonalds)

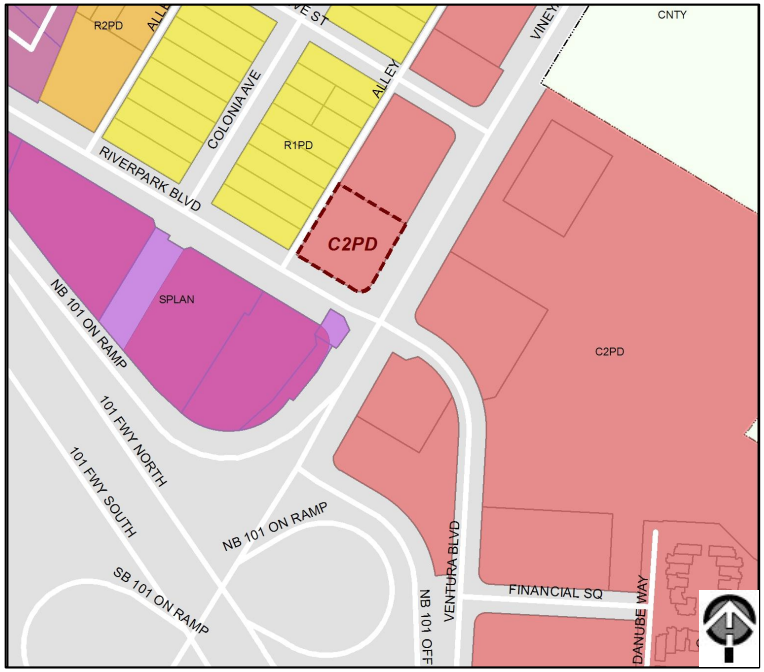
General Plan & Zoning Maps

General Plan Land Use Designation



Commercial General (CG)

Zoning Designation



General Commercial-Planned Development (C-2-PD)

Background - Existing Restaurant

- The existing drive-through restaurant and signage were approved in 1980, through a Special Use Permit. Since that time the site has generally remained unchanged, with only minor facade and landscape changes taking place.

Prior Planning Commission Hearings

- On November 4, 2021, the Planning Commission made a motion to continue the Project to the Planning Commission meeting on November 18, 2021, at the request of the Applicant
- On November 18, 2021, the Planning Commission reviewed and deliberated the merits of the Project. The Planning Commission voted on three motions.
  - Motion of Intent to Deny the project (Failed 3 to 3, with one Planning Commissioner absent)
  - Motion to Approve the project (Failed 3 to 3, with one Planning Commissioner absent).
  - Motion to continue the item to the Planning Commission's meeting of December 2, 2021(Approved 6 to 0, with one Planning Commissioner absent).

December 2, 2021 Planning Commission Hearing

- On December 2, 2021, the Planning Commission considered the Project and made a Motion of Intent to Deny the Project as they could not make all of the Findings required to grant the Major Modification in accordance with Oxnard City Code Section 16-531.
- Specifically, the Planning Commission found they could not make required Finding numbers 2, 3, and 4, due to:
  - Adverse impacts to public health and safety,
  - The inadequate size and shape of the property, and
  - Adverse impacts to adjacent highways as designed.
- The Planning Commission continued the hearing to January 13, 2022, to ratify the action by approving a Resolution of Denial.

Staff Recommendation

Recommendation: That the Planning Commission:

a) Find the Project to be Statutorily Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15270 ("Projects Which are Disapproved"); and

b) Adopt Resolution 2022-XX denying Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to the findings.

Questions

RESOLUTION NO. 2022– 02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 21-550-01 (MAJOR MODIFICATION TO U-916 (SPECIAL USE PERMIT)) TO ALLOW FOR MODIFICATIONS TO AN EXISTING 2,450 SQUARE-FOOT DRIVE-THROUGH FAST FOOD RESTAURANT BUILDING AND TO ALLOW FOR A 2,500 SQUARE-FOOT STARBUCKS DRIVE-THROUGH COFFEE SHOP ON A 0.66 ACRE PROJECT SITE AND ADMINISTRATIVE PARKING RELIEF TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 50 TO 35 (INCLUDING 15 SPACES WHICH ARE PROVIDED VIA THE DRIVE-THROUGH QUEUE) AND TO ALLOW FOR 11 COMPACT PARKING SPACES, LOCATED AT 2551 NORTH VINEYARD AVENUE (APN: 132-0-043-215), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY BEVERLY METZ, OF STARBUCKS, (APPLICANT) 555 ANTON BOULEVARD, COSTA MESA, CA 92626.

WHEREAS, on February 12, 2021, Jennifer Cribbs (the **"Applicant"** and/or **"Permittee"**) submitted a request to allow for modifications to an existing 2,450 square-foot drive-through fast food restaurant building to allow for a Starbucks drive-through coffee shop on a 0.66 acre site at 2551 North Vineyard Avenue (APN: 132-0-043-215). The proposed improvements would consist of a small addition, facade changes, revised signage, upgraded landscaping, new parking lot striping, drive-through lane modification to allow for an extended queuing lane to allow for a maximum capacity of 16 vehicles. The request also includes a request for a parking modification to allow for a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-through queue. The parking modification would also allow for 11 of the parking spaces to be compact parking spaces. The project includes a Transportation Demand Management Plan. The project is located in the General Commercial Planned Development (C-2-PD) zone ; and

WHEREAS, Sections 16-561, 16-651(B)(3) and 16-651(B)(4) of the OCC authorize the Planning Commission to approve a Major Modification and relief from parking requirements; and

WHEREAS, on October 21, 2021, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, to consider the Applicant's request to approve Planning and Zoning Permit No. 21-550-01 (Major Modification) to allow for modifications to an existing 2,450 square foot drive-through fast food restaurant building to allow for a Starbucks coffee shop on a 0.66 acre site (the **"Project"**), in accordance with Section 16-561 of the Oxnard City Code (OCC) and to allow for a parking modification to allow for 1) a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are

provided via the drive-through queue, and 2) a parking modification to allow for 11 of the parking spaces to be compact parking spaces in accordance with Section 16-651 of the OCC; and

WHEREAS, on October 21, 2021, the Planning Commission made a motion to continue the Project to the Planning Commission meeting on November 4, 2021, at the request of the Applicant; and

WHEREAS, on November 4, 2021, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted on three motions. The first two motions were a Motion of Intent to Deny the project and then a motion to Approve the project. These two motions failed as a result of two tie votes (3 to 3, with one Planning Commissioner absent). A third motion was approved to continue the item to the Planning Commission's meeting of December 2, 2021; and

WHEREAS, on December 2, 2021, the Planning Commission also reviewed all of the information provided in the staff reports and considered the testimony given at the public hearings, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on December 2, 2021, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on January 13, 2022.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Planning Commission Staff Report and all attachments thereto, the Planning Commission finds, that it cannot make the following findings necessary for the proposed Major Modification to a Special Use Permit:

(2) The nature, condition, and development of adjacent uses, buildings, and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.

The proposed Project will adversely affect and be materially detrimental to the public health, safety or general welfare due to the potential for cars entering into the Project site to back up onto the public right-of-way adversely affecting the adjacent roadways and the East Vineyard Avenue and Riverpark Boulevard intersection, one of the busiest intersections in the City. Based on issues experienced at other local drive-through Starbucks currently operating in the City, Starbucks' queues regularly exceed the limits of the designated queue and back up into the adjacent areas, and no evidence was provided which demonstrates Starbucks' staff is trained in traffic management and drive-through queue control. Unlike many of the other locations, which terminate within a private parking lot thus keeping the impacts off of the adjacent roadways, this drive-through terminates at the site entrance at the public right-of-way. The Planning Commission does not find that the mere number of parking provided and drive-through queue length at the Project site sufficiently mitigates the potential external negative effects that the traffic blockage to this location will cause, mainly cars being queued out of the drive-through stacking area and into Riverpark Boulevard right-of-way causing blockage on not only Riverpark Boulevard but also into the intersection with East Vineyard Avenue.

As a result, any excess queue would immediately spill into the adjacent right of way, blocking both pedestrian and vehicular circulation. Given the major implications of a back up at the East Vineyard Avenue and Riverpark Boulevard intersection, a Transportation Demand Manage Plan is not sufficient to address these adverse impacts. As the project cannot reasonably ensure that vehicles will not exceed the queue and bleed into the right-of-way, the Project would create a safety hazard as vehicles backing up into the intersection will create additional pedestrian conflicts, a traffic delay, and an increased potential for traffic accidents in the intersection. For the reasons stated above, this Finding cannot be met.

(3) The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).

The site is not adequate in size and shape to accommodate the parking and loading facilities required pursuant to the Oxnard City Code. The Planning Commission does not support the administrative parking modification, and as a result the Project has a parking deficiency of 15 spaces, per the Oxnard City Code Section 16-622(F). Of the 35 spaces only 20 are actual parking spaces, as the remainder are provided in the drive-through. The provided parking study did not present a sufficient locally based justification that 20 spaces are sufficient to provide for employee parking, designated mobile pick up, curbside pick up, and regular onsite parking demand for customers. The provided parking study did not present a sufficient locally based justification that 16 drive-through queue spaces

are sufficient. Additionally, the Project site is not sufficient in size to allow for required loading space, which has not been provided. As designed, the site cannot accommodate loading activities while maintaining onsite circulation, due to the one way travel design. This would result in the potential for vehicles to spill out into the adjacent right-of-way, as motorists would not be able to adequately navigate through the site. For the reasons stated above, this Finding cannot be met.

(4) The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

The Project will create or significantly aggravate traffic problems at the adjacent roadways and intersections, which will have a direct and adverse impact on the adjacent highways (US 101 and CA 232). The added traffic demand from the Project would result in a greater-than-average likelihood of grid blocking at the intersection and being exacerbated or occurring at greater frequencies due to cars extending out into Riverpark Boulevard. The ability to make a U-turn traveling eastbound on RiverPark Boulevard is problematic, and the project would necessitate the installation of a No U-turn sign at that location. However, the intersection of Vineyard Avenue and Riverpark Boulevard is a state controlled intersection. As a result, any changes to the operation of the intersection would need to be approved by the California Department of Transportation (Caltrans), and would ultimately be controlled by Caltrans. Since the intersection is not under the applicant's or the City's control, the Project cannot be required to install the necessary signage as a condition of this permit. For the reasons stated above, this Finding cannot be met.

SECTION 2. Based on the findings set forth above, each of which provides a separate and distinct basis for denial, the Planning Commission hereby denies Planning and Zoning Permit No. 21-550-01 (Major Modification) as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.

SECTION 3. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 13th day of January 2022.

Daniel Chavez, Jr., Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 13th day of January, 2022, and carried by the following vote:

AYES: Commissioner(s): Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Meyer

NOES: Commissioner(s): Commissioners Nash, Lopez, Sanchez

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

Scott Kolwitz, Secretary

CITY OF OXNARD CALIFORNIA

REQUEST FOR APPEAL

Community Development Department

Use this form to request an appeal of a decision rendered on one of the following type of permits: Administrative Wireless Permit; Discretionary Development Permit decision rendered by the Community Development Director; or a Discretionary Development Permit decision rendered by the Planning Commission.

After paying the required appeal fee to the Planning Division, submit the original request for appeal and two (2) copies along with verification that the appropriate appeal fee has been paid to the City Clerk's Office. To determine your appeal fee go to: oxnard.org/planning and click on planning handouts and applications or contact the Planning Division at (805) 385-7858.

I, Matthew Friedrich/Starbucks (Print name), am requesting an appeal of a decision made by Planning Commission (State decision making body) that was made on Jan 13, 2022 (Date) regarding ~~PZXXXXXX~~ PZ 21-550-01 (Specify PZ No.).

Check one of the following:

☐ **Appeal of a Decision Rendered on a Wireless Permit**. Pursuant to Section No. 16-488 (C) of the Oxnard City Code, I am submitting an appeal to the Secretary of the Planning Commission and I am paying the necessary fees to the Planning Division. I am filing this appeal within 10 days of the Planning Manager's decision on a wireless communications facility permit. I am requesting that this appeal be considered by the Planning Commission.

☐ **Appeal of a Decision Rendered on a Discretionary Permit - Community Development Director.** Pursuant to Section No. 16-525 (B) of the Oxnard City Code, I am submitting an appeal to the City Clerk and I am paying the necessary fees to the Planning Division. I am filing this appeal within 10 days of the Community Development Director's decision on a discretionary permit. I am requesting that this appeal be considered by the Planning Commission.

☒ **Appeal of a Decision Rendered on a Discretionary Permit - Planning Commission**. Pursuant to Section 16-545/17-58(J) of the Oxnard City Code, I am submitting an appeal to the City Clerk and I am paying the necessary fees to the Planning Division. I am filing this appeal within 18 days / 10 working days of the Planning Commission's decision on a discretionary permit. I am requesting that this appeal be considered by the City Council.

State the grounds, facts, and if known the code sections supporting your request: (Provide additional sheets if necessary)

This project, Starbucks at Vineyard/Riverpark, meets all of the requirements of the Zoning Code and the General Plan. We have been working with Planning Staff for the last 18 months to get the proposed project to a point that met the City's standards and requirements. The denial by the Planning Commission was based on personal biases. The site has been being used as a Drive-Thru restaurant for many years. This project would enhance the site with a new facade, new landscaping, better site design for the trash enclosure and drainage, new fire apparatus (safer for consumers) and is EXCEEDING the amount of queueing spaces 3X the required amount.

X _____ Appellant Signature

1/18/21 Date

cc: City Attorney
Community Development Director
Project Planner
Applicant

OFFICE USE ONLY	
Date Received:	
Received By:	
Contacted Dept/Division Rep:	

2443 LEMON AVE., PATTERSON, CA 95363

January 27, 2022

Honorable Mayor and City Councilmembers
City of Oxnard
300 West Third Street
Oxnard, CA 93003

RE: Starbucks Vineyard Appeal of Planning Commission (PC) Decision

Dear Mayor and City Council:

Thank you for the opportunity to appeal the Planning Commission decision from January 13, 2022 for the Starbucks Vineyard project.

The Friedrich Family Limited Partnership are the owners of the property at 2551 North Vineyard Avenue, on which a Wendy's drive-through restaurant has been operating for over 40 years. Our family has owned the property the entire time and we are descendants of one of the first families to farm in the Oxnard area.

We are investing in the Riverpark/ El Rio neighborhood through an infusion of capital to bring the structurally outdated building to modern standards in terms of design, quality, and function. We are prepared to make such an investment and would hope that the City of Oxnard also sees the benefit of such an investment for the aesthetic improvement as well as the economic development benefits to the surrounding area.

The project went through many site plan changes and drive-through scenarios to accommodate environmental, technological, and traffic upgrade requests from City staff. It was important to us and Starbucks that we not proceed with any plan changes without staff approval. Altogether we had four (4) DAC meetings with City Planning, Traffic, Engineering, Fire, Police, Solid Waste, Water and Wastewater representatives. We had numerous other meetings regarding the site design and drive-through queue with: Scott Kolwitz, Planning Manager; Joe Pearson II; Tai Chau; and Timothy Bochum. Each time, our architect and traffic team went back to the table and worked with the site issues.

The key planned upgrades to the building is as follows:

- Expanded drive-through lane, doubling the required capacity of 8 spaces to 16 spaces to accommodate modern traffic patterns.

- New ADA certified trash enclosure designed to prevent stormwater from entering the refuse bins. New traffic rated drainage inlet within the enclosure to catch all enclosure wash water.

- New drainage and drought-tolerant landscaping throughout the property.

- New architectural features intended to modernize the outdated look of the building and enhance the look and feel of the surrounding shopping center.

These planned upgrades were successful in getting support of the various departments and in turn the support of the planning staff of the City of Oxnard. The professionals in your City determined that the project exceeded the numerous criteria and recommended approval by the Planning Commission.

On November 4, 2021, members of the Planning Commission were not able to adopt resolutions to approve or deny the project and it was voted on twice. A motion to approve was 3-3; a motion to deny was 3-3. Instead of being referred to City Council at that time, a motion to continue was made for December 2, 2021. Again, staff supported approval of the project but unfortunately, at that meeting, the project was denied 4-3. There was no neighborhood opposition to the project.

The Commission members that voted to deny the project cited traffic issues at the adjacent intersection. However, Starbucks operation managers and our traffic engineer that stated that the proposed queue for our Starbucks was double what is required (we have 16 spaces and 8 is required) and the proposed conditions for the project require an attendant from 7-9 am (the busiest time) and other times when busy to direct traffic to the order and mobile pay parking areas. In spite of exceeding the City's requirements for the project and the extraordinary efforts of Starbucks to commit additional resources to mitigate the perceived problems with the project described by the Planning Commission, the project was denied.

Our team as well as City staff and experts (as represented in the Planning Commission staff report dated November 4, 2021, and December 2, 2021) still believe the project adequately addresses all concerns raised by the Planning Commission and we encourage you to consider the data and plan provided by our experts as well as the professionals in your own City staff.

Thank you for your earnest consideration.

Friedrich Family Limited Partnership

Paul E. Friedrich

Manager

CITY COUNCIL OF THE CITY OF OXNARD

RESOLUTION NO._____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OXNARD DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSIONS DENIAL OF THE PLANNING AND ZONING PERMIT NO. 21-550-01 (MAJOR MODIFICATION TO U-916 (SPECIAL USE PERMIT)) TO ALLOW FOR MODIFICATIONS TO AN EXISTING 2,450 SQUARE-FOOT DRIVE-THROUGH FAST FOOD RESTAURANT BUILDING AND TO ALLOW FOR A 2,500 SQUARE-FOOT STARBUCKS DRIVE-THROUGH COFFEE SHOP ON A 0.66 ACRE PROJECT SITE AND ADMINISTRATIVE PARKING RELIEF TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 50 TO 35 (INCLUDING 15 SPACES WHICH ARE PROVIDED VIA THE DRIVE-THROUGH QUEUE) AND TO ALLOW FOR 11 COMPACT PARKING SPACES, LOCATED AT 2551 NORTH VINEYARD AVENUE (APN: 132-0-043-215), SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY BEVERLY METZ, OF STARBUCKS, (APPLICANT) 555 ANTON BOULEVARD, COSTA MESA, CA 92626.

WHEREAS, on February 12, 2021, Jennifer Cribbs (the **"Applicant"** and/or **"Permittee"**) submitted a request to allow for modifications to an existing 2,450 square-foot drive-through fast food restaurant building to allow for a Starbucks drive-through coffee shop on a 0.66 acre site at 2551 North Vineyard Avenue (APN: 132-0-043-215). The proposed improvements would consist of a small addition, facade changes, revised signage, upgraded landscaping, new parking lot striping, drive-through lane modification to allow for an extended queuing lane to allow for a maximum capacity of 16 vehicles. The request also includes a request for a parking modification to allow for a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-through queue. The parking modification would also allow for 11 of the parking spaces to be compact parking spaces. The project includes a Transportation Demand Management Plan. The project is located in the General Commercial Planned Development (C-2-PD) zone ; and

WHEREAS, Sections 16-561, 16-651(B)(3) and 16-651(B)(4) of the OCC authorize the Planning Commission to approve a Major Modification and relief from parking requirements; and

WHEREAS, on October 21, 2021, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, to consider the Applicant's request to approve Planning and Zoning Permit No. 21-550-01 (Major Modification) to allow for

modifications to an existing 2,450 square foot drive-through fast food restaurant building to allow for a Starbucks coffee shop on a 0.66 acre site (the **"Project"**), in accordance with Section 16-561 of the Oxnard City Code (OCC) and to allow for a parking modification to allow for 1) a reduction in the amount of required parking from 50 parking spaces to 35 parking spaces, including 15 spaces which are provided via the drive-through queue, and 2) a parking modification to allow for 11 of the parking spaces to be compact parking spaces in accordance with Section 16-651 of the OCC; and

WHEREAS, on October 21, 2021, the Planning Commission made a motion to continue the Project to the Planning Commission meeting on November 4, 2021, at the request of the Applicant; and

WHEREAS, on November 4, 2021, the Planning Commission reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information and deliberated the merits of the Project. The Planning Commission voted on three motions. The first two motions were a Motion of Intent to Deny the project and then a motion to Approve the project. These two motions failed as a result of two tie votes (3 to 3, with one Planning Commissioner absent). A third motion was approved to continue the item to the Planning Commission's meeting of December 2, 2021; and

WHEREAS, on December 2, 2021, the Planning Commission also reviewed all of the information provided in the staff reports and considered the testimony given at the public hearings, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on December 2, 2021, the Planning Commission deliberated the merits of the Project and made a Motion of Intent to Deny the Project, subject to the preparation of a written Resolution of Denial to be considered at the Planning Commission meeting on January 13, 2022.

WHEREAS, on January 13, 2022, the Planning Commission voted 4-3, to adopt Resolution No. 2022-02 to deny the project; and

WHEREAS, on January 19, 2022, the Appellant filed a timely Appeal application with the City of the decision of the Planning Commission's denial of Planning and Zoning Permit No. 21-550-01 within 18 days after the Planning Commission action pursuant to Sections 16-544 and 16-545 of the Oxnard City Code ("OCC"); and

WHEREAS, on February 15, 2022, the City Council conducted a duly noticed public hearing to consider the Appellant's Appeal of the Planning Commission's decision to Deny Planning and Zoning Permit No. 21-550-01 (Major Modification) in accordance with Oxnard City Code Sections 16-530 through 16-553 of the Oxnard City Code; and

WHEREAS, on February 15, 2022, the City Council also reviewed all of the information provided in the staff report, attachments, environmental document, and considered the testimony given at the public hearing, including all written communications to the Planning Commission and City Council, as well as other pertinent information; and

WHEREAS, on February 15, 2022, the City Council deliberated the merits of the Project and Appeal and made a motion to Deny the Appeal and uphold Planning Commission's Denial of Planning and Zoning Permit No. 21-550-01 finding that the Appellant has not provided substantial evidence to support the Appeal.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the City Council and all written and oral evidence presented, including the City Council and Planning Commission Staff Reports and all attachments thereto, the City Council finds that it cannot make the following findings necessary for the proposed Major Modification to a Special Use Permit:

(2) The nature, condition, and development of adjacent uses, buildings, and structures shall be considered, and no proposed special use permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare.

The proposed Project will adversely affect and be materially detrimental to the public health, safety or general welfare due to the potential for cars entering into the Project site to back up onto the public right-of-way adversely affecting the adjacent roadways and the East Vineyard Avenue and RiverPark Boulevard intersection, one of the busiest intersections in the City. Based on issues experienced at other local drive-through Starbucks currently operating in the City, Starbucks' queues regularly exceed the limits of the designated queue and back up into the adjacent areas, and no evidence was provided which demonstrates Starbucks' staff is trained in traffic management and drive-through queue control. Unlike many of the other locations, which terminate within a private parking lot thus keeping the impacts off of the adjacent roadways, this drive-through

terminates at the site entrance at the public right-of-way. The City Council does not find that the mere number of parking provided and drive-through queue length at the Project site sufficiently mitigates the potential external negative effects that the traffic blockage to this location will cause, mainly cars being queued out of the drive-through stacking area and into RiverPark Boulevard right-of-way causing blockage on not only RiverPark Boulevard but also into the intersection with East Vineyard Avenue.

As a result, any excess queue would immediately spill into the adjacent right of way, blocking both pedestrian and vehicular circulation. Given the major implications of a back up at the East Vineyard Avenue and RiverPark Boulevard intersection, a Transportation Demand Manage Plan is not sufficient to address these adverse impacts. As the project cannot reasonably ensure that vehicles will not exceed the queue and bleed into the right-of-way, the Project would create a safety hazard as vehicles backing up into the intersection will create additional pedestrian conflicts, a traffic delay, and an increased potential for traffic accidents in the intersection. For the reasons stated above, this Finding cannot be met.

(3) The site that is subject to the Special Use Permit shall be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Section 16-532 (Conditions).

The site is not adequate in size and shape to accommodate the parking and loading facilities required pursuant to the Oxnard City Code. The City Council does not support the administrative parking modification, and as a result the Project has a parking deficiency of 15 spaces, per the Oxnard City Code Section 16-622(F). Of the 35 spaces only 20 are actual parking spaces, as the remainder are provided in the drive-through. The provided parking study did not present a sufficient locally based justification that 20 spaces are sufficient to provide for employee parking, designated mobile pick up, curbside pick up, and regular onsite parking demand for customers. The provided parking study did not present a sufficient locally based justification that 16 drive-through queue spaces are sufficient. Additionally, the Project site is not sufficient in size to allow for required loading space, which has not been provided. As designed, the site cannot accommodate loading activities while maintaining onsite circulation, due to the one way travel design. This would result in the potential for vehicles to spill out into the adjacent right-of-way, as motorists would not be able to adequately navigate through the site. For the reasons stated above, this Finding cannot be met.

(4) The site that is subject to the Special Use Permit shall be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

The Project will create or significantly aggravate traffic problems at the adjacent roadways and intersections, which will have a direct and adverse impact on the adjacent highways (US 101 and CA 232). The added traffic demand from the Project would result in a greater-than-average likelihood of grid blocking at the intersection and being exacerbated or occurring at greater frequencies due to cars extending out into RiverPark Boulevard. The ability to make a U-turn traveling eastbound on RiverPark Boulevard is problematic, and the project would necessitate the installation of a No U-turn sign at that location. However, the intersection of Vineyard Avenue and RiverPark Boulevard is a state controlled intersection. As a result, any changes to the operation of the intersection would need to be approved by the California Department of Transportation (Caltrans), and would ultimately be controlled by Caltrans. Since the intersection is not under the applicant's or the City's control, the Project cannot be required to install the necessary signage as a condition of this permit. For the reasons stated above, this Finding cannot be met.

SECTION 2. The City Council, based on the findings set forth above, each of which provides a separate and distinct basis for denial, the City Council hereby upholds the denial of Planning and Zoning Permit No. 21-550-01 (Major Modification) as the City Council is unable to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.

SECTION 3. The City Council, in accordance with the California Environmental Quality Act (CEQA), determines that the Project is Statutorily Exempt pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 4. The decision of the City Council shall be final.

SECTION 5. The City Clerk shall certify the adoption of this Resolution.

//

//

//

//

//

//

PASSED AND ADOPTED by the City Council of the City of Oxnard on the 15th day of February 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

ATTEST:

_____ _____
Rose Chaparro, City Clerk John C. Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

Appeal of the Planning Commission's Decision to Deny Planning & Zoning Permit No. 21-550-01 (Major Modification) for Vineyard Starbucks Site Renovations

2551 North Vineyard Avenue (APN: 132-0-043-215)

Joe Pearson II, AICP, Senior Planner
Scott Kolwitz, Planning & Environmental Services Manager
Vyto Adomaitis, Community Development Director
Community Development Department

City Council
February 15, 2022

CITY OF OXNARD CALIFORNIA

Project Location and Existing Conditions

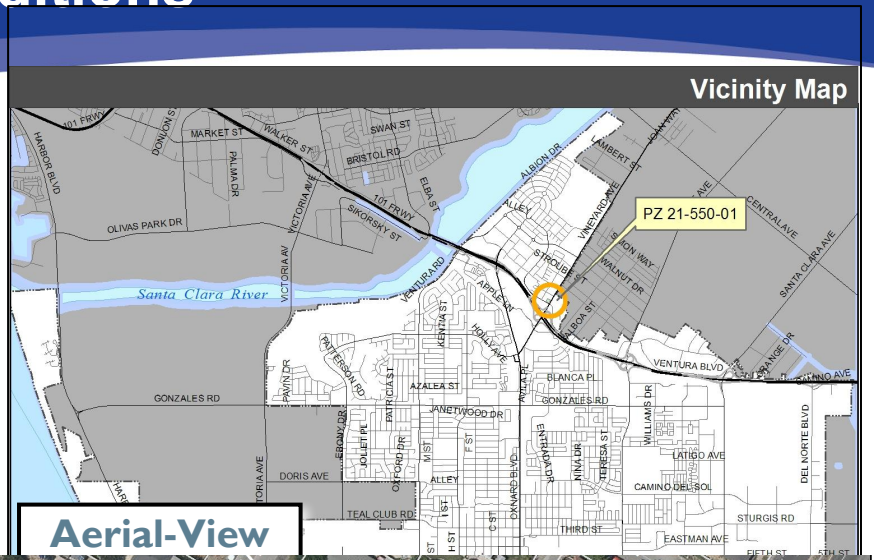
Subject Site: 2551 North Vineyard Avenue

<u>Designations</u>

General Plan: Commercial General (CG) and Zoning: General Commercial - Planned Development (C-2-PD)

<u>Surroundings Uses</u>

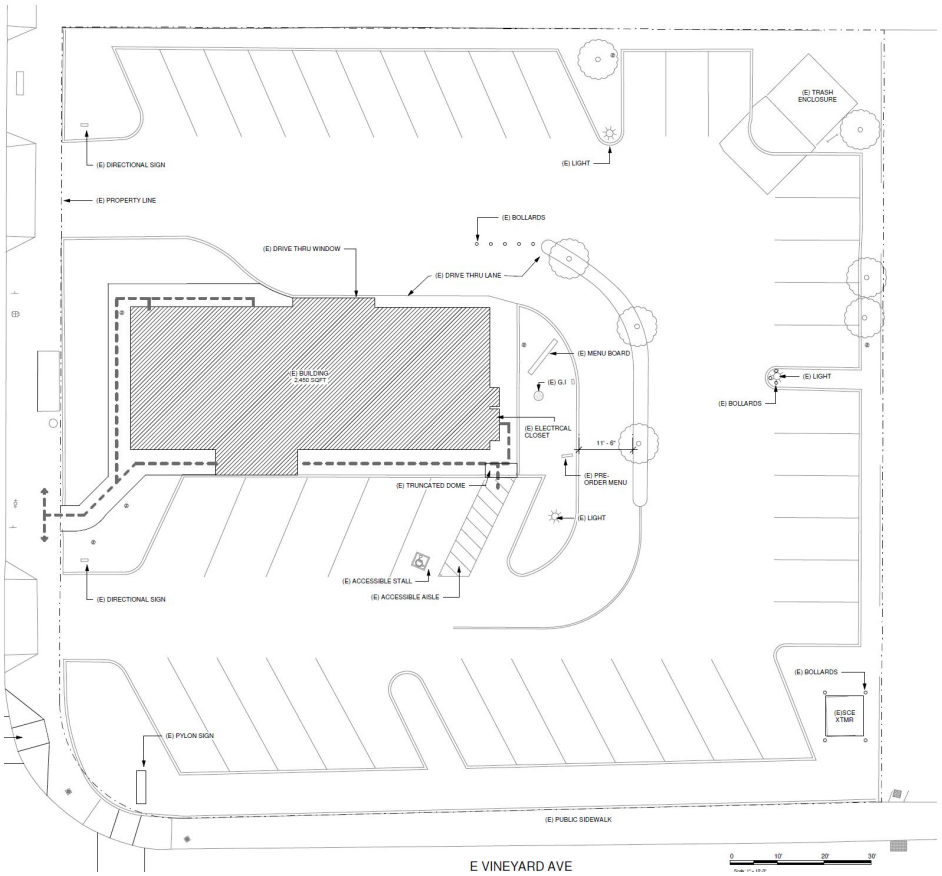
the site and surrounding area are R-1, RiverPark Specific Plan, and C-2-PD



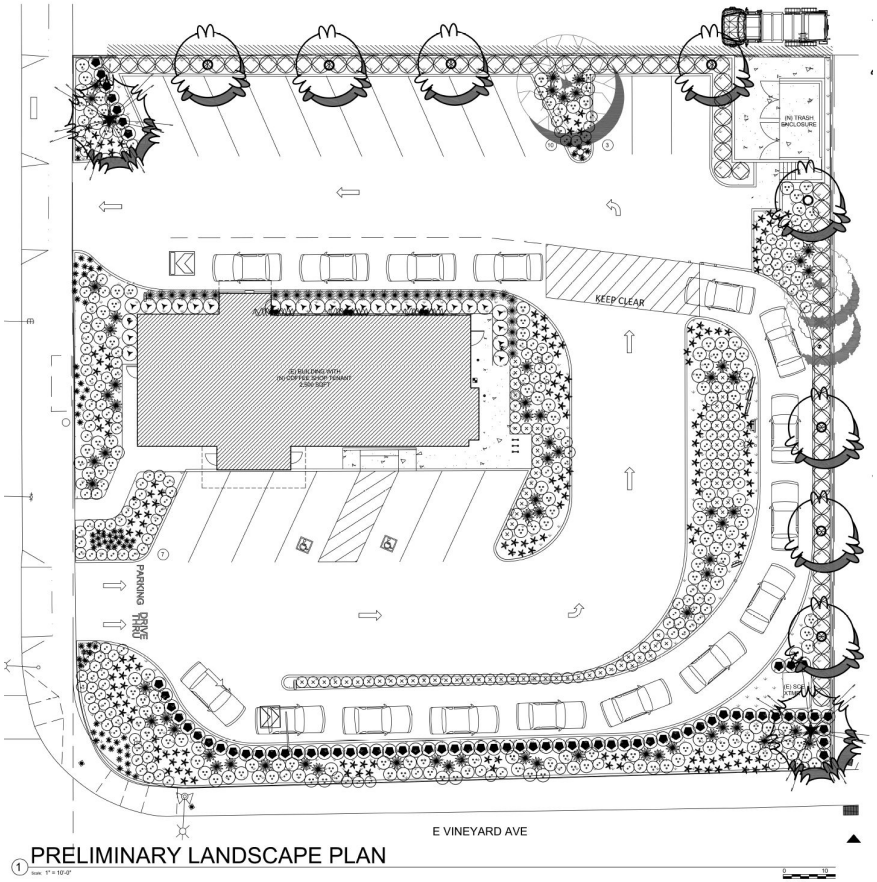
Aerial-View

Existing vs. Proposed Site Plan

Existing Site Plan



Proposed Site Plan



Vineyard Starbucks Site Renovations Permit Timeline

- On February 12, 2021, Starbucks filed for a request to allow for modifications to an existing 2,450 square-foot drive-through fast food restaurant building to allow for a Starbucks drive-through coffee shop on a 0.66 acre site at 2551 North Vineyard Avenue.

- On March 3, 2021 and May 26, 2021, the Project was reviewed by the Development Advisory Committee (DAC).

- On July 19th, 2021, the Project was presented to the public during the City's Community Workshop meeting.

- On January 13, 2022, after three public hearings, the Planning Commission denied PZ No. 21-550-01.

Background: Planning Commission Hearings

October 21, 2021:

- Public hearing held to consider Planning & Zoning Permit No. 21-550-01 requesting approval of a Major Modification.
- Staff recommended approval.
- The Planning Commission made a motion to continue the Project to the Planning Commission meeting on November 4, 2021, at the request of the Applicant.

Background: Planning Commission Hearings

November 4, 2021:

- The Planning Commission held the continued public hearing for Planning & Zoning Permit No. 21-550-01.
- No verbal or written public comments were provided before or during the public comment period of the hearing.
- The Planning Commission reviewed and deliberated the merits of the Project. The Planning Commission voted on three motions.
  - Motion of Intent to Deny the project (Failed 3 to 3, with one Planning Commissioner absent)
  - Motion to Approve the project (Failed 3 to 3, with one Planning Commissioner absent).
  - Motion to continue the item to the Planning Commission's meeting of December 2, 2021 (Approved 6 to 0, with one Planning Commissioner absent).

Background: Planning Commission Hearings

December 2, 2021:

- The Planning Commission held the continued public hearing for PZ No. 21-550-01
- The Planning Commission considered the Project and made a Motion of Intent to Deny the Project as they could not make all of the Findings required to grant the Major Modification in accordance with Oxnard City Code Section 16-531.
- Specifically, the Planning Commission found they could not make required Findings
  - 2 (safety general welfare),
  - 3 (parking and loading facilities), and
  - 4 (traffic).
- The Planning Commission continued the hearing to January 13, 2022, to ratify the action by approving a Resolution of Denial.

Background: Planning Commission Hearings

January 13, 2022

- The Planning Commission held the continued public hearing for PZ No. 21-550-01
- The Commission voted 4-3 to deny PZ No. 21-550-01

January 19, 2022

- The Appellant filed a timely Appeal application with the City.
- The Applicant and Appellant are one and the same entity.

Summary of the Appeal

The Appellant filed an appeal with five grounds of appeal:

1) This project, Starbucks at Vineyard/RiverPark, meets all of the Requirements of the Zoning Code and the General Plan.

2) We have been working with Planning Staff for the last 18 months to get the proposed project to a point that met the City's standards and requirements.

3) The denial by the Planning Commission was based on personal biases.

4) The site has been being used as a Drive-Thru restaurant for many years.

5) This project would enhance the site with a new facade, new landscaping, better site design for the trash enclosure and drainage, new fire apparatus (safer for consumers) and is EXCEEDING the amount of queueing spaces 3X the required amount.

Appellant's Grounds of Appeal 1-2 and Staff Responses

Ground of Appeal 1: "This project, Starbucks at Vineyard/RiverPark, meets all of the Requirements of the Zoning Code and the General Plan."

Staff Response:

1. The Project fails to meet three requirements of the Oxnard City Code, related to parking and loading facilities.
2. The Project would maintain the legal non-conforming status with regard to the 30 foot landscape buffer along Scenic Cooridors. .

Ground of Appeal 2: "We have been working with Planning Staff for the last 18 months to get the proposed project to a point that met the City's standards and requirements."

Staff Response:

1. Formal application for the Major Modification was submitted on February 12, 2021.
2. Iterative process with the Applicant team which included multiple reviews by the City team, time for the applicant to revise and resubmit submittal materials and study project alternatives, and the required Community Workshop.
3. Project processed consistent with the Permit Streamlining Act timeframes.

Appellant's Grounds of Appeal 3 and Staff Responses

Ground of Appeal 3: "The denial by the Planning Commission was based on personal biases."

Staff Response:

1. The Appellant does not provide any evidence in their Appeal application to back up this assertion.
2. The Commission formulated their reasoning for their decision to Deny the project based on the inability to make three specific Findings based on substantial evidence and testimony as documented within Planning Commission Resolution 2022-02.
3. The Planning Commission, with the same Planning Commissioners, has approved other drive-through facilities, including recently, a Starbucks Coffee Shop.

Appellant's Grounds of Appeal 4 and Staff Responses

Ground of Appeal 4: "The site has been being used as a Drive-Thru restaurant for many years."

Staff Response:

1. The existing and proposed operational characteristics are not equivalent.
2. Based on known operational characteristics of existing Starbucks drive-through coffee shops operating in the City of Oxnard and beyond, as well as parking and queueing data provided by the Appellant, the Project would increase demand at this site.

Appellant's Ground of Appeal 5 and Staff Response

Ground of Appeal 5: "This project would enhance the site with a new facade, new landscaping, better site design for the trash enclosure and drainage, new fire apparatus (safer for consumers) and is EXCEEDING the amount of queueing spaces 3X the required amount."

Staff Response:

1. The Planning Commission acknowledged the physical improvements to the site that would be undertaken as part of the Project, would enhance the aesthetics of the site, and result in improved site conditions with respect to the trash enclosure, drainage, and fire improvements.
2. This statement fails to address or dispute the Findings for denial.
3. The Project does not provide three times the queue spaces.
   a. Project provides 16 spaces
   b. Project requires a minimum of 8 spaces
   c. On a project-by-project basis, additional stacking may be required to ensure the project will not have an adverse impact on adjacent uses, buildings or structures or to the public health, safety or general welfare.

Recommendation

That the City Council:

1. Conduct a public hearing;
2. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 (“Projects Which are Disapproved”); and
3. Adopt a Resolution denying the Appeal and upholding the Planning Commission’s Denial of Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), because the record does not contain the evidence necessary to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.

CITY OF
OXNARD
CALIFORNIA

End of Presentation

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.1

DATE: February 15, 2022

TO: City Council

FROM: Betsy George, Chief Financial Officer, 805-200-5400, betsy.george@oxnard.org

SUBJECT: FY 20-21 Annual Comprehensive Financial Report and Summary Presentation. (15/15/10)

RECOMMENDATION

That City Council receive the Fiscal Year 2020-21 Annual Comprehensive Financial Report (ACFR) and summary presentation from the City's external financial auditors, Eadie + Payne, LLP.
(Finance and Governance Committee approved 2-0)

(Presentation will be live upon consultant's request).

BACKGROUND

Eadie + Payne, LLP (E+P) will present its audit opinion of the City of Oxnard's financial statements, which consists of the respective financial position as of June 30, 2021, for the City's governmental activities, business-type activities, each major fund, aggregate remaining fund information, and respective changes in financial position.

New Information and Minor Change from Finance & Governance Committee

At the Measure O Committee meeting on January 27, 2022, Eden Casareno from E+P delivered a presentation on the City's Fiscal Year 2020-21 annual financial statement audit along with Measure O Fund information as of and for the year ended June 30, 2021. Upon Chair Lindholm's question regarding an unbudgeted $1.6M transfer out of the Measure O fund, Ms. Casareno explained that this was a transfer out to reimburse partially the Infrastructure Use Fee (IUF) to the utilities. Ms. Casareno's response was consistent with the City's Annual Comprehensive Financial Report (ACFR), which showed a budget to actual variance in the Measure O FY2020-21 transfers of $1,617,985 that was related to IUF reimbursement made by the Measure O fund. However, the ACFR contains an error related to Measure O transfers.

On January 28, 2022, City staff reviewed the City's 2021 ACFR and discovered the error in the Supplementary Information Section. Specifically, pages 158 through 162 of the report contain an incorrect classification of an interfund transfer between the General Fund (101) and the Measure O Fund (104). The error only exists in the creation of the reports provided in the ACFR's Supplementary Information Section. The actual interfund transfer transactions and the City's accounting records are correct. The principal portion of a repayment by the General Fund of a loan from Measure O was mistakenly reported as a transfer related to IUF reimbursement. Attached to this staff report are E+P's letter and the CFO's explanation of the error. The ACFR has been corrected.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic plans adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact.

COMMITTEE OUTCOME

The Finance and Governance Committee approved 2-0 on January 11, 2022, to approve staff's recommendation to forward the item to Council.

Prepared by: Eadie + Payne

ATTACHMENTS

1. Auditors' Report
2. Placeholder for ACFR 2021 Full Report (revised report expected 2-7-2022)
3. Letter from E+P re Measure O ACFR Correction
4. CFO's memo re Measure O ACFR Correction
5. Presentation by E+P

EADIE PAYNE LLP
expect quality.

Eadie Payne, LLP
3880 Lemon St., Ste. 300
Riverside, CA 92501

P.O. Box 1529
Riverside, CA 92502-1529

Office: 951-241-7800
www.eadiepaynellp.com

INDEPENDENT AUDITOR'S REPORT

To the City Council
City of Oxnard
Oxnard, California

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Oxnard, California (City), as of and for the year ended June 30, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

The City's management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We did not audit the financial statements of Oxnard Housing Authority, a blended component unit, which statements represent 1.26% and 1.02% of total government-wide assets and deferred outflows of resources, and net position as of June 30, 2021 respectively, and 7.42% of total government-wide revenues for the year then ended. Those statements were audited by other auditors whose report has been furnished to us, and our opinion, insofar as it relates to the amounts included for Oxnard Housing Authority, is based solely on the report of the other auditors. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, based on our audit and the report of the other auditor, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Oxnard, California, as of June 30, 2021, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, budgetary comparison information for the General Fund Group, Development Fees Fund, and State and Federal Grants Fund, the schedules of changes in net pension liability and related ratios, the schedules of proportionate share of the net pension liability and related ratios, the schedules of plan contributions, and the schedule of changes in total OPEB liability and related ratios on pages 5 through 24 and 143 through 153 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements as a whole. The introductory section, combining and individual General Fund Group and nonmajor fund financial statements, and statistical section are presented for purposes of additional analysis and are not a required part of the basic financial statements.

The combining and individual General Fund Group and nonmajor fund financial statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America by us and the other auditors. In our opinion, the combining and individual nonmajor fund financial statements are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we will also issue our report on our consideration of the City of Oxnard, California's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts and grant agreements, and other matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering City of Oxnard, California's internal control over financial reporting and compliance.

Eadie and Payne LLP

Riverside, California
December 30, 2021

Full Report Available on February 7, 2022 and will be available online at www.oxnard.org/finance

CITY OF
OXNARD
CALIFORNIA

ANNUAL COMPREHENSIVE
FINANCIAL REPORT

FISCAL YEAR ENDED JUNE 30, 2021

Eadie Payne, LLP
3880 Lemon St., Ste. 300
Riverside, CA 92501

P.O. Box 1529
Riverside, CA 92502-1529

Office: 951-241-7800
www.eadiepaynellp.com

February 1, 2022

Alexander Nguyen
City Manager
City of Oxnard
Oxnard, CA

Dear Mr. Nguyen,

I received the memo from the City's CFO re: Misreporting of Measure O Transfers and Restatement FY 2010-21 Annual Comprehensive Financial Report. I completely agree with the CFO's explanation and we're working to make the correction of the following financial statements included in the ACFR.

- Combining statements of revenues, expenditures and changes in fund balances – General Fund Group
- General Fund – 101- General Fund Budgetary Comparison Schedule
- General Fund – 104 – Half Cent Sales Tax Budgetary Comparison Schedule

We will be reprinting the ACFR FYE 6/30/2021 in paper and electronically.

We thank the Oversight Committee, the Assistant City Manager and the CFO for catching our error and enabling the City to make the correction.

Sincerely,

Eden C. Casareno
Partner

MEMO

CITY OF OXNARD CALIFORNIA

January 31, 2022

TO: Alexander Nguyen, City Manager
Shiri Klima, Deputy City Manager

FROM: Betsy George, Chief Financial Officer

SUBJECT: **Mis-Reporting of Measure O Transfers and Restatement FY 2020-21 Annual Comprehensive Financial Report**

At the Measure O Committee meeting on January 27, 2022, Eden Casareno, from the City's external independent auditing firm Eadie + Payne, delivered a presentation on the City's Fiscal Year 2020-21 annual financial statement audit along with Measure O Fund information as of and for the year ended June 30, 2021. The information contained in the presentation and the budget to actual variance explanation Ms. Casareno provided was consistent with the City's Annual Comprehensive Financial Report (ACFR). However, the ACFR contains an error related to Measure O transfers. Therefore, while Ms Casareno's statement that the budget to actual variance in the Measure O FY2020-21 transfers of $1,617,985 was related to Infrastructure Use Fee (IUF) reimbursement made by the Measure O fund was consist with the ACFR, it was not a correct variance explanation.

The amount in question, $1,617,985, is the principal portion of a payment made by the General Fund (101) for a loan from the Measure O Fund (104).

Annual Payment Schedule				
Measure 'O' Loan to General Fund				
Due Date	Payment	Principal	Interest	Balance
			$0	$16,000,000
6/30/2016	$1,875,688	$1,395,688	$480,000	$14,604,312
6/30/2017	$1,875,688	$1,437,559	$438,129	$13,166,753
6/30/2018	$1,875,688	$1,480,686	$395,003	$11,686,068
6/30/2019	$1,875,688	$1,525,106	$350,582	$10,160,962
6/30/2020	$1,875,688	$1,570,859	$304,829	$8,590,102
6/30/2021	$1,875,688	**$1,617,985**	$257,703	$6,972,117
6/30/2022	$1,875,688	$1,666,525	$209,164	$5,305,593
6/30/2023	$1,875,688	$1,716,520	$159,168	$3,589,072
6/30/2024	$1,875,688	$1,768,016	$107,672	$1,821,056
6/30/2025	$1,875,688	$1,821,056	$54,632	$0

This amount was incorrectly categorized in the Supplemental Information section of City's ACFR as Reimbursement of IUF Fees (see attached excerpt pages 158 through 162). In all supporting schedules and in the City's financial system (HTE) the amount is correctly recorded

and labeled as Interfund Transfer Offset. The error in the June 30, 2021 ACFR was not discovered during staff's review of the report. The principal portion of the debt payment should have been reported in the Principal line under Debt Service as highlighted in the attached ACFR excerpts. The consolidated General Fund financial statements presented in the Financial Section of the City's ACFR are correctly stated. The error occurred only within the Statistical Section in the break-out of the General Fund Group.

I am working with Eadie + Payne to correct the error and re-issue the City's ACFR. The restated and correct report is expected to be completed and ready for distribution by February 8, 2022. In the meantime, the June 30, 2021 ACFR has been pulled from the City's website and the six individuals who received a bound hard copy version of the report will be notified of the pending correction. Those notifications have already begun.

For your reference, also attached, is the corrected version of the Measure O Fund Budgetary Comparison Schedule (page 162 of the ACFR). You can see that the $1,617,085 has been correctly classified in to the Principal line item and that the overall results have not been impacted. Net change in Fund Balance remains $293,440 and Ending Fund Balance is $18,314,275.

Lastly, and also for your refence, is the schedule for IUF reimbursements to the City's utility funds. The impact of entire amount due is recorded in the June 30, 2021 financial statements. A lump sum amount of $5,000,000 was paid from the General Fund in June 2021. The remaining payments are made on a quarterly basis. This payment schedule complies with the court order used on June 14, 2021. No moneys have or will come from the Measure O Fund to make these reimbursements.

		2020-21	**2021-22**	**2022-23**	**2023-24**
	General Fund Payments	(5,000,000)	(5,000,000)	(10,000,000)	(9,470,697)
	Street Fund Payments		(7,000,000)		
Water	15,505,406	2,125,735	5,101,763	4,251,470	4,026,438
WasteWater	10,929,598	1,498,408	3,596,180	2,996,816	2,838,194
Enviromental Resoucres	10,035,693	1,375,857	3,302,057	2,751,714	2,606,065
Total	**$36,470,697**				

CITY OF OXNARD
COMBINING STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCES
GENERAL FUND GROUP
FOR THE YEAR ENDED JUNE 30, 2021

	GENERAL FUND			
	101 - General Fund	104 - Half Cent Sales Tax	105 - Street Maintenance	641 - Performing Arts Center
REVENUES				
Taxes	$ 126,827,163	$ 17,404,320	$ -	$ -
Licenses and permits	3,967,887	-	-	-
Intergovernmental	6,128,181	-	-	-
Charges for services	15,963,993	-	2,040,000	12,889
Fines and forfeitures	1,852,220	-	-	-
Interest on investments	312,031	35,581	-	-
Special assessments	64,923	-	-	-
Miscellaneous	2,375,654	(52,774)	18,455	-
Total Revenues	157,492,052	17,387,127	2,058,455	12,889
EXPENDITURES				
Current				
General government	15,528,903	891,595	-	-
Public safety	84,962,447	8,413,399	-	-
Transportation	4,878,410	506,714	765,749	-
Community development	10,076,369	1,137,637	-	-
Culture, leisure and libraries	16,562,904	1,127,970	-	38,328
Capital Outlay	769,753	268,213	3,628,095	-
Debt Service				
Principal	GF s/b $0.0 → 1,617,985	(797,985)	← MO s/b $820,000	-
Interest and fiscal charges	257,703	243,832	-	-
Total Expenditures	134,654,474	11,791,375	4,393,844	38,328
EXCESS OF REVENUES OVER (UNDER) EXPENDITURES	22,837,578	5,595,752	(2,335,389)	(25,439)
OTHER FINANCING SOURCES (USES)			MO s/b $0.0	
Reimbursement of IUF fees	GF s/b ($29,470,697) → (27,852,712)	(1,617,985)	(7,000,000)	-
Transfers to Golf Course Fund	-	-	-	-
Transfers in	2,050,086	(1,413,002)	-	-
Transfers out	(5,103,343)	(2,271,325)	-	31,253
Total Other Financing Sources (Uses)	(30,905,969)	(5,302,312)	(7,000,000)	31,253
NET CHANGE IN FUND BALANCES	(8,068,391)	293,440	(9,335,389)	5,814
FUND BALANCES, JULY 1, AS PREVIOUSLY STATED	4,679,311	18,020,835	13,917,604	1,877
PRIOR-PERIOD ADJUSTMENT	-	-	-	-
FUND BALANCES, JULY 1, AS RESTATED	4,679,311	18,020,835	13,917,604	1,877
FUND BALANCES, JUNE 30	$ (3,389,080)	$ 18,314,275	$ 4,582,215	$ 7,691

* Other funds include: General Fund Carryover (102), Oxnard Police Department (OPD) Training (103), Stormwater Management (114), Payroll Clearing Trust (542), Carnegie Art Trust (543), Housing Payroll Trust (545), City Artworks Trust (546), City Corps Trust (555), and Contributions/Donations Trust (571).

Original CFR to be reissued

GENERAL FUND			
651 - Golf Course	Other*	Total	
			REVENUES
$ -	$ -	$ 144,231,483	Taxes
-	-	3,967,887	Licenses and permits
-	44,053	6,172,234	Intergovernmental
-	-	18,016,882	Charges for services
-	-	1,852,220	Fines and forfeitures
-	-	347,612	Interest on investments
-	427,321	492,244	Special assessments
-	268,471	2,609,806	Miscellaneous
-	739,845	177,690,368	**Total Revenues**
			EXPENDITURES
			Current
-	80,507	16,501,005	General government
-	111,316	93,487,162	Public safety
-	-	6,150,873	Transportation
-	1,332,143	12,546,149	Community development
-	5,278	17,734,480	Culture, leisure and libraries
-	131,360	4,797,421	**Capital Outlay**
			Debt Service
-	-	820,000	Principal
-	-	501,535	Interest and fiscal charges
-	1,660,604	152,538,625	**Total Expenditures**
-	(920,759)	25,151,743	**EXCESS OF REVENUES OVER (UNDER) EXPENDITURES**
			OTHER FINANCING SOURCES (USES)
-	-	(36,470,697)	Reimbursement of IUF fees
(1,236,347)	-	(1,236,347)	Transfers to Golf Course Fund
-	971,919	1,609,003	Transfers in
-	6,188	(7,337,227)	Transfers out
(1,236,347)	978,107	(43,435,268)	**Total Other Financing Sources (Uses)**
(1,236,347)	57,348	(18,283,525)	**NET CHANGE IN FUND BALANCES**
1,236,347	484,530	38,340,504	**FUND BALANCES, JULY 1, AS PREVIOUSLY STATED**
-	(208,913)	(208,913)	**PRIOR-PERIOD ADJUSTMENT**
1,236,347	275,617	38,131,591	**FUND BALANCES, JULY 1, AS RESTATED**
$ -	$ 332,965	$ 19,848,066	**FUND BALANCES, JUNE 30**

Original ACFR to be Reissued

CITY OF OXNARD, CALIFORNIA
GENERAL FUND - 101 - GENERAL FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2021

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET
REVENUES				
Taxes				
Property	$ 61,113,742	$ 61,113,742	$ 61,260,103	$ 146,361
Sales	29,914,872	29,914,872	50,519,063	20,604,191
Transient occupancy	4,786,000	4,786,000	4,267,463	(518,537)
Business license (net of refund)	5,904,500	5,904,500	5,964,716	60,216
Franchise	3,843,679	3,843,679	3,904,884	61,205
Other taxes	706,539	706,539	910,934	204,395
Licenses and permits	2,667,651	3,020,561	3,967,887	947,326
Intergovernmental	2,101,011	2,101,011	6,128,181	4,027,170
Charges for services	14,868,918	15,760,918	15,963,993	203,075
Fines and forfeitures	2,932,504	2,932,504	1,852,220	(1,080,284)
Interest on investments	290,000	290,000	312,031	22,031
Special assessments	70,000	70,000	64,923	(5,077)
Miscellaneous	2,358,430	3,319,295	2,375,654	(943,641)
Total Revenues	131,557,846	133,763,621	157,492,052	23,728,431
EXPENDITURES				
General Government				
Legislative				
City Council	508,611	566,615	513,299	53,316
City Clerk	739,444	776,154	770,197	5,957
Administrative and Support Services				
Billing and licensing	1,104,601	1,104,136	970,792	133,344
City Manager	1,832,082	1,815,964	1,858,639	(42,675)
City Attorney	2,019,589	2,109,711	2,090,155	19,556
Finance	5,064,125	5,406,488	5,486,612	(80,124)
Human resources	2,738,046	2,730,506	2,670,839	59,667
Nondepartmental	3,515,023	1,996,454	1,168,370	828,084
Public Safety				
Police	62,841,663	62,232,638	60,859,256	1,373,382
Fire	20,253,248	22,579,389	24,103,191	(1,523,802)
Transportation systems	5,188,000	5,212,056	4,878,410	333,646
Community Development				
Development services	9,223,904	11,285,177	9,481,346	1,803,831
Economic development and tourism service	70,766	77,766	70,686	7,080
Housing services	376,303	392,926	448,568	(55,642)
Community service	81,493	81,331	75,769	5,562
Culture, leisure and libraries				
Recreation services	6,427,223	6,384,235	5,445,338	938,897
Park and public grounds	7,436,445	7,493,766	7,330,324	163,442
Library services	3,964,490	3,955,309	3,787,242	168,067
Capital outlay	-	656,351	769,753	(113,402)
Principal	1,509,519	1,509,519	1,617,985	(108,466)
Interest and fiscal charges	257,703	257,703	257,703	-
Total Expenditures	135,152,278	138,624,194	134,654,474	3,969,720
EXCESS OF REVENUES OVER EXPENDITURES	(3,594,432)	(4,860,573)	22,837,578	27,698,151

s/b $0.0

s/b $1,509,519

Original ACFR to be Reissued

GENERAL FUND - 101 - GENERAL FUND (Continued)
BUDGETARY COMPARISON SCHEDULE

s/b ($29,470,697) s/b ($24,470,697)

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET
OTHER FINANCING SOURCES (USES)				
Reimbursement of IUF Fees	$ -	$ (5,000,000)	$ (27,852,712)	$ (22,852,712)
Transfers in	1,713,671	1,713,671	2,050,086	336,415
Transfers out	(5,558,954)	(5,901,791)	(5,103,343)	798,448
Net Other Financing Sources (Uses)	(3,845,283)	(9,188,120)	(30,905,969)	(21,717,849)
NET CHANGE IN FUND BALANCES	(7,439,715)	(14,048,693)	(8,068,391)	5,980,302
FUND BALANCES, JULY 1	4,679,311	4,679,311	4,679,311	-
FUND BALANCES, JUNE 30	$ (2,760,404)	$ (9,369,382)	$ (3,389,080)	$ 5,980,302

Oringinal ACFR to be Reissued

CITY OF OXNARD, CALIFORNIA
GENERAL FUND - 104 - HALF CENT SALES TAX
BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2021

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET
REVENUES				
Taxes				
Sales	$ 13,179,000	$ 13,179,000	$ 17,404,320	$ 4,225,320
Interest on investments	183,051	183,051	35,581	(147,470)
Miscellaneous	-	-	(52,774)	(52,774)
Total Revenues	13,362,051	13,362,051	17,387,127	4,025,076
EXPENDITURES				
General Government				
Administrative and Support Services				
City Manager	57,329	41,873	41,873	-
Information Technology	883,897	838,220	838,220	-
Nondepartmental	20,161	11,506	11,502	4
Public Safety				
Police	3,250,543	3,194,749	3,194,749	-
Fire	4,632,418	5,352,843	5,218,650	134,193
Transportation systems	519,384	506,716	506,714	2
Community Development				
Development services	287,185	288,828	243,829	44,999
Housing services	1,103,547	2,440,514	893,808	1,546,706
Culture, leisure and libraries				
Recreation services	554,486	355,571	349,908	5,663
Park and public grounds	801,274	742,294	733,614	8,680
Library services	55,534	45,449	44,448	1,001
Capital outlay	174,980	2,758,873	268,213	2,490,660
Principal	(797,985)	(797,985)	(797,985)	-
Interest and fiscal charges	276,266	251,759	243,832	7,927
Total Expenditures	11,819,019	16,031,210	11,791,375	4,239,835
EXCESS OF REVENUES OVER EXPENDITURES	1,543,032	(2,669,159)	5,595,752	8,264,911
		s/b $820,000		s/b ($1,617,958)
OTHER FINANCING SOURCES (USES)				
Reimbursement of IUF fees	-	-	(1,617,985)	(1,617,985)
			s/b $0.0	
Transfers in	(1,514,671)	(1,413,002)	(1,413,002)	-
Transfers out	(2,271,327)	(2,271,327)	(2,271,325)	2
Net Other Financing Sources (Uses)	(3,785,998)	(3,684,329)	(5,302,312)	(1,617,983)
NET CHANGE IN FUND BALANCES	(2,242,966)	(6,353,488)	293,440	6,646,928
FUND BALANCES, JULY 1	18,020,835	18,020,835	18,020,835	-
FUND BALANCES, JUNE 30	$ 15,777,869	$ 11,667,347	$ 18,314,275	$ 6,646,928

Original ACFR to be Reissued

CITY OF OXNARD, CALIFORNIA

GENERAL FUND - 104 - HALF CENT SALES TAX

BUDGETARY COMPARISON SCHEDULE

FOR THE YEAR ENDED JUNE 30, 2021

CORRECTED

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET
REVENUES				
Taxes				
Sales	$13,179,000	$13,179,000	$17,404,320	$ 4,225,320
Interest on investments	183,051	183,051	35,581	(147,470)
Miscellaneous	-	-	(52,774)	(52,774)
Total Revenues	13,362,051	13,362,051	17,387,127	4,025,076
EXPENDITURES				
General Government				
Administrative and Support Services				
City Manager	57,329	41,873	41,873	-
Information Technology	883,897	838,220	838,220	-
Nondepartmental	20,161	11,506	11,502	4
Public Safety				
Police	3,250,543	3,194,749	3,194,749	-
Fire	4,632,418	5,352,843	5,218,650	134,193
Transportation systems	519,384	506,716	506,714	2
Community Development				
Development services	287,185	288,828	243,829	44,999
Housing services	1,103,547	2,440,514	893,808	1,546,706
Culture, leisure and libraries				
Recreation services	554,486	355,571	349,908	5,663
Park and public grounds	801,274	742,294	733,614	8,680
Library services	55,534	45,449	44,448	1,001
Capital outlay	174,980	2,758,873	268,213	2,490,660
Principal	(797,985)	(797,985)	820,000	(1,617,985)
Interest and fiscal charges	276,266	251,759	243,832	7,927
Total Expenditures	11,819,019	16,031,210	13,409,360	2,621,850
EXCESS OF REVENUES OVER EXPENDITURES	1,543,032	(2,669,159)	3,977,767	6,646,926
OTHER FINANCING SOURCES (USES)				
Transfers in	(1,514,671)	(1,413,002)	(1,413,002)	-
Transfers out	(2,271,327)	(2,271,327)	(2,271,325)	2
Net Other Financing Sources (Uses)	(3,785,998)	(3,684,329)	(3,684,327)	2
NET CHANGE IN FUND BALANCES	(2,242,966)	(6,353,488)	293,440	6,646,928
FUND BALANCES, JULY 1	18,020,835	18,020,835	18,020,835	-
FUND BALANCES, JUNE 30	$15,777,869	$11,667,347	$18,314,275	$6,646,928

CITY OF OXNARD, CALIFORNIA
GENERAL FUND - 101 - GENERAL FUND
BUDGETARY COMPARISON SCHEDULE
FOR THE YEAR ENDED JUNE 30, 2021

CORRECTED

	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET
REVENUES				
Taxes				
Property	$61,113,742	$61,113,742	$61,260,103	$146,361
Sales	29,914,872	29,914,872	50,519,063	20,604,191
Transient occupancy	4,786,000	4,786,000	4,267,463	(518,537)
Business license (net of refund)	5,904,500	5,904,500	5,964,716	60,216
Franchise	3,843,679	3,843,679	3,904,884	61,205
Other taxes	706,539	706,539	910,934	204,395
Licenses and permits	2,667,651	3,020,561	3,967,887	947,326
Intergovernmental	2,101,011	2,101,011	6,128,181	4,027,170
Charges for services	14,868,918	15,760,918	15,963,993	203,075
Fines and forfeitures	2,932,504	2,932,504	1,852,220	(1,080,284)
Interest on investments	290,000	290,000	312,031	22,031
Special assessments	70,000	70,000	64,923	(5,077)
Miscellaneous	2,358,430	3,319,295	2,375,654	(943,641)
Total Revenues	131,557,846	133,763,621	157,492,052	23,728,431
EXPENDITURES				
General Government				
Legislative				
City Council	508,611	566,615	513,299	53,316
City Clerk	739,444	776,154	770,197	5,957
Administrative and Support Services				
Billing and licensing	1,104,601	1,104,136	970,792	133,344
City Manager	1,832,082	1,815,964	1,858,639	(42,675)
City Attorney	2,019,589	2,109,711	2,090,155	19,556
Finance	5,064,125	5,406,488	5,486,612	(80,124)
Human resources	2,738,046	2,730,506	2,670,839	59,667
Nondepartmental	3,515,023	1,996,454	1,168,370	828,084
Public Safety				
Police	62,841,663	62,232,638	60,859,256	1,373,382
Fire	20,253,248	22,579,389	24,103,191	(1,523,802)
Transportation systems	5,188,000	5,212,056	4,878,410	333,646
Community Development				
Development services	9,223,904	11,285,177	9,481,346	1,803,831
Economic development and tourism se	70,766	77,766	70,686	7,080
Housing services	376,303	392,926	448,568	(55,642)
Community service	81,493	81,331	75,769	5,562
Culture, leisure and libraries				
Recreation services	6,427,223	6,384,235	5,445,338	938,897
Park and public grounds	7,436,445	7,493,766	7,330,324	163,442
Library services	3,964,490	3,955,309	3,787,242	168,067
Capital outlay	-	656,351	769,753	(113,402)
Principal	1,509,519	1,509,519	-	1,509,519
Interest and fiscal charges	257,703	257,703	257,703	-
Total Expenditures	135,152,278	138,624,194	133,036,489	5,587,705
EXCESS OF REVENUES OVER EXPENDITURES	(3,594,432)	(4,860,573)	24,455,563	29,316,136

GENERAL FUND - 101 - GENERAL FUND (Continued)
BUDGETARY COMPARISON SCHEDULE

CORRECTED

OTHER FINANCING SOURCES (USES)	ORIGINAL BUDGET	FINAL BUDGET	ACTUAL AMOUNTS	VARIANCE WITH FINAL BUDGET
Reimbursement of IUF Fees	$-	$(5,000,000)	$(29,470,697)	$(24,470,697)
Transfers in	1,713,671	1,713,671	2,050,086	336,415
Transfers out	(5,558,954)	(5,901,791)	(5,103,343)	798,448
Net Other Financing Sources (Uses)	(3,845,283)	(9,188,120)	(32,523,954)	(23,335,834)
NET CHANGE IN FUND BALANCES	(7,439,715)	(14,048,693)	(8,068,391)	5,980,302
FUND BALANCES, JULY 1	4,679,311	4,679,311	4,679,311	-
FUND BALANCES, JUNE 30	$(2,760,404)	$(9,369,382)	$(3,389,080)	$5,980,302

OXNARD
CALIFORNIA

AUDIT REPORT FOR FYE JUNE 30, 2021

EADIE PAYNE LLP

City Council Meeting | February 15, 2022

AGENDA

3 Independent Auditor's Opinion

4 ACFR Highlights

8 Revenues - General Fund Group

9 Expenditures - General Fund Group

10 General Fund Group Combining Schedule

11 Critical Audit Matters

INDEPENDENT AUDITOR'S OPINION

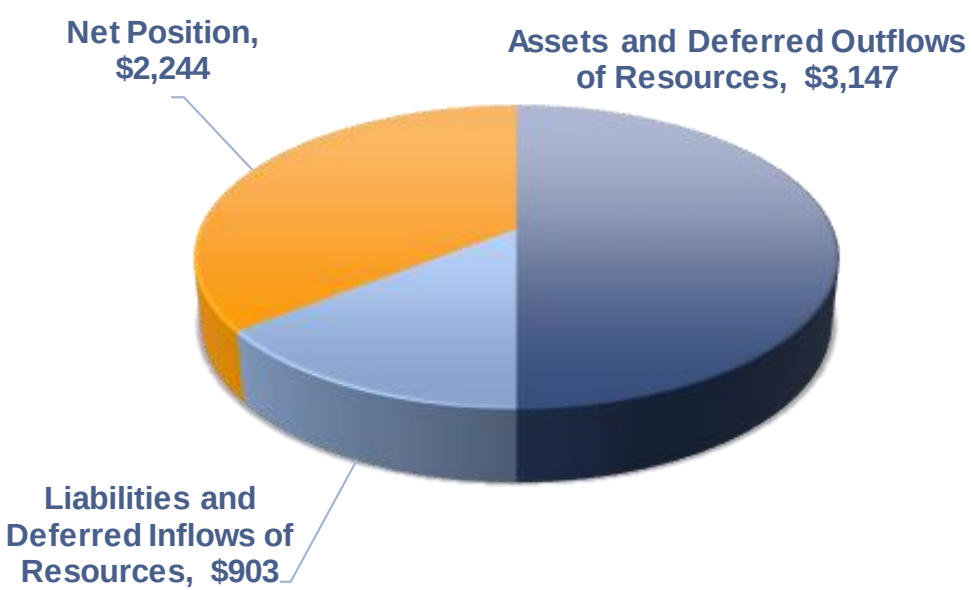
"Clean Opinion"

for June 30, 2021

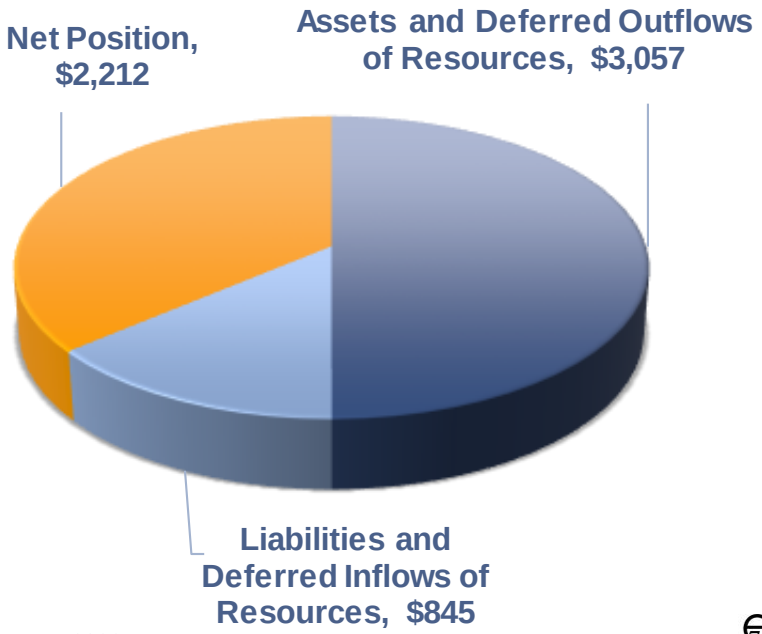
see pages 1 – 4 of ACFR

ACFR HIGHLIGHTS - Net Position ($ millions)

2021



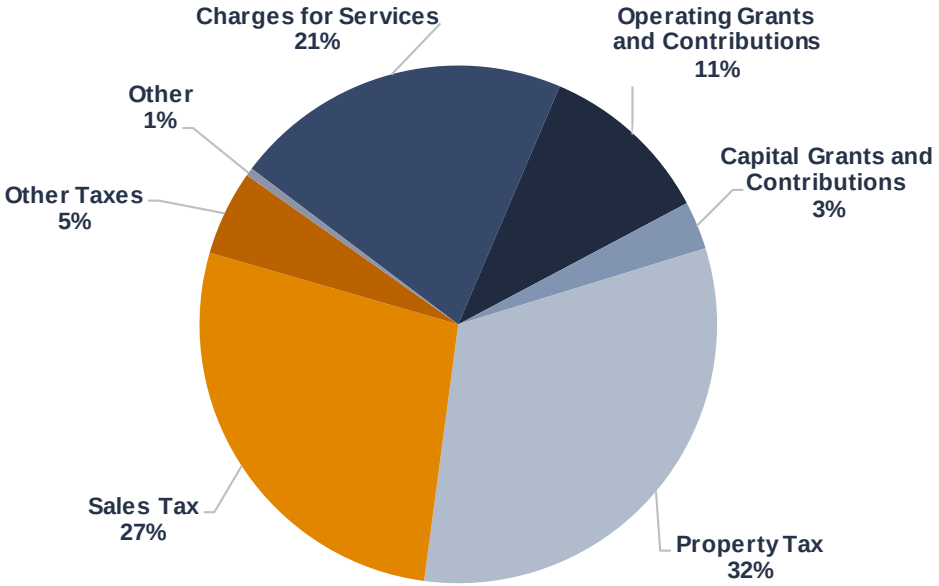
2020



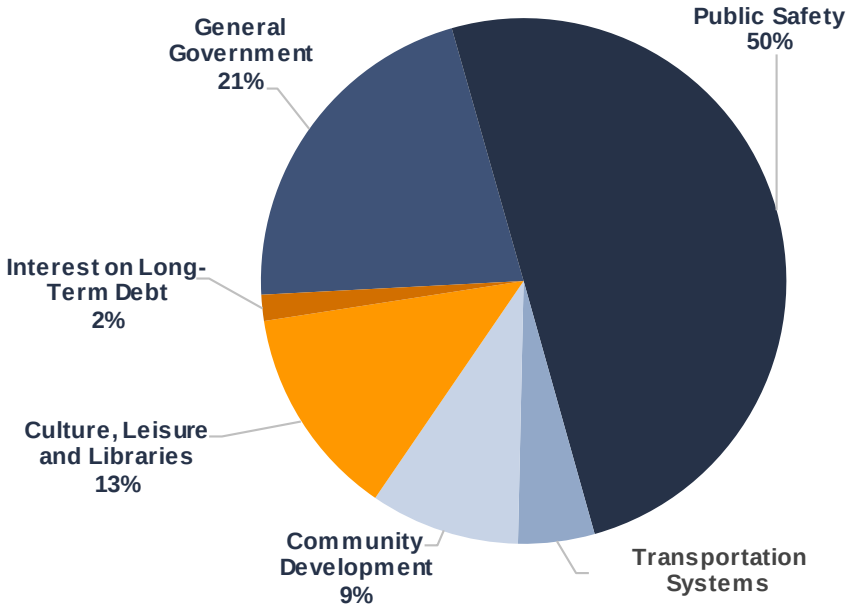
ACFR **HIGHLIGHTS**

Governmental Activities Revenues & Expenses

Revenues - Governmental Activities

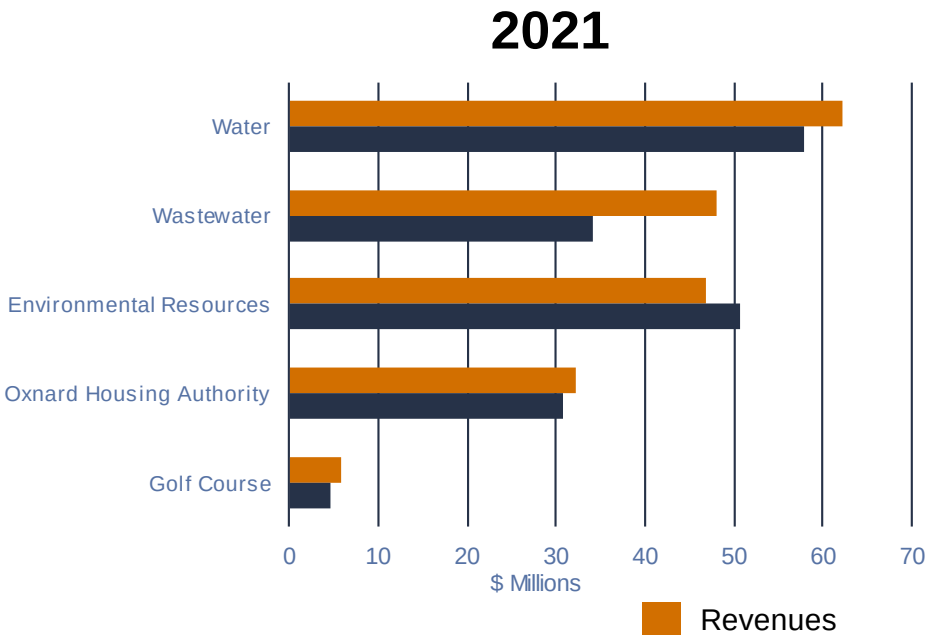


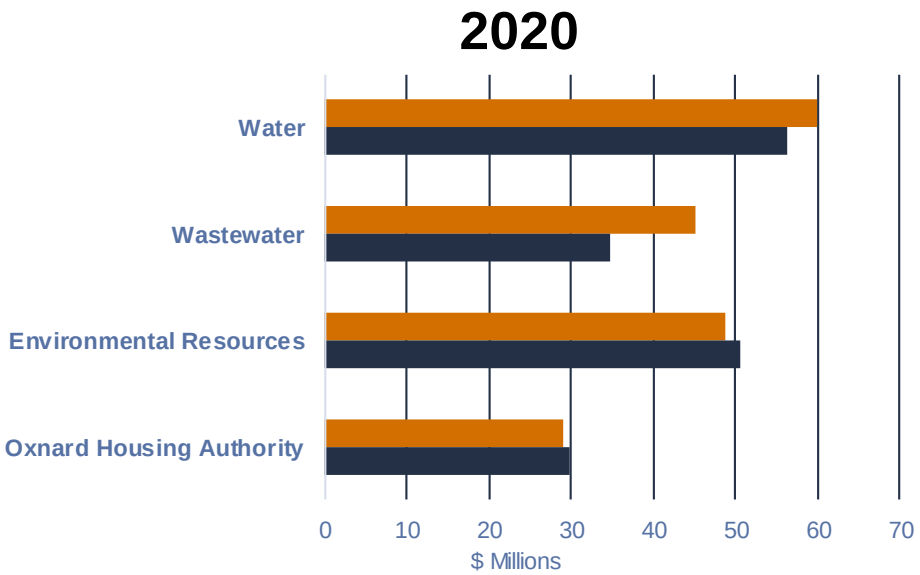
Expenses - Governmental Activities



ACFR **HIGHLIGHTS - ($ millions)**

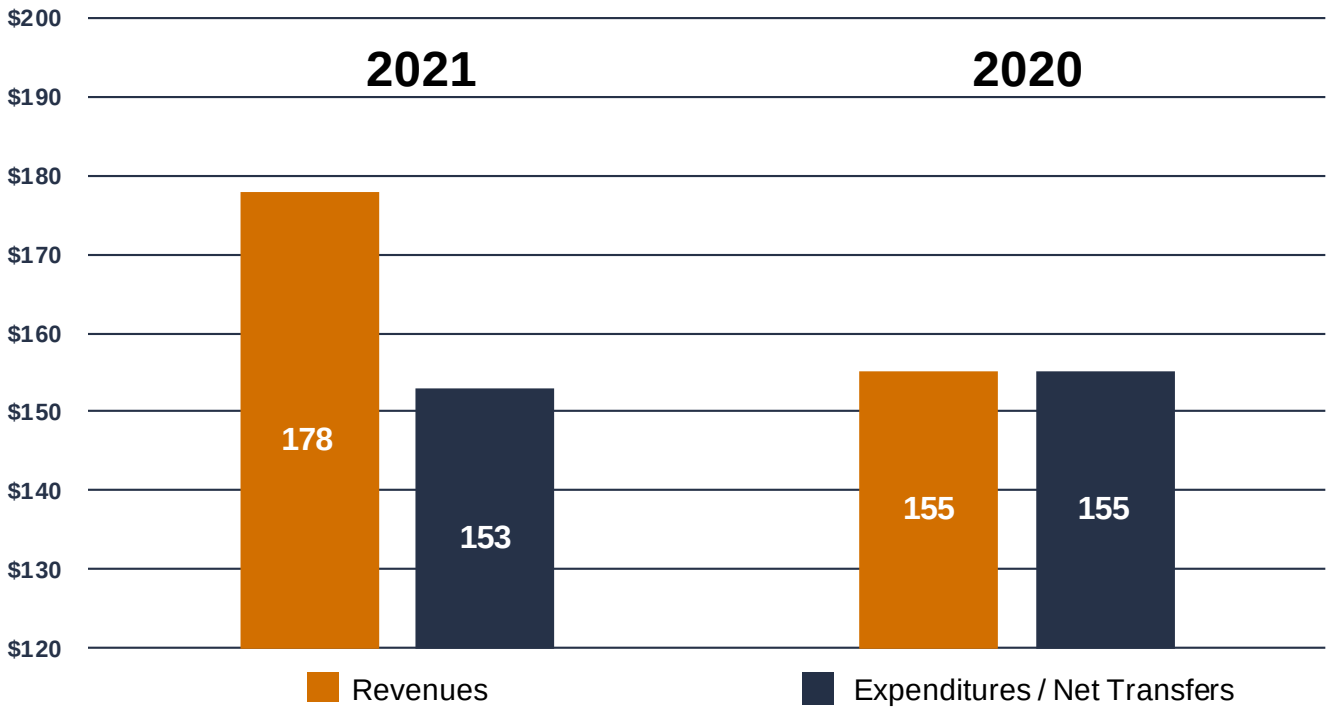
Business-Type Activities Revenues & Expenses





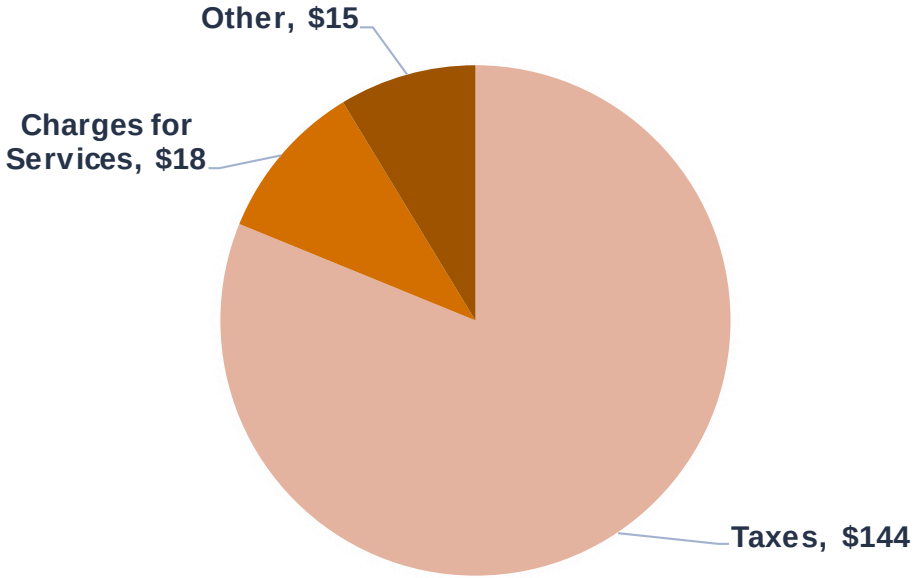
Revenues Expenses

ACFR HIGHLIGHTS - General Fund Group ($ millions)

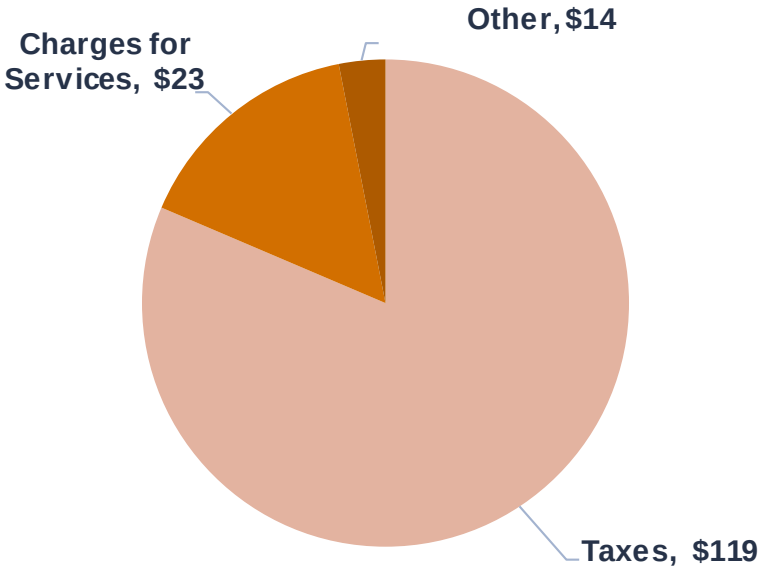


REVENUES – General Fund Group ($ millions)

2021

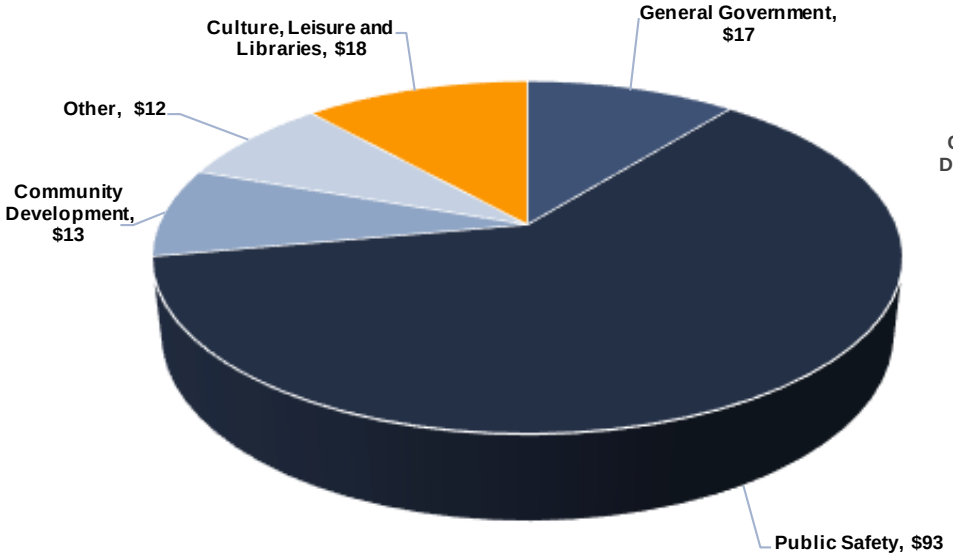


2020

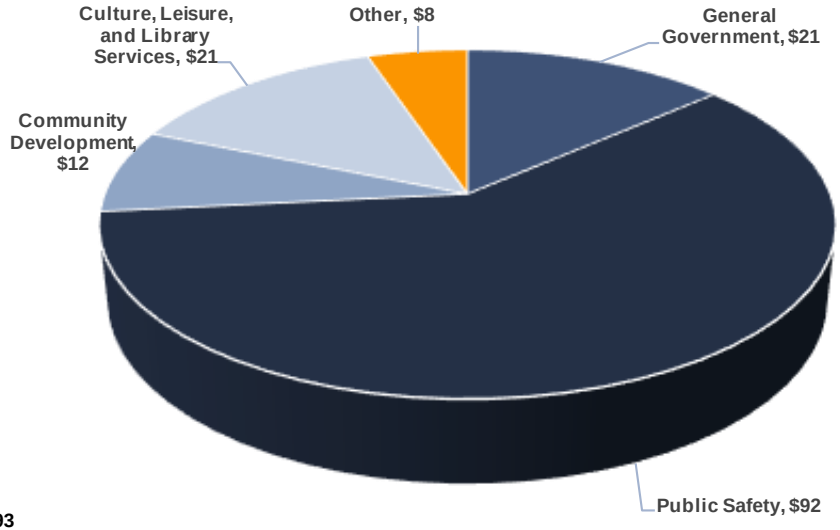


EXPENDITURES - General Fund ($ millions)

2021



2020



GENERAL FUND GROUP COMBINING SCHEDULE
(in thousands)

	101 - General Fund	104 - Half Cent Sales Tax	105 - Street Maintenance	641 - Performing Arts Center	651 - Golf Course	Other*	Total
Assets	$ 47,752	$ 13,909	$ 12,593	$ 8	$ -	$ 1,972	$ 76,234
Liabilities & Deferred Inflows	$ 51,141	$ (4,405)	$ 8,011	$ -	$ -	$ 1,639	$ 56,386
Fund Balances	$ (3,389)	$ 18,314	$ 4,582	$ 8	$ -	$ 333	$ 19,848
Revenues	$ 157,492	$ 17,387	$ 2,058	$ 13	$ -	$ 740	$ 177,690
Total Expenditures	$ (133,036)	$ (13,409)	$ (4,394)	$ (38)	$ -	$ (1,661)	$ (152,538)
Other Financing Sources (Uses)	$ (32,524)	$ (3,684)	$ (7,000)	$ 31	$ (1,236)	$ 978	$ (43,435)
Net Changes in Fund Balances	$ (8,068)	$ 293	$ (9,335)	$ 6	$ (1,236)	$ 57	$ (18,283)

* Other funds include: General Fund Carryover (102), Oxnard Police Department (OPD) Training (103), Stormwater Management (114), Payroll Clearing Trust (542), Carnegie Art Trust (543), Housing Payroll Trust (545), OPD Property Room Trust (551), City Corps Trust (555), and Contributions/Donations Trust (571).

Schedule might not foot due to rounding.

CRITICAL AUDIT MATTERS

- Accounting estimates
  - Allowances for doubtful accounts
  - Pension & OPEB
  - Self-insurance claims payable
  - Depreciation expense and accumulated depreciation
- Significant disclosures
  - Deficit fund balances
  - Prior-period adjustments
  - Pension & OPEB related
  - Commitments and contingencies, risks and uncertainties, and subsequent events

CRITICAL AUDIT MATTERS

- Challenges encountered during audit
- Audit adjustments
- New accounting pronouncements
  - GASB 84, Fiduciary Activities
  - GASB 98, The Annual Comprehensive Financial Report
- Other audit findings
  - Internal control report – tentative March 2022
  - IT assessment & vulnerability scan

THANK YOU!

Eden C. Casareno
ecasareno@eadiepaynellp.com
909.809.7662

Mary Maxion
mmaxion@eadiepaynellp.com
909.557.8385

CITY OF OXNARD CALIFORNIA

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.2

DATE: February 15, 2022

TO: City Council

FROM: Shiri Klima, Deputy City Manager, (805) 385-7487, shiri.klima@oxnard.org

SUBJECT: Update on Status and Accomplishments of Current Measure O Projects and Opening the Conversation regarding the Weaning Schedule. (0/10/10)

RECOMMENDATION

That the City Council:

1. Receive and file the annual update; and
2. Open the conversation regarding the Measure O weaning schedule.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/6C11bCPNPN0

BACKGROUND

On November 4, 2008, the voters of the City of Oxnard approved Measure O, a half-cent sales tax for twenty years. According to the ballot language, the City of Oxnard Vital Services Measure was intended "to protect, maintain, and enhance vital services including police, fire, emergency response, increasing street paving/pothole repair to improve traffic flow, expanding youth recreation, after school and anti-gang prevention programs, acquiring property for parks/open space preservation, upgrading stormwater drains, improving senior services, increasing code compliance, and other general services."

DISCUSSION

The Past Year's Successes

As of January 4, 2022, there were a total of 42 active projects: 25 ongoing operational projects, 5 ongoing debt service items, and 12 one-time projects. Ongoing funded projects receive a specific amount of funds each fiscal year; if staff does not use all funding from that fiscal year, we cannot roll over unused funds to the following fiscal year. One-time funded projects receive the approved funding only once, and staff expend the funds throughout the course of the project, even if these funds roll over to the next fiscal year. Once the funds are depleted, that project receives no more funding.

This calendar year has been trying on many projects due to the COVID-19 pandemic. Either there were further staffing shortages due to the stay-at-home orders or programs put on hold due to health and safety orders. However, there were many accomplishments as well. In the table below are the status updates on all ongoing active Measure O funded projects.

	Project Name	Expenses as of 1/4/2022	Status Update on Project	Project Accomplishments

1.	MO5401 - Homework Center Main Library	$26,648.00 expended of the $61,533.00 annual budget.	Homework Center Services provided digital homework help by making the Digital Homework Center available for K-12 during regular work hours by appointment via video conferencing and in person when permitted	• Over 112 students have been served. • Over 79.5 hours have been dedicated by staff to digital homework help since July 1, 2020. Over 9,033 people have been reached via social media marketing. • Parent comment: "I am happy the Library has the in-person homework center option because I feel my child concentrates better when in-person" • A regular Homework Center student both during virtual only service and hybrid service said her teacher mentioned she was doing better in math
2.	MO5402 - Library Wi-Fi Operational	Of the $2,000 annual budget, this amount has been fully expended.	During COVID-19, librarians were dependent on the Library's Wi-Fi connection to help create digital programming for all ages. The Library's Wi-Fi connection enabled the Library to stay "open" even while the physical building was closed and to spread health and safety information through social media to keep Oxnard residents informed.	• During 2021, 4479 users logged into the library's wifi system • Over 84 digital programs and content engagements with over 10,292 community members attending between July 1 and January 11, 2022. • An average of 167 people reached per program, an 18% increase. • Enabled COVID-19 safety guidelines to be followed for staff and the community. • During open months, patrons used wifi for business, job searching and research.
3.	MO5403 - Library Integrated System	Of the $79,315 annual budget, no fund has been expended in FY22.	Staff successfully migrated over 220,000 records during COVID closures to a new ILS without interruption to public service. Without an efficient ILS staff would not have been able to assist patrons with checkout, curbside assistance, materials ordering and integration into the catalog.	• Over 53,990 physical items were checked out in 2021 via in-person and curbside pickup, a 416% increase over last FY. • 250 book orders have been sent to the Library's book vendor via new ILS, an increase of 59%. • Over 3,762 new items were cataloged and added to the collection in 2021, an 8.5% increase over last calendar year. • Improved interface with ease of reporting. • New system provides online tracking of materials from order to claims.
4.	MO5513 - Recreation Services	No funds have been expended to date in FY22. The annual budget is $85,735.	Funding supports after school program fixed cost for 10 local schools.	Program serves over 1,000 children grades 1-8.

5.	MO5514 - Oxnard Afterschool	No funds have been expended to date in FY22. The annual budget is $107,673.	Funding supports after school program fixed cost for 20 local schools.	Program serves over 1,500 children grades 1-8.
6.	MO5504 - PAL Operational	$45,484 expended out of the $187,320	In 2021, PAL held: • PAL Community Cinema (summer): 3,000 viewers • Backpack distribution • Meet-up clean-up • November: 500 turkey giveaways • December: toy giveaway at Southwinds, Colonia, and College Park	In 2021, Oxnard PAL program served 6,979 people. The PAL site is still being used as a shelter and all programs have been conducted off site. We anticipate returning to the facility late Spring and being fully operational by Summer 2022.
7.	MO5506 - College Park Programs	$20,178 expended of the $115,000 annual budget.	• Food distribution every Wednesday serving 1,500 families weekly. • Soccer fields	• In 2021, served 159,165 individuals and 44,469 boxes of Food Share have been distributed • Reopened College Park fields for soccer reservations and served over 150 soccer teams aged 6 to 18 years and 4 adult leagues serving over 100 adult teams
8.	MO5507- City Corps Townkeeper	$550,526 expended out of $1,321,263	Projects scheduled based on community needs and essential services.	City Corps Townkeeping crews continue to provide the citywide cleanup activities. In addition, City Corps also helps with different community events such as festivals and neighborhood cleanups.
9.	MO5508- Preschool to You	$36,566 expended out of the $159,036	In 2021, this program was offered five mornings a week. In the summer session, five afternoons a week were added.	In 2021, served 829 children
10.	MO5501- Mobile Activity	$16,283 expended of the $44,000	In the Spring Session, this operated five afternoons per week. In the Summer	In 2021, served 1,394 residents

	Center Services	annual budget.	Session, five mornings per week were added.	
11.	MO5502-Senior Nutrition Program	$19,754 expended out of the $40,367	• In 2021, Hot Meals To-Go were available for pickup at Wilson and Palm Vista Senior Center • Home-delivered meals were served 5 days a week: in the first half of 2021, these were delivered by County Food Share Assistance; in second half of the year by the City	• In 2021, 46,141 meals served • City currently serves 121 homebound seniors
12.	MO5505-Day at the Park - Special Needs	$3,195 expended of the $16,757 annual budget.	In 2021, the City offered: • Special Pops Fun Club & Art Classes (Jan.-June & Nov.) • Special Pops Baseball & Golf (July-Aug.) • Special Pops Events (Sept., Oct., Dec.)	• In 2021, served 935 participants • Oxnard Special Population continued virtual programming through the pandemic offering virtual Fun Club and art classes. Once restrictions were lifted sports and garden programming along with special events such as art show, Halloween drive-thru and toy drive became available
13.	MO1401 - Spanish Languages Interpretation	$3,168 expended of the $57,604 annual budget.	The vendor translates all Council and Committee meetings to Spanish.	In the past, the vendor translated live in the Council Chambers as meetings progressed. Now, the vendor is translating the virtual public meetings.
14.	MO4301-Safe Homes Safe Family	$129,325 expended of the $311,837 annual budget.	In the first year, 1,134 residential units owned by 26 separate entities were enrolled into the program. In the second year, 157 additional units have been	• In the first year, 212 prior cases were screened to identify 1,134 residential units enrolled into the program. • In the first year, 153 inspections were conducted: 139 passing & 14 failing the initial inspection.

			identified to enter the program. The meetings with property owners and inspections are currently delayed due to COVID-19.	• One initial owner meeting is still pending and eleven initial unit inspections remain to be completed from the first year of the program. (The yearly rechecks are being delayed at this time due to COVID.)
15.	14IN02-Ormond Beach Enhancement	$3,421 expended of the $14,418 annual budget.	Annual funding pays for monthly costs as well as Fall and Spring monitoring, reporting, and biological oversight services provided by McCormick Environmental.	The focus in 2021 was on ongoing monitoring on the establishment of the natives that were planted and on the regrowth of the non-natives that were cut. The non-natives such as Acacia and Myoporum were the species providing cover for encampments, and which were removed in 2019 and 2020.
16.	MO1603-Measure O Audit	Of the $5,000 annual budget, no funds have been expended to date in FY22.	This year (and going forward) Measure O activity was audited in conjunction with the City's Annual Comprehensive Financial Report.	There were no audit findings related to Measure O.
17.	MO2209-Fire Advanced Life Support	$10,534 expended of the $136,000 annual budget.	Funds allow the Fire Department to provide advanced life support services to the community. This is an increase in service level from the basic life support services previously provided.	The squad has been browned out and all qualified paramedics work in a paramedic capacity while on duty to assist with the increased calls for medical services due to the coronavirus pandemic, providing an increased level of service for all areas of Oxnard.
18.	MO2201-Fire Station 8 Operations	$1,853,355 expended of the $4,758,918 annual budget.	Fire Station 8 Operations cover 21 sworn personnel that staff a fire engine and a fire truck 24 hours a day, 365 days a year.	4,461 emergency responses were dispatched from Fire Station 8 in calendar year 2021.
19.	MO5101-Homeless Program	$197,761 expended of the $1,103,547 annual budget.	Continued operation of the homeless 110 bed shelter on K Street in a Covid responsive operation	• 110 persons served daily • Successful Halaco Homeless Encampment Outreach
20.	MO2102-911 System (CAD/RMS)	$695,883 expended of the $886,654 annual budget.	The New World Public Safety 911 system is fully implemented and is being upgraded on a regular basis.	This application is providing a seamless data integration between the Public Safety 911 Computer-Aided Dispatching (CAD) system and Record Management System (RMS). This system allows staff to identify and separate calls by the type of service or emergency. This enables public safety personnel to service the most dire of requests in the least amount of time. In 2021, over

				268,000 calls were made to the 911 system. Of those, approximately 87,000 calls were deemed priority calls, and of those, 215 were the highest priority.
21.	MO2101-Enhance Community Police	$1,572,255 expended of the $3,581,381 annual budget.	The project timeline is ongoing and does not have a current end date.	This funding continues to enable the Police Department to field officers in our Neighborhood Policing Team (NPT). NPT Officers work to implement longer term solutions beyond what can be solved with a 911 call. They are the centerpiece of our annual goal of community engagement and have a positive impact on response times and community relations. • Overall Reported Part One Property Crime experienced a 20.0% reduction • Overall Reported Part One Violent Crime experienced a 6.3% reduction • Our Homeless Liaison Officers responded to over 4,000 calls for service involving the homelessness • We reallocated two positions back to the NPT, increasing the total number to 9 officers.
22.	MO5702-East Village Park Operating Maintenance	$22,502 expended of the $83,039 annual budget.	Ongoing general maintenance and utilities of East Village Park.	Ongoing general maintenance and utilities of College Park. Funding pays for five permanently assigned FTEs (collectively this park and College Park) and all operations costs.
23.	MO3101-ITS Annual Maintenance	Of the $35,121 annual budget, $862 expended.	The City is upgrading the Centralized Traffic Signal System via another CIP. Meanwhile, this project improves signal timing and performs equipment replacement at needed locations to help maintain the 165 signal locations in the City.	In the beginning of 2021, Signal Maintenance responded to and completed 122 signal requests received through the Oxnard 311 system.
24.	MO3102-Alley & Roadway Repair	$60,423 expended and $239,898 encumbered out of the $502,091 annual budget.	Ongoing maintenance of alleys and street repairs and maintenance.	• Beginning of 2021: responded to about 444 locations that needed road repairs. • Between January 1, 2021, and November 24, 2021, used 1,310.12 tons of hot asphalt that covered approximately 163,896 sq.ft.
25.	MO5701-College Park Maintenance	$311,430 expended of the $753,908 annual budget.	Ongoing general maintenance and utilities of College Park.	Ongoing general maintenance and utilities of College Park. Funding pays for five permanently assigned FTEs (collectively this park and East Village Park) and all operations costs.

In the table below are the status updates on all ongoing active (meaning there are still payments left) debt service paid for by Measure O.

	Project Name	Expenses as of 1/4/2022	Status Update on Project	Project Accomplishments
26.	MO2108-Dispatch Consoles	$160,212 expended of the $320,425 annual budget.	Project completed in March 2021. This is the ongoing debt service for these console systems. The debt maturity date is 3/30/2025.	Project completion included the installation of seven new dispatch console systems and the required staff training.
27.	MO2203-Fire Station 8 Lease Debt	Of the $1,390,569 a nnual budget, $1,108,784 was expended to date.	This is an ongoing lease payment for Fire Station 8. The debt maturity date is 12/1/2031.	Fire Station 8 normally houses 10 personnel every day. Additionally this station houses our Urban Search & Rescue (USAR) vehicle and equipment. It is an invaluable resource to our south end residents.
28.	MO2207-Fire Trucks	$114,869 expended of the $229,738 annual budget.	This is an ongoing lease payment for two fire engines. The debt maturity date is 3/30/2025.	The two engines were placed into service in December 2019. They are currently protecting residents in Council District 4 (from Fire Station 1) and in Council District 1 (from Fire Station 6). In 2021, E61 responded to 3332 requests for service; average turnout time (from when the station is alerted to leaving the stations) was 49.2 seconds. Our goal is under 60 seconds. E61's average travel time (from leaving the station to arriving on scene) was 272 seconds. Our goal is under 240 seconds. E66 responded to 2475 requests for service; average turnout time was 44.4 seconds and average travel time was 309 seconds.
29.	MO2208-Handheld Radios	$27,206 expended of the $54,412 annual budget.	Radios were purchased on the 2018 Bank of America Lease Purchase line of credit and were deployed in FY18. This is the ongoing debt service for these radios. The debt maturity date is 3/30/2025.	Over 100 new portable radios were purchased and deployed to Firefighters. These radios are in service and continue to be used on a daily basis in the City. These radios provide clearer communication channels allowing our first responders to more efficiently address calls for service and leading to decreased loss of life and property.
30.	MO3103-2014 Lease Service Street Bond	Of the $1,663,000 annual budget, no funds have been expended to date in FY22.	This is a debt payment on previous jobs. The debt maturity date is 6/1/2029.	Construction was completed in November 2021 for Bryce Canyon North and South as well as Fremont North Neighborhoods for street resurfacing, and staff is negotiating with the contractor on a few final items before closing out the project.

In the table below are the status updates on all one-time active Measure O funded projects.

	Project Name	Expenses as of 1/4/2022	Status Update on Project	Project Accomplishments
31.	MO5511-New Senior Center	$70,762 expended out of a $93,250 one-time budget.	Feasibility study in progress with completion expected May 2022.	Architectural request for proposals (RFP) in draft, expected to release second quarter of 2022.
32.	MO4302-Tenant Relocation Assistance	No funds have been expended out of a $20,000 one-time budget.	No funds have been expended to date; the Safe Homes Safe Family program kicked off in July 2019 and no requests for assistance have been submitted as of December 2021.	Funds are available for use as needed.
33.	MO8101-Economic Development Strategy	No funds have been expended out of a $25,000 one-time budget.	A draft strategy was developed and presented to Council Committee pre-COVID. The City is hiring a project manager to focus on site based development projects and retaining a consultant to study the commercial landscape post-COVID and perform a gap analysis. This data will be utilized in developing the economic development strategic plan.	With the continuation of COVID and the shortage of workers, the market remains unstable. Staff continues to work with the business community to offer resources and support in the form of grants, outdoor business expansion opportunities, job fairs and the Employee Pipeline while the bigger strategy is being developed.
34.	MO2213-Fire Station Alert System	$61,696 expended and $73,304 encumbered out of a $250,000 one-time budget.	Project is in process. Two stations have been completed using Measure O funding, and another two stations using CDBG funding. The goal is to complete this project by the end of calendar year 2022 but supply chain issues make that estimate uncertain at this time.	The completed stations using Measure O funds (Fire Stations 4 and 6) now have up to date reliable alerting for emergency response incidents. This upgraded alerting system now announces more information to the personnel in the station. It also has a large clock/timer so personnel can ensure they meet our performance goal of leaving the station within 60 seconds of an emergency response.

35.	MO5102-Homeless Shelter Acquisition	$3,294 expended out of a $1,550,000 one-time budget.	Second and B Streets shelter/ mixed use development approved by Council and received funding approval from all sources. Expect construction to begin in July 2022.	The new Homeless Solutions Center received all required funding approvals and is scheduled to start construction in June 2022. The shelter is on the ground floor and is expected to be completed in the fall of 2023.
36.	MO2111-Roof Replacement - Sturgis Annex	$4,068 expended out of a $1,025,000 one-time budget.	Plans and specifications completed by a design professional. Designs approved and awaiting approval for permitting.	Obtaining permits, then bidding out work. Completion anticipated in Fall 2022 due to industry-wide material shortage of roofing materials.
37.	MO5515-Roof Replacement - Colonia Gym	$60,782 expended out of a $605,000 one-time budget.	Contract awarded in October 2021 and project under construction.	Roof replacement is currently under construction. Construction should be complete by the end of February with project closeout in March.
38.	MO5516-Roof Replacement - Wilson Center	$352 expended out of a $400,000 one-time budget.	Plans and specifications completed by a design professional. Designs approved and awaiting approval for permitting.	Obtaining permits, then bidding out work. Completion anticipated in Fall 2022 due to industry-wide material shortage of roofing materials.
39.	MO5602-Roof Replacement - PACC Rental	$238 expended out of a $295,000 one-time budget.	Plans and specifications completed by a design professional. Designs approved and awaiting approval for permitting.	Obtaining permits, then bidding out work. Completion anticipated in Fall 2022 due to industry-wide material shortage of roofing materials.
40.	MO5712-Tree Mortality Event Response	$87,458 expended out of a $87,500 one-time budget.	Completed/Closed	The project has removed 476 hazardous dead or dying trees in the City.
41.	MO5509-Colonia Gym Facilities Repairs	$12,332 expended of a $18,000 one-time budget	Resurfacing of gym floor in process. Project to be completed by June 2022.	None yet.
42.	MO5710-Tree Trimming	$240,969 expended of a $250,000	Expected to complete by June 30, 2022	Staff utilized the funding to eliminate the backlog of 2,700 trees that needed to be trimmed. The remaining funds in

	Services Program	one-time budget		the amount of $9031 will be used to trim approximately 31 additional trees.

Weaning Process

On February 18, 2020, at the City Council meeting, staff explained that since Measure O will terminate in 2029 and we were past its midpoint, it was time to begin weaning ourselves off that stream of revenue. At the time, there were two purposes to weaning. First, in order to ensure the City can cover debt payments due past the sales tax's sunset, the City needed to build up the fund balance in the few years before the sunset date. Second, at Measure O's termination, all ongoing programs would have to be moved to another funding source, so the weaning effort was intended to make that reabsorption process smoother.

On July 22, 2021, at the Measure O Citizen Oversight Committee meeting, staff reported that the Covid-related recession impacted the Measure O half-cent sales tax revenue much less than staff predicted. Cumulatively from FY 2020-21 through FY 2028-29, Measure O would likely bring in $17 million more than staff anticipated a year prior. Though the concern about accumulating enough funds to cover debt payments due past the sales tax's sunset had waned, the Oversight Committee recommended to continue to wean gradually to transition all ongoing programs to the General Fund by the time Measure O terminates, assuming such programs should transition. If Council agrees with this recommendation, the next issue is how to approach this weaning process.

Of the total 42 current Measure O programs, the ones weaned should only be those programs that are active and ongoing, which are the 25 projects listed in the first table above; the only exception is for the Measure O Audit (Project 16 above), which should not move to the General Fund because Measure O should pay to audit itself, and once it ends, there is no need for this audit. The five ongoing debt payments listed in the second table above should continue to be paid by Measure O as they are debt associated with items procured through Measure O. One-time projects should be completed and closed out from Measure O.

In the FY21-22 adopted budget, the 24 programs that need to be weaned cost the City $14,444,517. Though this amount is likely to grow over time due to various factors such as increases in employee labor contracts, retirement costs, internal support costs, and contract services (e.g., the Spanish Interpretation program), if the City were to wean equally from FY21-22 to FY28-29, utilizing the FY21-22 total cost, we ought to target $1.8 million in reabsorptions into the General Fund per year.

Staff offered the Oversight Committee four possible eight-year weaning schedule scenarios. (Of course, there are many other weaning schedule scenarios possible.) On October 28, 2021, the Oversight Committee recommended completing this weaning schedule at double the speed (meaning within four years rather than eight). More specifically, the Committee recommended weaning full time equivalent (FTE) positions and public safety projects first.

Staff is currently evaluating the Oversight Committee's recommendation. Weaning at double speed means the General Fund needs to absorb those expenses in double time. The FY21-22 cost of all those projects is just over $14.4M; assuming a 2% increase in costs each year, weaning in double time means the General Fund would need to be ready to absorb $15.6M worth of projects in FY25-26. Staff is searching through the current budget and assessing our needs for the upcoming years to be able to recommend what items can move from the General Fund to Measure O such that the General Fund can absorb this large amount, if it can. Staff will return to Council in the Spring with a recommendation on this weaning process.

STRATEGIC PRIORITIES

This agenda item is a routine operational item or does not relate to the five strategic priorities adopted by City Council on March 16, 2021.

FINANCIAL IMPACT

There is no financial impact of this update and initiating this conversation.

COMMITTEE OUTCOME

The Measure O Citizen Oversight Committee voted 6-0 on October 28, 2021, to recommend to the City Council its Measure O weaning schedule. The Measure O Citizen Oversight Committee voted 5-0 on January 27, 2022, to receive and file the update on the status and accomplishments of current Measure O projects.

Prepared by: Shiri Klima, Deputy City Manager

ATTACHMENTS

1. Status and Accomplishments of Measure O in 2021 Presentation

CITY OF OXNARD CALIFORNIA

Status and Accomplishments of Measure O in 2021

February 15, 2022

MEASURE O CALENDAR YEAR: 2021

MO5401 - HOMEWORK CENTER MAIN LIBRARY

Homework Center Services provided digital homework help by making the Digital Homework Center available for K-12 during regular work hours by appointment via video conferencing and in person when permitted

PROJECT ACCOMPLISHMENTS

Over 112 students have been served.

Over 79.5 hours have been dedicated by staff to digital homework help since July 1, 2020.

Over 9,033 people have been reached via social media marketing.

Parent comment: "I am happy the Library has the in-person homework center option because I feel my child concentrates better when in-person"

A regular Homework Center student both during virtual only service and hybrid service said her teacher mentioned she was doing better in math

MEASURE O CALENDAR YEAR: 2021

MO5402 - LIBRARY WI-FI OPERATIONAL

During COVID-19, librarians were dependent on the Library's Wi-Fi connection to help create digital programming for all ages. The Library's Wi-Fi connection enabled the Library to stay "open" even while the physical building was closed and to spread health and safety information through social media to keep Oxnard residents informed.

PROJECT ACCOMPLISHMENTS

During 2021, **4479 users** logged into the library's wifi system

An **average of 167 people reached** per program, an **18% increase.**

Over 84 digital programs and content engagements with **over 10,292 community members attending** between July 1 and January 11, 2022.

Enabled COVID-19 safety guidelines to be followed for staff and the community.

During open months, patrons used wifi for business, job searching and research.

MEASURE O CALENDAR YEAR: 2021

MO5403 - LIBRARY INTEGRATED SYSTEM

Staff successfully migrated **over 220,000 records** during COVID closures to a new ILS without interruption to public service. Without an efficient ILS staff would not have been able to assist patrons with checkout, curbside assistance, materials ordering and integration into the catalog.

PROJECT ACCOMPLISHMENTS

Over 53,990 physical items were checked out in 2021 via in-person and curbside pickup, a **416% increase** over last FY

250 book orders have been sent to the Library's book vendor via new ILS, **an increase of 59%**

Over 3,762 new items were cataloged and added to the collection in 2021, an **8.5% increase** over last calendar year

Improved interface with ease of reporting.

New system provides online tracking of materials from order to claims.

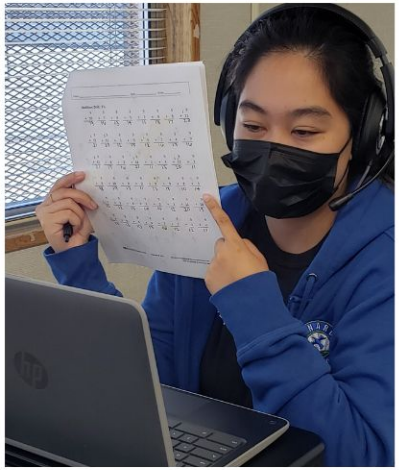
MEASURE O CALENDAR YEAR: 2021

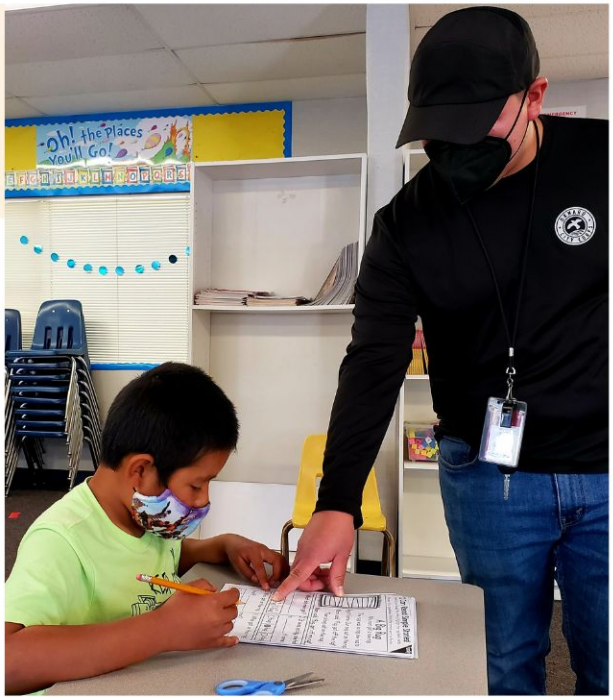
MO5513 - RECREATION SERVICES

Funding supports after school program fixed cost for **10 local schools.**

PROJECT ACCOMPLISHMENTS

Program serves **over 1,000 children grades 1-8.**





MEASURE O CALENDAR YEAR: 2021

MO5514 - OXNARD AFTERSCHOOL

Funding supports after school program fixed cost for **20 local schools.**

PROJECT ACCOMPLISHMENTS

Program serves **over 1,500 children grades 1-8.**

MEASURE O CALENDAR YEAR: 2021

MO5504 - PAL OPERATIONAL

In 2021, the Oxnard PAL program served **6,979 people.** The PAL site is still being used as a shelter and all programs have been conducted off site. We anticipate returning to the facility late Spring and being fully operational by Summer 2022.

PROJECT ACCOMPLISHMENTS

In 2021, PAL held:

PAL Community Cinema (summer): **3,000 viewers**

Backpack distribution

Meet Up Clean Up

November: **500 turkey giveaways**

December: toy giveaway at Southwinds, Colonia, and College Park

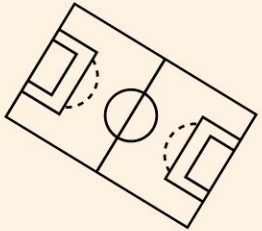
MEASURE O CALENDAR YEAR: 2021

MO5506 - COLLEGE PARK PROGRAMS

- Food distribution every Wednesday serving **1,500 families weekly.**
- Soccer fields

PROJECT ACCOMPLISHMENTS

In 2021, served **159,165 individuals and 44,469 boxes** of Food Share have been distributed



Reopened College Park fields for soccer reservations and served **over 150 soccer teams** aged 6 to 18 years and 4 adult leagues serving **over 100 adult teams**

MEASURE O CALENDAR YEAR: 2021

MO5507- CITY CORPS TOWNKEEPER

Projects scheduled based on community needs and essential services.

PROJECT ACCOMPLISHMENTS

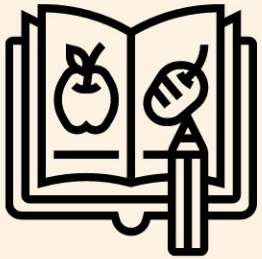
City Corps Townkeeping crews continue to provide the citywide cleanup activities. In addition, City Corps also helps with different community events such as festivals and neighborhood cleanups.

MEASURE O CALENDAR YEAR: 2021

MO5508- PRESCHOOL TO YOU

In 2021, this program was offered five mornings a week. In the summer session, five afternoons a week were added.

PROJECT ACCOMPLISHMENTS



In 2021, served **829 children**

MEASURE O CALENDAR YEAR: 2021

MO5501- MOBILE ACTIVITY CENTER SERVICES

In the Spring Session, this operated five afternoons per week. In the Summer Session, five mornings per week were added.

PROJECT ACCOMPLISHMENTS

In 2021, served **1,394 residents**

MEASURE O CALENDAR YEAR: 2021

MO5502- SENIOR NUTRITION PROGRAM

- In 2021, Hot Meals To-Go were available for pickup at Wilson and Palm Vista Senior Center
- Home-delivered meals were served 5 days a week: in the first half of 2021, these were delivered by County Food Share Assistance; in second half of the year by the City

PROJECT ACCOMPLISHMENTS

- In 2021, **46,141 meals were served**
- City currently **serves 121 homebound seniors**

MEASURE O CALENDAR YEAR: 2021

MO5505- DAY AT THE PARK - SPECIAL NEEDS

In 2021, the City offered:

- Special Pops Fun Club & Art Classes (Jan.-June & Nov.)
- Special Pops Baseball & Golf (July-Aug.)
- Special Pops Events (Sept., Oct., Dec.)

PROJECT ACCOMPLISHMENTS

- In 2021, **served 935 participants**
- Oxnard Special Population continued virtual programming through the pandemic offering virtual Fun Club and art classes. Once restrictions were lifted sports and garden programming along with special events such as art show, Halloween drive-thru and toy drive became available

MEASURE O CALENDAR YEAR: 2021

14IN02- ORMOND BEACH ENHANCEMENT

Annual funding pays for monthly costs as well as Fall and Spring monitoring, reporting, and biological oversight services provided by McCormick Environmental.

PROJECT ACCOMPLISHMENTS

The focus in 2021 was on ongoing monitoring on the establishment of the natives that were planted and on the regrowth of the non-natives that were cut. The non-natives such as Acacia and Myoporum were the species providing cover for encampments, and which were removed in 2019 and 2020.

MEASURE O CALENDAR YEAR: 2021

MO1603- MEASURE O AUDIT

This year (and going forward) Measure O activity was audited in conjunction with the City's Annual Comprehensive Financial Report.

PROJECT ACCOMPLISHMENTS

There were no audit findings related to Measure O.

MEASURE O CALENDAR YEAR: 2021

MO2209- FIRE ADVANCED LIFE SUPPORT

Funds allow the Fire Department to provide advanced life support services to the community. This is an increase in service level from the basic life support services previously provided.

PROJECT ACCOMPLISHMENTS

The squad has been browned out and all qualified paramedics work in a paramedic capacity while on duty to assist with the increased calls for medical services due to the coronavirus pandemic, providing an increased level of service for all areas of Oxnard.

MEASURE O CALENDAR YEAR: 2021

MO2201- FIRE STATION 8 OPERATIONS

Fire Station 8 Operations cover 21 sworn personnel that staff a fire engine and a fire truck 24 hours a day, 365 days a year.

PROJECT ACCOMPLISHMENTS

4,461 emergency responses were dispatched from Fire Station 8 in calendar year 2021.

MEASURE O CALENDAR YEAR: 2021

MO5101- HOMELESS PROGRAM

Continued operation of the homeless 110 bed shelter on K Street in a Covid responsive operation

PROJECT ACCOMPLISHMENTS

- **110 persons** served daily
- Successful Halaco Homeless Encampment Outreach

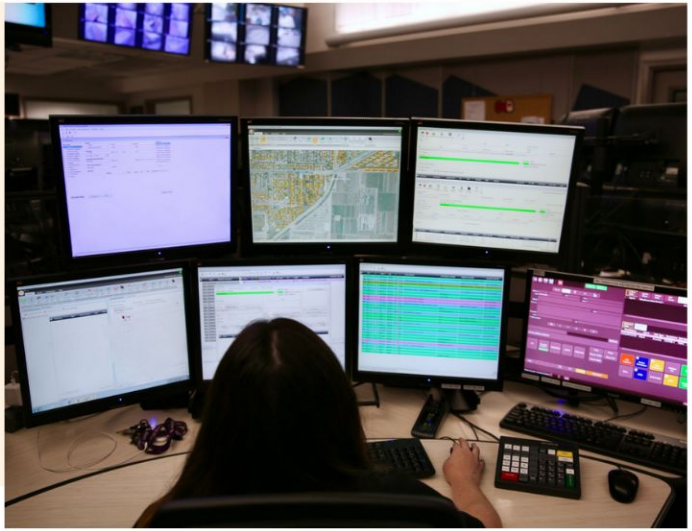
MEASURE O CALENDAR YEAR: 2021

MO2102- 911 SYSTEM (CAD/RMS)

The New World Public Safety 911 system is fully implemented and is being upgraded on a regular basis.

PROJECT ACCOMPLISHMENTS

This application is providing a seamless data integration between the Public Safety 911 Computer-Aided Dispatching (CAD) system and Record Management System (RMS). This system allows staff to identify and separate calls by the type of service or emergency. This enables public safety personnel to service the most dire of requests in the least amount of time. In 2021, over 268,000 calls were made to the 911 system. Of those, approximately 87,000 calls were deemed priority calls, and of those, 215 were the highest priority.



MEASURE O CALENDAR YEAR: 2021

MO2101- ENHANCE COMMUNITY POLICE

The project timeline is ongoing and does not have a current end date.

PROJECT ACCOMPLISHMENTS

This funding continues to enable the Police Department to field officers in our Neighborhood Policing Team (NPT). NPT Officers work to implement longer term solutions beyond what can be solved with a 911 call. They are the centerpiece of our annual goal of community engagement and have a positive impact on response times and community relations.

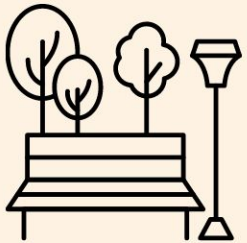
- Overall Reported Part One Property Crime experienced a **20.0% reduction**
- Overall Reported Part One Violent Crime experienced a **6.3% reduction**
- Our Homeless Liaison Officers **responded to over 4,000 calls** for service involving the homelessness
- We reallocated two positions back to the NPT, increasing the total number to **9 officers**.

MEASURE O CALENDAR YEAR: 2021

MO5702- EAST VILLAGE PARK OPERATING MAINTENANCE

Ongoing general maintenance and utilities of East Village Park.

PROJECT ACCOMPLISHMENTS



Ongoing general maintenance and utilities of College Park. Funding pays for five permanently assigned FTEs (collectively this park and College Park) and all operations costs.

MEASURE O CALENDAR YEAR: 2021

MO3101- ITS ANNUAL MAINTENANCE

The City is upgrading the Centralized Traffic Signal System via another CIP. Meanwhile, this project improves signal timing and performs equipment replacement at needed locations to help maintain the 165 signal locations in the City.

PROJECT ACCOMPLISHMENTS

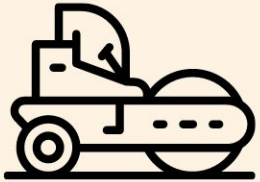
In the beginning of 2021, Signal Maintenance responded to and completed **122 signal requests** received through the Oxnard 311 system.

MEASURE O CALENDAR YEAR: 2021

MO3102- ALLEY & ROADWAY REPAIR

Ongoing maintenance of alleys and street repairs and maintenance.

PROJECT ACCOMPLISHMENTS



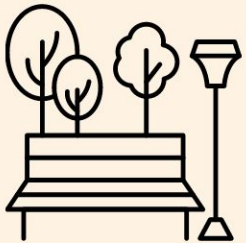
- Beginning of 2021: responded to about **444 locations** that needed road repairs.
- Between January 1, 2021, and November 24, 2021, **used 1,310.12 tons of hot asphalt that covered approximately 163,896 sq.ft.**

MEASURE O CALENDAR YEAR: 2021

MO5701- COLLEGE PARK MAINTENANCE

Ongoing general maintenance and utilities of College Park.

PROJECT ACCOMPLISHMENTS



Ongoing general maintenance and utilities of College Park. Funding pays for five permanently assigned FTEs (collectively this park and East Village Park) and all operations costs.

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.3

DATE: February 15, 2022

TO: City Council

FROM: Terrel Harrison, Cultural & Community Services Director, (805) 385-7994, terrel.harrison@oxnard.org

SUBJECT: Amendment to an Agreement with the Oxnard School District (A-8318) for the Operations of the After School Education and Safety Grant (ASES) to increase the total value of the agreement by $5,030,000 bringing the total agreement amount to $2,950,000 in year one (FY 2021-2022) and $4,830,000 in year two (FY 2022-2023). (0/10/5)

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute an amendment to the agreement (A-8318) with the Oxnard School District (OSD) for the operations of the Oxnard After School Education and Safety (ASES) Grant to:

(1) Increase the agreement amount by $5,030,000 resulting in a total agreement amount of $7,780,000, not to exceed $2,950,000 in year one (FY2021-2022) and $4,830,000 in year two (FY2022-2023) with an additional City match of $130,000 of in-kind services per fiscal year,
(2) Extend the expiration date for one year to June 30, 2023; and
(3) Approve a budget appropriation recognizing $200,000 of additional FY21-22 Fund 272 (21st Century CLCP-ASESP) grant funding.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/LyOy-AZ01Rs

BACKGROUND

The City has partnered with the Oxnard School District ("OSD") for more than 20 years and for the past nine years the City has been the main contractor for the ASES program. The ASES program provides after-school programming (Hours of Operation 1:30 p.m. - 6:00 p.m.) to over 2,200 Oxnard children on twenty school campuses. The agreement for FY2021-22 (A-8318) with OSD is for one year at $2,750,000.

The OSD utilizes City of Oxnard ("City") employees as site coordinators and Recreation staff to operate the entire program. In summary the A-8318provides for:

- Employing 122 city employees between the ages 18-25
- Over 100 Hours of Ongoing Professional Staff Development Training provided by the School District
- Over 1,000 Volunteer Hours

The OSD worked in partnership with the City to design a staffing model that works best for the Oxnard ASES program. The following two elements integrate the school's curriculum, instruction and learning support activities:

1. Educational and Literacy Element - This element provides tutoring and/or homework assistance designed to help students meet state standards in one or more of the following core academic subjects: reading/language arts, mathematics, history and social studies, or science.
2. Educational Enrichment Element - This element offers an array of additional services, programs, and activities that reinforce and complement the school's academic program. Educational enrichment may include but is not limited to, positive youth development strategies, recreation and prevention activities. Such activities may involve the visual and performing arts, music, physical activity, health/nutrition promotion and general recreation, community service-learning and other youth development activities based on the student's needs and interests.

DISCUSSION

The proposed amendment will extend the agreement expiration date by one year to June 30, 2023 and increase the amount the City receives from OSD by $5,030,000 for a total agreement value of $7,780,000.

The increase in funding will include an increase to the necessary full-time staffing levels beginning FY 2021-22 from:

- one (1) Recreation Coordinator and
- three (3) Recreation Leader III positions

to consist of the following full-time staff positions:

- one (1) Recreation Supervisor,
- three (3) Recreation Coordinators, and
- twenty (20) Recreation Leader III's.

These positions are in addition to over the existing 100 part-time Afterschool Site Leader and Afterschool Instructors positions. These additional full-time positions will provide an increase to services such as: expanding the number of students served at each of the 20 school sites, tracking attendance for each site, student enrollment, overall program planning on a larger scale. The additional Recreation Coordinators will be responsible for the planning and hosting of additional training, direct supervision of 20 Recreation Leader III's, as well as bringing back the science and engineering components to the ASES program.

Upon approval of this amendment, and the upcoming FY 2022-23 Budget, Cultural and Community Services staff will work with the Human Resources Department to begin the recruitment and hiring process to fill these additional full-time positions associated with this agreement.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

The agreement with OSD for FY2021-22 (A-8318) for an amount not to exceed $2,750,000 was included in the adopted FY 2021-22 budget in the ASES Fund (272-5502). Primary services, including reimbursement for actual expenses, shall not exceed two million five hundred thousand dollars ($2,500,000); "Additional Services" are not to exceed $250,000.

The amendment to the original agreement will adjust the FY 2021-22 budget (Year One) in the ASES Fund (272-5502) to a not to exceed of $2,950,000, an increase of $200,000. Primary services, including reimbursement for actual expenses, shall not exceed two million seven hundred thousand dollars ($2,700,000); There is no change to "Additional Services".

Year Two amount, not to exceed $4,830,000, will be included in the recommended FY 2022-23 budget in the ASES Fund (272-5502). Primary services, including reimbursement for actual expenses, shall not exceed four million eight hundred and thirty thousand dollars ($4,830,000).

This anticipated one-time increase in grant funding will essentially add twenty (20) new full-time authorized positions: 1 new Recreation Supervisor with an estimated annual cost of $120,000 annually, 2 new Recreation Coordinators with an estimated annual cost of $200,000, and 17 new Recreation Leader III with an estimated cost of $1.4M (or $85,000/each), totaling approximately $1.8 million to $2 million annually. These positions rely on grant funding. Any decrease in future funding can affect the number of these positions, meaning a loss of funding may result in the elimination of these positions.

The OSD requests matching funds by providing $130,000 of in-kind services per fiscal year. This match is met through the General Fund (101-5501) by providing office space for ASES program, phone, copier, administrative and management staff time and will also be included in the recommended FY2022-23 budget. The FY2021-22 match was included in the adopted budget. Student participation in various established recreation programs such as youth sports programs, educational field trips, and volunteer support also contribute to the in-kind match.

COMMITTEE OUTCOME

This item did not originate in Committee.

Prepared by: Julie Estrada, Recreation Coordinator

ATTACHMENTS

1. Amendment to Agreement 21-02 (A-8318) - City of Oxnard
2. ASES Contract FY 21-22
3. FY 21-22 Oxnard ASES Amendment BA
4. ASP Amendment Presentation 2021-2023

FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES

This First Amendment ("First Amendment") to the Agreement for Consulting Services ("Agreement") is made and entered into in the County of Ventura, State of California, this _ __ day of _____ , 2022 by and between the Oxnard School District ("District") and the City of Oxnard ("Consultant"). District and Consultant are sometimes hereinafter individually referred to as "Party" and hereinafter collectively referred to as the "Parties". This First Amendment amends the Agreement entered into on May 18, 2021, by District and Consultant.

The District and Consultant agree as follows:

1. Under the Recitals, Section C; the phrase "for Fiscal Years 2021-2022 (the "Grant")." Is deleted and replaced with "for Year One Fiscal Years 2021-2022, and Year Two Fiscal Years 2022-2023 (the "Grant").

2. Under the Operative Provisions Section 2-Term of Agreement; the phrase "remain in effect from July 1, 2021 to and including June 30, 2022 (the "Term")" is deleted and replaced with "remain in effect from July 1, 2021 to and including June 30, 2023 (the "Term")."

3. Under the Operative Provisions Section 4-Compensation and Method of Payment; the phrase "the total compensation for the Primary Services, including reimbursement for actual expenses, shall not exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00) and "Additional Services" not to exceed Two Hundred Fifty Thousand ($250,000.00) payable through reimbursement as outlined in Exhibit A-0 and Exhibit B" is deleted and replaced with "the total compensation for Year One Primary Services, including reimbursement for actual expenses, shall not exceed Two Million Seven Hundred Thousand Dollars ($2,700,000.00) and "Additional Services" not to exceed Two Hundred Fifty Thousand ($250,000.00); the total compensation for Year Two Primary Services, including reimbursement for actual expenses, shall not exceed Four Million Eight Hundred and Thirty Thousand Dollars ($4,830,000.00) payable through reimbursement as outlined in Exhibit A-0 and Exhibit B. "
4. In Exhibit A-0, Section I.F-Responsibilities; section I.F.1 is deleted in its entirety and replaced with the following:
    1. Staff each school site to meet the 20:1 ratio with the following understanding:
        a. The Recreation Supervisor will work year round (12 months/year) and be responsible for the oversight of the program, records, employee management, and communication between the City and the School District. The Recreation Supervisor will also to the best of their ability ensure all requirements are met and if necessary communicate any conflicts to the School District in a timely manner. This employee is not considered part of the 20:1 ratio.
        b. The Recreation Coordinators will work year round (12 months/year) and be responsible for the planning, training, and execution of the assigned Afterschool Program components. The Recreation Coordinators are to ensure the site coordinators have all necessary materials to run the daily operations, schedule substitutes as needed, and in the absence of the Recreation Supervisor may assist in those duties. These employees are not considered part of the 20:1 ratio.
        c. The Recreation Leader III (site coordinator) shall work year round (12 months/year) and run the daily operations of the program and support staff working directly with students. The site coordinator position shall address the administrative responsibilities of the program. The coordinator taking a group is the exception and not the rule.
        d. The Afterschool Site Leader shall assist the site coordinator with the daily operations of the program and provide additional support to staff working directly with students.

The site coordinator position shall address the administrative responsibilities of the program. The Site Leader may be responsible for a group except when the site coordinator is absent. In the absence of the site coordinator, the site leader is responsible for daily operations.

e. Afterschool Instructors (lead staff) are defined as the staff working with the groups of students during the program. Lead staff will have a group that does not exceed the 20:1 ratio and provide activities they have received at the monthly training.

5. As so amended, the Agreement remains in full force and effect.

OXNARD SCHOOL DISTRICT:

_____
Lisa A. Franz, Director, Purchasing

_____
Date

Tax Identification Number: 95-6002318

CITY OF OXNARD:

_____
John Zaragoza, Mayor

_____
Date

Tax Identification Number: 95-6000756

ATTEST:

_____
Rose Chaparro, City Clerk

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

APPROVED AS TO INSURANCE:

_____
Michael More, Risk Manager

APPROVED AS TO CONTENT:

_____
Terrel Harrison, Cultural & Community Services Director

APPROVED AS TO AMOUNT:

_____
Alexander Nguyen, City Manager

OXNARD SCHOOL DISTRICT

Agreement #21-02

AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services (**"Agreement"**) is entered into as of this 5th day of May, 2021 by and between the Oxnard School District (**"District"**) and the City of Oxnard (**"Consultant"**). District and Consultant are sometimes hereinafter individually referred to as **"Party"** and hereinafter collectively referred to as the **"Parties."**

RECITALS

A. District has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the Services (defined below), as defined and described particularly on **Exhibit A-0, Exhibit A-1, Exhibit A-2** and **Exhibit A-3,** attached to this Agreement.

B. Following submission of a proposal or bid for the performance of the Services, Consultant was selected by District to perform the Services.

C. The California Department of Education has awarded District a grant through the After School Education and Safety (ASES) Program for Fiscal Years 2021-2022 (the **"Grant"**).

D. One way in which District desires to use the Grant is to fund local after school education and enrichment programs through retaining Consultant to perform the Services.

E. The Parties desire to formalize the selection of Consultant for performance of the Services and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained here and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Incorporation of Recitals and Exhibits**. The Recitals set forth above and all exhibits attached to this Agreement, as hereafter amended, are incorporated by this reference as if fully set forth herein.

2. **Term of Agreement**. Subject to earlier termination as provided below, this Agreement shall remain in effect from July 1, 2021 to and including June 30, 2022 (the **"Term"**). This Agreement may be extended only by a written amendment, signed by the Parties, prior to the expiration of the Term.

3. **Time for Performance**. The scope of services set forth in **Exhibit A-0, Exhibit A-1,** and **Exhibit A-3** shall be completed during the Term pursuant to the schedule specified **Exhibit A-0** (the **"Primary Services"**). Consultant may also, at its election, agree to provide additional services, at District's request and only with District's prior written authorization (the **"Additional Services"**). Should Consultant renders any Additional Services without District's prior written authorization, District shall not be obligated to pay for such services. Any such Additional Services shall be completed in accordance with **Exhibit A-2** during

COUNCIL APPROVED
05-18-2021 L-8
DATE

OXNARD SCHOOL DISTRICT

Agreement #21-02

AGREEMENT FOR CONSULTANT SERVICES

This Agreement for Consultant Services (**"Agreement"**) is entered into as of this 5th day of May, 2021 by and between the Oxnard School District (**"District"**) and the City of Oxnard (**"Consultant"**). District and Consultant are sometimes hereinafter individually referred to as **"Party"** and hereinafter collectively referred to as the **"Parties."**

RECITALS

A. District has sought, by issuance of a Request for Proposals or Invitation for Bids, the performance of the Services (defined below), as defined and described particularly on **Exhibit A-0**, **Exhibit A-1**, **Exhibit A-2** and **Exhibit A-3**, attached to this Agreement.

B. Following submission of a proposal or bid for the performance of the Services, Consultant was selected by District to perform the Services.

C. The California Department of Education has awarded District a grant through the After School Education and Safety (ASES) Program for Fiscal Years 2021-2022 (the **"Grant"**).

D. One way in which District desires to use the Grant is to fund local after school education and enrichment programs through retaining Consultant to perform the Services.

E. The Parties desire to formalize the selection of Consultant for performance of the Services and desire that the terms of that performance be as particularly defined and described herein.

OPERATIVE PROVISIONS

NOW, THEREFORE, in consideration of the mutual promises and covenants made by the Parties and contained here and other consideration, the value and adequacy of which are hereby acknowledged, the Parties agree as follows:

1. **Incorporation of Recitals and Exhibits**. The Recitals set forth above and all exhibits attached to this Agreement, as hereafter amended, are incorporated by this reference as if fully set forth herein.

2. **Term of Agreement**. Subject to earlier termination as provided below, this Agreement shall remain in effect from July 1, 2021 to and including June 30, 2022 (the **"Term"**). This Agreement may be extended only by a written amendment, signed by the Parties, prior to the expiration of the Term.

3. **Time for Performance**. The scope of services set forth in **Exhibit A-0**, **Exhibit A-1**, and **Exhibit A-3** shall be completed during the Term pursuant to the schedule specified **Exhibit A-0** (the **"Primary Services"**). Consultant may also, at its election, agree to provide additional services, at District's request and only with District's prior written authorization (the **"Additional Services"**). Should Consultant renders any Additional Services without District's prior written authorization, District shall not be obligated to pay for such services. Any such Additional Services shall be completed in accordance with **Exhibit A-2** during

the Term pursuant to the schedule specified in **Exhibit A-0**. For purposes of this Agreement, the Primary Services and Additional Services shall collectively be referred to as the **"Services."** Should the Services not be completed pursuant to the schedule specified in **Exhibit A-0**, Consultant shall be deemed to be in Default as provided below. District shall agree to revise the schedule specified in **Exhibit A-0** when Consultant's delay is caused by the action or inaction of District and Consultant promptly notifies District of such delay. District, in its sole discretion, may choose not to enforce the Default provisions of this Agreement and may instead allow Consultant to continue performing the Services. If the amount of the Grant or ASES Program is modified, Consultant and District agree to amend **Exhibit A-0** as it relates to funding levels, services and expectations.

4. **Compensation and Method of Payment**. Subject to any limitations set forth below or elsewhere in this Agreement, District agrees to pay Consultant the amounts specified in **Exhibit B** for the Services. The total compensation for the Primary Services, including reimbursement for actual expenses, shall not exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00) and "Additional Services" not to exceed Two Hundred Fifty Thousand ($250,000.00) payable through reimbursement as outlined in Exhibit A-0 and Exhibit B. If the amount of the funding is modified, the Parties agree to amend the costs accordingly through written amendment.

a. Each month Consultant shall furnish to District an original invoice for all work performed and expenses incurred during the preceding month. All work invoiced under this contract shall be work directly related to this agreement. The invoice shall detail charges by the following categories: labor (by sub-category), travel, materials, equipment, supplies, and sub-consultant contracts. The final invoice may include a fixed administrative fee not to exceed $45,000.00. Sub-consultant charges, if any, shall be detailed by the following: categories: labor, travel, materials, equipment and supplies. District shall independently review each invoice submitted by the Consultant to determine whether the work performed and expenses incurred are in compliance with the provisions of this Agreement. In the event that no charges or expenses are disputed, the invoice shall be approved and paid according to the terms set forth in subsection b. In the event any charges or expenses are disputed by District, the original invoice shall be returned by District to Consultant for correction and resubmission.

b. Except as to any charges for work performed or expenses incurred by Consultant which are disputed by District, District will use its best efforts to cause Consultant to be paid within forty-five (45) calendar days of receipt of Consultant's correct and undisputed invoice.

c. Payment to Consultant for work performed pursuant to this Agreement shall not be deemed to waive any defects in work performed by Consultant.

5. **Termination**. This Agreement may be terminated at any time by mutual agreement of the Parties or by either Party as follows:

a. District may terminate this Agreement, with or without cause, at any time by giving thirty (30) calendar days written notice of termination to Consultant. In the event such notice is given, Consultant shall cease immediately all work in progress; or

b. Consultant may terminate this Agreement for cause at any time upon thirty (30) calendar days written notice of termination to District.

6. **Inspection and Final Acceptance**. District may, at its discretion, inspect and accept or reject any of Consultant's work under this Agreement, either during performance or when within sixty (60) work days after submitted to District. If District does not reject work by a timely written explanation, Consultant's work shall be deemed to have been accepted. District's acceptance shall be conclusive as to such work

except with respect to latent defects, fraud and such gross mistakes as amount to fraud. Acceptance of any of Consultant's work by District shall not constitute a waiver of any of the provisions of this Agreement including, but not limited to indemnification and insurance provisions.

7. **Default**. Failure of Consultant to perform any Services or comply with any provisions of this Agreement may constitute a default. District shall provide written notice to Consultant of the default and the reasons for the default. District shall not have any obligation or duty to continue compensating Consultant for any work performed after the date of the notice until the default is cured. The written notice shall include the timeframe in which Consultant may cure the default. This timeframe is presumptively thirty (30) work days, but may be extended, though not reduced, at the discretion of District. During the period of time that Consultant is in default, District shall hold all invoices and shall, when the default is cured, proceed with payment on the invoices. In the alternative, District may, in its sole discretion, elect to pay some or all of the outstanding invoices during the period of default. If Consultant does not cure the default, District may terminate this Agreement as provided above. Any failure on the part of District to give notice of the Consultant's default shall not be deemed to result in a waiver of District's legal rights or any rights arising out of any provision of this Agreement. Notwithstanding the foregoing, Consultant shall not be deemed to be in default if its failure to perform any Services or comply with any provisions of this Agreement results solely from the action or inaction of District.

8. **Ownership of Documents**. All maps, models, designs, drawings, photographs, studies, surveys, reports, data, notes, computer files, files and other documents prepared, developed or discovered by Consultant in the course of providing any of the Services pursuant to this Agreement (collectively and individually, the **"Documents"**) shall become the sole property of District and may be used, reused or otherwise disposed of by District without the permission of the Consultant. Upon completion, expiration or termination of this Agreement, Consultant shall turn over to District all such Documents.

9. **Use of Documents by District**. If and to the extent that District utilizes for any purpose not related to this Agreement any Documents, Consultant's guarantees and warrants related to Standard of Performance as set forth in paragraph 12 of this Agreement shall not extend to such use of the Documents.

10. **Consultant's Books and Records**. Consultant shall maintain any and all documents and records demonstrating or relating to Consultant's performance of Services pursuant to this Agreement for a minimum of three (3) years after termination or expiration of this Agreement, or longer if required by law.

a. Consultant shall maintain any and all ledgers, books of account, invoices, vouchers, canceled checks, or other documents or records evidencing or relating to work, services, expenditures and disbursements charged to District pursuant to this Agreement for a minimum of three (3) years, or longer if required by law, all in accordance with generally accepted accounting principles and with sufficient detail so as to permit an accurate evaluation of the Services provided by Consultant pursuant to this Agreement.

b. Any and all such records or documents shall be made available for inspection, audit and copying, at any time during regular business hours, upon request by District or its designated representative. Copies of such documents or records shall be provided directly to District for inspection, audit and copying when it is practical to do so; otherwise, unless an alternative is mutually agreed upon, such documents and records shall be made available at Consultant's address indicated for receipt of notices in this Agreement.

c. District has the right to acquire custody of such records by written request if Consultant decides to dissolve or terminate its business. Consultant shall deliver or cause to be delivered all such records and documents to District within sixty (60) work days of receipt of the request.

11. **Independent Contractor**. Consultant is and shall at all times remain a wholly independent contractor and not an officer, employee or agent of District.

a. The personnel performing the Services under this Agreement on behalf of Consultant shall at all times be under Consultant's exclusive direction and control. Consultant, its agents or employees shall not at any time or in any manner represent that Consultant or any of Consultant's officers, employees, or agents are in any manner officials, officers, employees or agents of District. Neither Consultant, nor any of Consultant's officers, employees or agents, shall, by virtue of Services rendered under this Agreement, obtain any rights to retirement, health care or any other benefits which may otherwise accrue to District's employees. Consultant will be responsible for payment of all Consultant's employees' wages, payroll taxes, employee benefits and any amounts due for federal and state income taxes and Social Security taxes since these taxes will not be withheld from payment under this Agreement.

b. If Consultant becomes aware that any person employed by or volunteering with Consultant in connection with the Services has been arrested or convicted of a violent or serious felony listed in Penal Code Section 667.5(c) or 1192.7(c), then Consultant must immediately remove said employee or volunteer from the performance of the Services, prevent the employee or volunteer from interacting with District students, and notify District. District retains the right to prohibit any such employee from participating in the program or having access to students or the program site.

c. Consultant shall have no authority to bind District in any manner, or to incur any obligation, debt or liability of any kind on behalf of or against District, whether by contract or otherwise, unless such authority is expressly conferred in writing by District, or under this Agreement.

12. **Standard of Performance**. Consultant represents and warrants that it has the qualifications, experience and facilities necessary to properly perform the Services required under this Agreement in a thorough, competent and professional manner. Consultant shall at all times faithfully, competently and to the best of its ability, experience and talent, perform all Services described herein. In meeting its obligations under this Agreement, Consultant shall employ, at a minimum, generally accepted standards and practices utilized by persons engaged in providing services similar to those required of Consultant under this Agreement.

13. **Confidential Information**. All information gained during performance of the Services and all Documents or other work product produced by Consultant in performance of this Agreement shall be considered confidential, but only to the extent such information is not considered a public record for purposes of federal or state law. Consultant shall not release or disclose any such information, Documents or work product to persons or entities other than District without prior written authorization from the Superintendent of District, except as may be required by law.

a. Consultant shall promptly notify District if it is served with any summons, complaint, subpoena or other discovery request, court order or other request from any Party regarding this Agreement or the work performed hereunder.

b. District retains the right, but has no obligation, to represent Consultant or be present at any deposition, hearing or similar proceeding. Consultant agrees to cooperate fully with District and to provide District with the opportunity to review any response to discovery requests provided by Consultant; provided that this does not imply or mean the right by District to control, direct, or rewrite said response.

14. **Conflict of Interest; Disclosure of Interest**. Consultant covenants that neither it, nor any of its officers or employees, has or shall acquire any interest, directly or indirectly, which would conflict in any manner with the interests of District or which would in any way hinder Consultant's performance of Services under this Agreement. Consultant further covenants that in the performance of this Agreement,

no person having any such interest shall be employed by it as an officer, employee, agent or subcontractor without the express written consent of the District.

a. Consultant agrees to at all times avoid conflicts of interest or the appearance of any conflicts of interest with the interests of District in the performance of this Agreement.

b. Bylaws of the Board 9270 BB and 9270(BB) E, as hereinafter amended or renumbered, require that a Consultant that qualifies as a "designated employee" must disclose certain financial interests by filing financial interest disclosures. By its initials below, Consultant represents that it has received and reviewed a copy of the Bylaws of the Board 9270 BB and 9270(BB) E and that it does not qualify as a "designated employee".

_____ (Initials)

c. Consultant agrees to notify the Superintendent, in writing, if Consultant believes that it is a "designated employee" and should be filing financial interest disclosures, but has not been required to do so by the District.

_____ (Initials)

15. **Compliance with Applicable Laws**. In connection with the Services and its operations, Consultant shall keep itself informed of and comply with all applicable federal, state and local laws, statutes, codes, ordinances, regulations and rules in effect during the Term. Consultant shall obtain any and all licenses, permits and authorizations necessary to perform the Services. Neither District, nor any elected or appointed boards, officers, officials, employees or agents of District shall be liable, at law or in equity, as a result of any failure of Consultant to comply with this section.

a. Without limiting the generality of the foregoing, Consultant shall comply with any applicable fingerprinting requirements as set forth in the Education Code of the State of California.

_____ (Initials)

16. **Unauthorized Aliens**. Consultant hereby promises and agrees to comply with all of the provisions of the Federal Immigration and Nationality Act, 8 U.S.C.A. §§ 1101, et seq., as amended, and in connection therewith, shall not employ "unauthorized aliens" as that term is defined in 8 U.S.C.A. §1324a(h)(3). Should Consultant so employ such individuals for the performance of work and/or Services covered by this Agreement, and should any liability or sanctions be imposed against District for such employment, Consultant hereby agrees to and shall reimburse District for the cost of all such liabilities or sanctions imposed, together with any and all costs, including attorneys' fees, incurred by District.

17. **Non-Discrimination**. Consultant shall abide by the applicable provisions of the United States Civil Rights Act of 1964 and other provisions of law prohibiting discrimination and shall not discriminate, in any way, against any person on the basis of race, color, religious creed, national origin, ancestry, sex, age, physical handicap, medical condition or marital status in connection with or related to the performance of this Agreement.

18. **Assignment**. The expertise and experience of Consultant are material considerations for this Agreement. District has an interest in the qualifications of and capability of the persons and entities that will fulfill the duties and obligations imposed upon Consultant under this Agreement. In recognition of that interest, Consultant shall not assign or transfer this Agreement or any portion of this Agreement or the performance of any of Consultant's duties or obligations under this Agreement without the prior written consent of the Board of Trustees of the District. Any attempted assignment shall be ineffective, null and

void, and shall constitute a material breach of this Agreement entitling District to any and all remedies at law or in equity, including summary termination of this Agreement.

19. **Subcontracting.** Notwithstanding the above, Consultant may utilize subcontractors in the performance of its duties pursuant to this Agreement, but only with the prior written consent of District. Consultant shall be as fully responsible to District for the acts and omissions of its Subcontractors, and of persons either directly or indirectly employed by Consultant, as if the acts and omissions were performed by Consultant directly.

20. **Continuity of Personnel.** Consultant shall make every reasonable effort to maintain the stability and continuity of Consultant's staff and subcontractors, if any, assigned to perform the Services required under this Agreement.

a. Consultant shall insure that District has a current list of all personnel and sub-contractors providing Services under this Agreement.

b. Consultant shall notify District of any changes in Consultant's staff and subcontractors, if any, assigned to perform the Services required under this Agreement, prior to and during any such performance. The list notice shall include the following information: (1) all full or part-time staff positions by title, including volunteer positions whose direct services are required to provide the Services described herein; (2) a brief description of the functions of each such position and the hours each position works each week or, for part-time positions, each day or month, as appropriate; (3) the professional degree, if applicable, and experience required for each position; and (4) the name of the person responsible for fulfilling the terms of this Agreement.

c. Consultant shall maintain a database of prospective employees in order to avoid a gap in filling intended positions.

21. **Assumption of Responsibility.** In accordance with Consultant's obligations under paragraphs 11, 12, 19, and 20 herein, Consultant assumes all responsibility for the care, custody, and control of students participating in any activity, whether on-site or off-site, offered in connection with the Services.

22. **Indemnification.**

a. Consultant's Indemnity Obligation.

To the fullest extent permitted by California law, Consultant shall at its sole expense indemnify, protect, defend and hold harmless District, its officers, agents, employees, elected board members, and volunteers from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorneys' fees and costs, court costs, interest, defense costs, and expert witness fees) of any kind, nature, and description, including, but not limited to, personal injury (including, but not limited to, injuries related to or derived from alleged sexual misconduct, sexual abuse, or molestation), death, damage to real property, and damage to personal property, to the extent the liability arises out of or is in any way attributable to the performance of this Agreement by Consultant or by any individual or entity for which Consultant is legally liable, including but not limited to officers, agents, employees or sub-contractors of Consultant. The provisions of this indemnification do not apply to any damage or losses caused by the sole negligence or willful misconduct of District, its officials, elected board members, employees, and volunteers, or claims caused by dangerous conditions of District real property which arose out of acts or failure to act by District. Except as specifically provided in this Agreement, in

no event shall Consultant be liable in contract or tort for any special, consequential, indirect, or incidental damages, including but not limited to lost profits, arising out of or in connection with this Agreement.

Consultant agrees to obtain executed indemnity Agreements with provisions identical to those set forth here in this section from each and every sub-contractor or any other person or entity involved by, for, with or on behalf of Consultant in the performance of this Agreement. In the event Consultant fails to obtain such indemnity obligations from others as required here, Consultant agrees to be fully responsible according to the terms of this section. Failure of District to monitor compliance with these requirements imposes no additional obligations on District and will in no way act as a waiver of any rights hereunder. This obligation to indemnify and defend District as set forth here is binding on the successors, assigns or heirs of Consultant and shall survive the termination of this Agreement.

_____(Initials)

b. District's Indemnity Obligation.

To the fullest extent permitted by California law, District shall indemnify, protect, defend and hold harmless the Consultant and any and all of its officials, city council members, employees and agents from and against any liability (including liability for claims, suits, actions, arbitration proceedings, administrative proceedings, regulatory proceedings, losses, expenses or costs of any kind, whether actual, alleged or threatened, including attorneys' fees and costs, court costs, interest, defense costs, and expert witness fees) of any kind, nature, and description, including, but not limited to, personal injury (including, but not limited to, injuries related to or derived from alleged sexual misconduct, sexual abuse, or molestation), death, damage to real property, and damage to personal property, to the extent the liability arises out of or is in any way attributable to the performance of this Agreement by District or by any individual or entity for which District is legally liable, including but not limited to officers, agents, employees or sub-contractors of District or that arises out of or is in any way directly attributable to the alleged existence of dangerous conditions on District real property during the operation of the program contemplated hereunder. The provisions of this indemnification do not apply to any damages or losses caused by the sole negligence or willful misconduct of Consultant, its officials, elected council members, employees, agents, or program participants. Except as specifically provided in this Agreement, in no event shall District be liable in contract or tort for any special, consequential, indirect, or incidental damages, including but not limited to lost profits, arising out of or in connection with this Agreement. This obligation to indemnify and defend Consultant as set forth here is binding on the successors, assigns or heirs of District and shall survive the termination of this Agreement.

_____(Initials)

23. **Insurance**. District acknowledges that Consultant is self-insured against workers' compensation claims in accordance with Labor Code section 3700(b) and that Consultant is self-insured for general liability claims in accordance with Government Code sections 989 and 990. To the extent applicable, Consultant will provide to District evidence of self-insurance coverage for the types and amounts of insurance set forth on **Exhibit C** hereto.

24. **Notices**. All notices required or permitted to be given under this Agreement shall be in writing and shall be personally delivered, or sent by telecopier or certified mail, postage prepaid and return receipt requested, addressed as follows:

To District: Oxnard School District
1051 South A Street
Oxnard, California, 93030

Attention: Lisa A. Franz
Phone: (805) 385-1501 x2414
Fax: (805) 240-7582

To Consultant: City of Oxnard Recreation and Community Services
305 W. 3rd St., First Floor West Wing
Oxnard, California 93030
Attention: Terrel Harrison
Phone: (805) 385-7993
Email: Terrel.Harrison@oxnard.org

Notice shall be deemed effective on the date personally delivered or transmitted by facsimile (provided confirmation of successful facsimile transmission shall be retained) or, if mailed, three (3) work days after deposit of the same in the custody of the United States Postal Service.

25. **Excusable Delays**. Consultant shall not be liable for damages, including liquidated damages, if any, caused by delay in performance or failure to perform due to causes beyond the control of Consultant. Such causes include, but are not limited to, acts of God, acts of the public enemy, acts of federal, state or local governments, acts of District, court orders, fires, floods, epidemics, strikes, embargoes, and unusually severe weather. The term and price of this Agreement shall be equitably adjusted for any delays due to such causes.

26. **Authority to Execute**. The person or persons executing this Agreement on behalf of Consultant represents and warrants that he/she/they has/have the authority to so execute this Agreement and to bind Consultant to the performance of its obligations hereunder.

27. **Administration**. The Assistant Superintendent, Educational Services, or designee, shall be in charge of administering this Agreement on behalf of the District. The Director of Purchasing has completed **Exhibit D** attached hereto.

28. **Binding Effect**. This Agreement shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

29. **Entire Agreement**. This Agreement and the exhibits and documents incorporated herein constitute the entire agreement and understanding between the Parties in connection with the matters covered herein. This Agreement supersedes any prior understanding or agreement, oral or written, of the Parties with respect to said matters.

30. **Amendment**. No amendment to or modification of this Agreement shall be valid or binding unless made in writing by Consultant and by District. The Parties agree that this requirement for written modifications cannot be waived and that any attempted waiver shall be void.

31. **Waiver**. Waiver by any Party to this Agreement of any term, condition, or covenant of this Agreement shall not constitute a waiver of any other term, condition, or covenant. Waiver by any Party of any breach of the provisions of this Agreement shall not constitute a waiver of any other provision or a waiver of any subsequent breach or violation of any provision of this Agreement. Acceptance by District of any work or services by Consultant shall not constitute a waiver of any of the provisions of this Agreement.

32. **Governing Law**. This Agreement shall be interpreted, construed and governed according to the laws of the State of California. In the event of litigation between the Parties, venue in state trial courts shall lie exclusively in the County of Ventura, California.

33. **Dispute Resolution**

Any disputes arising from this Agreement shall be resolved using the dispute resolution process described below.

The Party initiating the dispute resolution process shall prepare and send to the other Party a notice of dispute that shall include the following information: (1) a statement of the facts of the dispute, including information regarding the Party's attempt to resolve the dispute; (2) the specific sections of the Agreement that are in dispute; and (3) the specific resolution sought by the Party. Within fourteen (14) calendar days from receipt of the notice of dispute, representatives of the Parties shall meet in an informal setting to try to resolve the dispute.

If the informal meeting fails to resolve the dispute, the Party initiating the dispute resolution process shall notify the other party (the responding party) in writing and the Parties shall agree on a mediator within fourteen (14) calendar days. If the Parties cannot mutually agree to a mediator, the Parties shall make a joint request of the State Mediation and Conciliation Service of the California Department of Industrial Relations (**"SMCS"**) for a list of five (5) qualified mediators. The Parties shall select a neutral arbitrator from the SMCS list by striking one name from the list in succession until only one name remains. The mediation procedure shall be informal in nature; however, the Parties may submit mediation briefs regarding the dispute at the request of the mediator. The rules of evidence will not apply and no record of the proceedings will be made. If an agreement is reached, the agreement shall be reduced to writing and shall be signed by the Parties.

Either Party may seek equitable or injunctive relief prior to the mediation to preserve the status quo or prevent irreparable injury pending the completion of that process. Except for such an action to obtain equitable relief, neither Party may commence a civil action with respect to the matters submitted to mediation until after the completion of the initial mediation session.

34. **Severability**. If any term, condition or covenant of this Agreement is declared or determined by any court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions of this Agreement shall not be affected thereby and the Agreement shall be read and construed without the invalid, void or unenforceable provision(s).

IN WITNESS WHEREOF, District and Consultant have executed and delivered this agreement for consultant services as of the date first written above.

[SIGNATURES ON FOLLOWING PAGE]

OXNARD SCHOOL DISTRICT:

Lisa A. Franz

Lisa A. Franz, Director, Purchasing

6-7-2021

Date

Tax Identification Number: 95-6002318

CITY OF OXNARD:

John C Zaragoza

John Zaragoza, Mayor

5-18-21

Date

Tax Identification Number: 95-6000756

CITY OF OXNARD
INCORPORATED
JUNE 30, 1903
STATE OF CALIFORNIA

ATTEST:

R. Chaparro 5/18/2021

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

5/18/2021

Stephen M. Fischer, City Attorney

☐ Not Project Related

☑Project **#21-02**

EXHIBIT A-0
TO AGREEMENT FOR CONSULTANT SERVICES

I. Consultant will perform services required by District in connection with its After School Education and Safety (ASES) Program, and specifically agrees to provide the following services under the captioned agreement:

A. Attendance:

1. Elementary students should participate every day the program operates.
2. Intermediate students should participate a minimum of nine hours and three days per week.
3. Efforts will be made to maintain consistency of attendance with the intent to reduce the turnover in enrollment.
4. Early release waivers will be used for all students recurring late start or early program release (i.e. late start for tutoring and early release for catechism or sports).
5. No early release waiver shall be approved if as a result, the child will attend less than one and one half hours of after school programming.
6. Students who leave the program early with an excused reason (i.e., sick, doctor's appointment) shall have it noted on the sign out sheet and have back up documentation filed with each month's attendance.
7. The Consultant shall agree to meet the minimum attendance required by the ASES Grant.

B. Assurances

1. Provide an academic and enrichment after school program in each grant funded school.
2. To plan the program through a collaborative process that includes parents, youth, representatives of participating school sites, governmental agencies, local law enforcement, community organizations and the private sector.
3. Hire staff, based on the 20-1 ratio required by grant funding, including a site coordinator, project supervisory staff and provide payroll services for Consultant employees.
4. Operate each program from the end of the school day until 6:00 PM every regular school day or for a minimum of three hours after school dismissal.
5. When agreed upon and coordinated between Consultant and District, provide a program for non-school calendar days (i.e., weekends, vacations).
6. When agreed upon and coordinated between the Consultant and District, will provide services for Supplemental Grants with compensation being reimbursed for expenses agreed upon in advance not to exceed the per pupil amount funded by the grant. As used herein, a "Supplemental Grant" means a grant project outside of District's After School Education and Safety Core Grant.
7. Provide program assessment results to District for the annual evaluation. Evaluation tools such as Quality Self-Assessment Tool (QSAT) or other measures of program evaluation as suggested by the California Department of Education –

After School Division and/or California After-School Network. Documentation needs to happen quarterly for the Federal Program Monitoring Process (FPM).

8. Assist and maintain organized information for Federal Program Monitoring (FPM) at each site. The documentation needs to be submitted quarterly.
9. All food offered to students will conform to the nutrition standards as established by the U.S. Department of Agriculture (low fat content, calories, no candy or soda). Reimbursable Snack Logs will be submitted to District Food Services to ensure proper documentation for the State and Federal Food Program. Reporting also includes electronic input of total snacks served in Zangle-Food Services module.

C. Professional Development

1. Provide training for after school program staff and include the District Director of Enrichment and Special Programs, and as appropriate, include staff of collaborating organizations.
2. Attend Region 8 Program Directors and Network Meetings on a quarterly basis.
3. Professional Development-All Staff:
   a. All staff participates in quarterly professional development provided by District and Consultant on the topics of Positive Behavior Intervention Support, English Learner Strategies, technology, Depth of Knowledge and inquiry strategies, Common Core State Standards, Smarter Balanced Assessment Consortium, STEM/STEAM, communication skills and other topics to align the After School Program with the regular day throughout course of the academic school year.

D. Participate in monthly trainings to receive lessons and materials for the upcoming month. Meetings will be a minimum of three hours. Trainings will be coordinated by Consultant and District.

1. Site Coordinator meetings shall be held once a month to review the training received by other staff, receive training on the Continuous Quality Improvement to assist with site goals and objectives and plan collectively for activities.
2. Professional Development-Math staff
   a. Participate in two full day trainings before the start of school conducted by District approved provider as per agreement with District.
   b. Participate in monthly trainings to receive lessons and materials for the upcoming month. Training will be three hours.
3. Professional Development – Literacy staff
   a. Participate in two full day trainings before the start of school conducted by District approved provider as per agreement with District.
   b. Participate in monthly trainings to receive lessons and materials for the upcoming month. Training will be three hours.
4. Professional Development – Arts/Special Enrichment staff
   a. Participate in two full day training before the start of school conducted by District approved provider as per agreement with District.
   b. Participate in monthly trainings offered by District, District approved provider, and/or Consultant. Training will be between three hours.
5. Professional Development – Engineering is Elementary (EIE)

a. Participate in two full day trainings before the start of school conducted by District approved provider as per agreement with District.
b. Participate in monthly trainings to receive lessons and materials for the upcoming month. Trainings will be three hours.

6. Professional Development – Physical Fitness/Recreation Staff
   a. Participate in monthly trainings as offered by the Consultant.
   b. Training topics include, but not limited to: physical fitness, self-esteem and nutrition.

E. Risk Management

1. Provide background clearance through the police department and TB tests and provide monthly reports of all employees who have received clearance for employment.
2. Provide a copy of insurance documents, which verify coverage for District.
3. Clear outside contractors and events through the District Risk Management Department. This shall occur at least 30 days prior to service or event.
4. Clear all activities and enrichment courses, including flyers and advertisements, through District Risk Management Department and District Administration to ensure proper safety procedures are in place according to District timelines. This shall occur at least 30 days prior to service or event.
5. Clear all fundraisers through District Risk Management Department and District Administration to ensure compliance with Board Policies. This shall occur at least 30 days prior to service or event.
6. Participate in school wide emergency drills and learn the protective procedures at each school site.

F. Responsibility

1. Staff each school site to meet the 20:1 ratio with the following understanding:
   a. The site coordinator is to run the daily operations of the program and support staff working directly with students. The site coordinator position is to address the administrative responsibilities of the program. The coordinator taking a group is the exception and not the rule.
   b. Lead staff are defined as the staff working with the groups of students during the program. Lead staff will have a group that does not exceed the 20:1 ratio and provide activities they have received at monthly trainings.
2. Report attendance and activities weekly by Wednesday of each week for the previous week.
3. Work with District to establish and maintain partnerships with community agencies.
4. Provide student learning and enrichment materials above and beyond materials already purchased by District.
5. Participate in collaboration activities with other participating organizations.
6. Vacate learning areas within each school in the same or better conditions as they were found.
7. When hiring, preference will be given to District employees as appropriate; however, final decision of hiring personnel is the Consultant's.

8. Include the Common Core State Standards and strategies for English Learners and Special Education students in lessons.
9. Include feedback from the after school administrator and site principal when evaluating employees.
10. Submit a use of facility permit to the Facilities Department at District.
11. Meet weekly with District administrator.
12. Provide documentation of matching funds.
13. Operate the Program in accordance with the conditions set forth in this Exhibit A-0, Exhibit A-1 and Exhibit A-3.
14. Operate the Program in accordance with the conditions set forth in Exhibit A-2, if applicable pursuant to Section 3 of this Agreement.
15. Report any unsafe physical conditions of the facilities or grounds in the after-school activity areas to the Facilities Department at District immediately.
16. Field trips may take place during the program. The District must approve field trips in writing in advance. The City staff will be responsible for the supervision, permission slips and other details relating to the field trip.

II. Supplemental Programming

a. Supplemental programming is defined as activities outside of the 180 days school is in session.
b. Supplemental Programs must be approved in advance by written request.
c. Student ratio not to exceed 20:1.
d. Field trips may take place during the program. The District must approve field trips in writing in advance. The City staff will be responsible for the supervision, permission slips and other details relating to the field trip.

III. The Oxnard School District agrees to:

A. Provide consistent, adequate and safe space for after school groups and activities after school each day in the schools with After School Education and Safety (ASES) Grants (including classrooms, cafeteria, restrooms, and playground).
B. Provide a District administrator to coordinate and collaborate with the Consultant's Recreation and Community Service's Oxnard Scholars Program.
C. Provide a staff member to help create an academic link between the After School Program and the regular school day—reporting language arts and math assessment results to the After School program and reporting the after school results to the regular classroom teachers.
D. Provide professional development to aid in the aligning the After School Program with the regular school day (Math, Literacy, Arts/Special Enrichment, and Physical Fitness and Nutrition).
E. Provide consistent access to the computer lab and library.
F. Provide daily nutritional snack and/or meal through the federal free and reduced lunch program.
G. Provide daily custodial services.
H. Submit required attendance, fiscal and evaluation reports to the State of California.
I. Provide office space/station with access to phone, computer, printer and internet access.
J. Provide Access to Q.

K. Notwithstanding Consultant's obligations contained in Exhibit A-3, administer medication to students participating in ASES Program in compliance with federal and California law.

L. Perform those actions set forth in Exhibit A-3.

IV. As part of the Services, Consultant will prepare and deliver the following tangible work products to District:

A. Certificates of insurance and additional insured endorsements for 2019-2020, as described in Exhibit C, or a letter evidencing participation in an alternative risk management program, including participation with other public agencies in mutual, cooperative, or risk management programs available through joint exercise of powers agencies to the extent that such alternative risk management program affords reasonable coverage for the risks contemplated hereunder giving consideration to similar programs or plans adopted by public entities in the State of California.

B. Evidence that employees have met the No Child Left Behind (NCLB) requirements.

C. Monthly employee list certifying all have cleared TB and Fingerprint screenings.

D. Weekly attendance and activity reports.

E. Food Service Reimbursable Snack Logs and Q Meal Summary electronic report which meet the requirements of the federal free and reduced lunch program.

F. Evidence that Consultant's employees and volunteers have complied with the fingerprinting and training requirements required by this Agreement.

☐ Not Project Related

☑Project **#21-02**

V. During performance of the Services, Consultant will keep District appraised of the status of performance by delivering the following status reports under the indicated schedule:

STATUS REPORT FOR ACTIVITY	**DUE DATE**
A. Weekly attendance report (reported).	Each Wednesday by Noon
B. Monthly Q attendance report and Q Reimbursable Snack-Food Services meal summary report for each school (confirmed).	15th of each month
C. Monthly activity reports for each school, including trainings, lesson plans and examples of student work (Digital Format).	15th of each month
D. Monthly expenditure reports, including salaries for employees, supplies, trainings and Administrative costs.	30th of each month for the previous month

VI. Consultant will utilize the following personnel to accomplish the Services:

☐ None.

☐ See attached list. **(To be provided prior to the 1st day of school)**

VII. Consultant will utilize the following subcontractors to accomplish the Services (check one):

☐ None.

☐ See attached list.

VIII. AMENDMENT

The Scope of Services, including services, work product, and personnel, are subject to change by mutual Agreement. In the absence of mutual Agreement regarding the need to change any aspects of performance, Consultant shall comply with the Scope of Services as indicated above.

☐ Not Project Related

☑Project **#21-02**

EXHIBIT A-1
General Provisions

Consultant agrees to operate the ASES Program (**"Program"**) in accordance with the following general provisions:

1. Field Trips. Consultant may offer Program field trips, provided that Consultant obtains advance authorization from District, obtains advance written parent/guardian authorization, and complies with transportation policies approved by District. Consultant shall use its own permission, release, and waiver forms, provided that such forms shall provide for a release of claims against District by providing for a release of "any involved municipalities or public entities and their respective agents and employees."

2. Parent/Guardian Visits: To the extent allowed by applicable law, Consultant shall provide for reasonable parent/guardian access to District facilities being used by Consultant during the Program. Consultant shall ensure that parent/guardian visits are in accordance with any applicable court orders.

3. Late Pick Up Policy: Consultant shall develop a reasonable late pick-up policy. The policy must be in writing and approved in advance by District. If Consultant fails to provide a late pick-up policy, the following policy shall apply. If a student has not been picked up by an authorized adult within ten (10) minutes after the Program closing time, Consultant's staff shall call the emergency contacts for that student. If Consultant's staff person has not been able to reach the student's authorized adult within twenty (20) minutes past closing time, Consultant shall contact the Program director, the police, and social services for assistance. Consultant is fully responsible for properly implementing the policy. Irrespective of whether Consultant develops and implements an approved late pick-up policy or adopts the policy set forth herein, Consultant warrants that at least two (2) staff persons will remain present at closing time to supervise the students until the last child is in the custody of an authorized adult, or, if necessary, the police and social services.

4. Reportable Incidents: If any student suffers an injury requiring medical attention during the Program, then Consultant shall immediately inform District by telephone, text, or email, and provide a written incident report to District within twenty-four (24) hours of the incident. If Consultant becomes aware of circumstances indicating the actuality or possibility of mandated reporting (including but not limited to allegations of physical, emotional, or sexual abuse, or allegations of neglect), involving any student in the Program, then Consultant shall comply with all mandated reporting requirements under California law. Consultant shall inform District immediately and shall also provide a written report of the circumstances to District within twenty-four (24) hours of becoming aware of the circumstances. Consultant assures District that all Consultant staff members, including volunteers, are familiar with child and dependent adult abuse reporting obligations and procedures under California law.

5. Emergencies/ Disasters: Consultant shall develop a reasonable disaster/emergency policy. The policy must be in writing and approved in advance by District. If Consultant fails to provide a reasonable disaster/emergency policy, the District's emergency/disaster policy

shall apply. Consultant is fully responsible for properly implementing the policy, including but not limited to ensuring that all staff members at each site are appropriately trained in the policy, maintaining at least two (2) staff members at each site who are CPR trained, and confirming that staff members are properly instructed to access disaster preparedness kits.

6. Unauthorized Persons: In the event that Consultant's staff discovers that any unauthorized person (including but not limited to minors who are not enrolled in the Program and not otherwise entitled to be on District property; unauthorized adults, including parents who are forbidden by court order from accessing students; and any other trespassers) is on District's property during the operation of the Program, Consultant's staff shall take immediate action to ensure the safety of all Program students, including, as necessary, seeking assistance from local authorities. Consultant's staff shall immediately notify the Director, Enrichment and Special Programs at District of the incident and provide a written report of the incident to District within twenty-four (24) hours.

7. District Facilities and Equipment: Consultant's use of District facilities and equipment shall be limited to those uses reasonably necessary for the operation of the Program. Consultant shall use District's facilities and equipment with care, leaving each space clean and organized at the end of each Program day. Consultant shall not permit any third parties not affiliated with the Program to use District's facilities and equipment. Consultant shall replace or repair any District facilities or equipment damaged by Program staff or participants, or third parties that Consultant permitted to use the facilities or equipment. Consultant shall not install equipment or fixtures at District facilities without District's prior written consent.

☐ Not Project Related

☑Project #21-02

EXHIBIT A-2
SPORTS – HEALTH AND SAFETY

Consultant agrees to operate Program sports in accordance with the following provisions.

1. General Requirements for Consultant's Program Coaches

a. Satisfaction of Program staff requirements. Consultant agrees that its coaches, paid and unpaid, shall satisfy the requirements for all Program staff, including, but not limited to, requirements pertaining to employee qualifications, experience, and background checks.

b. Additional requirements. Consultant further agrees that, prior to coaching a Program sport, its coaches shall have training that includes development of coaching philosophies consistent with District goals; basic knowledge of sport psychology, pedagogy, physiology, and management; training in CPR and first aid; and general information about statewide rules and regulations regarding, at minimum, eligibility, equity, and discrimination. Moreover, as set forth in more detail below, Consultant's coaches shall receive training in specific health and safety issues, including, but not limited to, concussion, sudden cardiac arrest, heat illness, methicillin-resistant staph aureus, performance enhancement drugs, and event emergencies. Consultant shall have satisfied these requirements if Consultant provides its coaches with the information provided in the exhibits to this Agreement and any additional information provided by District to Consultant.

2. General Requirements for Student Eligibility in Program Sports

a. Medical clearance. Consultant shall ensure that, prior to trying out for, practicing for, and participating in a Program sport, every student obtains a medical clearance from a health care provider who is fully licensed in the State of California. The medical clearance shall be pursuant to a physical exam with medical history, which includes, but is not limited to, review of any previous heat illness, cardiac disease, sickle cell trait, medication and supplement use, and type of training activities. Consultant may provide students with or otherwise require students to utilize the Preparticipation Physical Evaluation form and accompanying Clearance form, prepared by the California Interscholastic Federation ("CIF"), and attached hereto as Exhibit A-2(i) (or any updated forms). Consultant shall retain a copy of all medical clearances for a period of at least three (3) years, and, upon District's request, provide the copies to District.

b. Adherence to recommendations. Consultant agrees to require its coaches to review and abide by any and all medical restrictions and recommendations listed in each student's medical clearance form. Consultant acknowledges that a student's medical clearance may be rescinded or altered by the health care provider due to changed conditions, in which event Consultant agrees to be bound by the revised restrictions or recommendations.

c. Current illness or injury. For the health and safety of all Program participants, Consultant shall permit any student who is reasonably known or observed to have an active febrile or gastrointestinal illness to participate in Program sports until such time the affected student has recovered from the illness and provided Consultant with a written medical clearance. Consultant shall not permit any student who is reasonably known or observed to have an injury (except minor injuries, such as minor cuts or abrasions) to participate in Program sports without written medical clearance.

d. Sign In and Sign Out Sheet. Consultant must provide a sign-in and sign-out sheet for all Program sports activities, including tryouts, practices, and games, that includes, at minimum, the date, student's name, time of sign-in and time of sign-out, and name of authorized adult who signed out the student. All students and/or guardians must use the sheet to sign in and out of all Program sports.

e. Off-site Sports Activities. Consultant may offer off-site sports activities, provided that Consultant obtains advance authorization from District, obtains advance written parent/guardian authorization, and complies with transportation policies approved by District. Consultant shall use its own permission, release, and waiver forms, provided that such forms shall provide for a release of claims against District by providing for a release of "any involved municipalities or public entities and their respective agents and employees."

3. <u>Concussions</u>

Consultant agrees to adhere to the following standards regarding concussions and serious head injuries.

a. Coaches – requirements prior to coaching

i. As a prerequisite to coaching any Program sport, Consultant's coaches shall receive training on concussions and provide proof of such training to Consultant. The training can be completed through the free, online course "Concussions in Sports" (or any updated course) which is available through the National Federation of State High School Associations website. As proof of training, Consultant's coaches shall download and print their certificate at the completion of the course, and, provide a copy of the certification to Consultant.

ii. Consultant's coaches shall receive concussion training at least once a year.

iii. Consultant shall retain a copy of all certifications for a period of at least three (3) years, and, upon District's request, provide a copy to District.

b. Students – requirements prior to participation

i. As a prerequisite to a student beginning practice or competition in any Program sports activity, the student and the student's parent or guardian shall review and sign a concussion and head injury information sheet. Consultant shall provide the concussion and head injury information sheet, the form and content of which shall be subject to District's prior approval. Consultant may use the "Concussion Information Sheet" prepared by CIF, which is attached hereto in English and Spanish as Exhibits A-2(ii) and A-2(iii), respectively (or any updated forms).

ii. Students and student parents/guardians shall complete a new concussion and head injury information sheet each year.

iii. Consultant shall make two (2) copies of each signed concussion information sheet. Consultant shall return the first copy to the student's parent or guardian. Consultant shall retain the second copy for a period of at least three (3) years, and, upon District's request, provide the copies to District.

c. Coaches – requirements if student may have sustained concussion

i. Consultant shall immediately remove from competition, whether in practice or a game, any student who is suspected of sustaining a concussion or head injury, and seek emergency medical attention for the student.

ii. Consultant shall follow all other medical procedures in this Agreement, including, but not limited to, contacting the student's parent or guardian, and completing the requisite incident forms.

d. Students – requirements for participation after suspected concussion

i. A student who has been removed from play due to a suspected concussion or head injury may not participate in any Program sports until the student has (A) been evaluated by a health care provider who is fully licensed in the State of California and trained in the evaluation and management of concussions, and (B) received written medical clearance to return to play from that health care provider. Consultant may request that students use the Acute Concussion Evaluation form, attached hereto as Exhibit A-2(iv).

ii. In no event shall a student return to practice or competition in a Program sport on the same day that the student was suspected of sustaining or having a concussion or other head injury.

iii. Subsequent to the student's suspected head injury, Consultant agrees to enforce the health care provider's recommendations and restrictions regarding the student's participation in Program activities, and to continue to monitor the student for any further signs or symptoms of a concussion or other head injury.

iv. Consultant agrees to maintain copies of any written medical clearances pertaining to a suspected concussion or other head injury for a period of at least three (3) years, and, upon District's request, provide the copies to District.

4. <u>Sudden Cardiac Arrest ("SCA")</u>

Consultant agrees to adhere to the following standards regarding SCA, which is the sudden and unexpected loss of heart function and among the leading causes of death for student athletes.

a. Coaches – requirements prior to coaching

i. As a prerequisite to coaching any Program sport, Consultant's coaches shall receive training on SCA and provide proof of such training to Consultant. The training can be completed through the free, online course "Cardiac Wise" (or any updated course), which is available through the CIF website. As proof of training, Consultant's coaches shall download and print their certificate at the completion of the course, and, provide a copy of the certification to Consultant.

ii. Consultant's coaches shall receive SCA training at least once a year.

iii. Consultant shall retain a copy of all certifications for a period of at least three (3) years, and, upon District's request, provide the copies to District.

b. Students – requirements prior to participation

i. As a prerequisite to a student beginning practice or competition in any Program sport, the student and the student's parent or guardian shall review and sign an SCA information sheet. Consultant shall provide the SCA information sheet, the form and content of which shall be subject to District's prior approval. Consultant may use the SCA information sheet "Keep Their Heart in the Game – a sudden cardiac arrest information sheet for athletes and parents/guardians" prepared by CIF, a sample of which is attached as Exhibit A-2(v) (or any updated form).

ii. Students and student parents/guardians shall complete a new concussion and head injury information sheet each year.

iii. Consultant shall make two (2) copies of each signed information sheet. Consultant shall return the first copy to the student's parent or guardian. Consultant shall retain the second copy for a period of at least three (3) years, and, upon District's request, provide the copies to District.

c. Coaches – requirements if student faints

i. Consultant shall immediately remove from competition, whether in practice or a game, any student who exhibits fainting, which is the main warning sign of a potential heart condition. Consultant shall then seek emergency medical attention for the student.

ii. Consultant shall follow all other medical procedures in this Agreement, including, but not limited to, contacting the student's parent or guardian, and completing the requisite incident forms.

d. Students – requirements for participation after suspected SCA event

i. A student who has been removed from play due to a suspected SCA event may not participate in any Program sports until the student has (A) been evaluated by a health care provider who is fully licensed in the State of California and trained in the evaluation and management of SCA, and (B) received written clearance to return to play from that health care provider.

ii. In no event shall a student return to practice or competition on the same day that the student was suspected of having an SCA event.

iii. Consultant agrees to enforce the health care provider's recommendations and restrictions regarding the student's participation in Program activities, and to continue to monitor the student for any further signs or symptoms of SCA.

iv. Consultant agrees to maintain copies of any written medical clearances, and, upon District's request, provide the copies to District.

5. <u>Heat Illness</u>

Consultant agrees to adhere to the following standards regarding heat illness.

a. Coaches – education about heat illness prevention. Consultant agrees to require its coaches to obtain training about the prevention of heat illness in students participating in athletics at least once a year. The training may be completed through the free, online course "A Guide to Heat Acclimatization and Heat Illness Prevention" (or any updated course), which is available through the CIF website.

b. Preventative Measures. Consultant's coaches shall endeavor to decrease the likelihood of Program students suffering heat illness by taking preventative measures, including, but not limited to:

i. educating students participating in Program sports to arrive at practice or competition well-hydrated;

ii. instructing students to stay hydrated in between practices;

iii. educating students to avoid drinks which dehydrate the body, such as drinks containing stimulants such as ephedrine or high amounts of caffeine;

iv. providing water or sports drinks to students during practice and competition, and providing students with water breaks at least every thirty (30) to forty-five (45) minutes;

v. allowing adequate rest breaks in the shade, and allowing students to remove unnecessary equipment during rest breaks;

vi. if applicable, gradually increasing the intensity and duration of exercise over a seven (7) to fourteen (14) day period in order to give students time to acclimate to practicing in the heat; and

vii. if applicable, introducing protective equipment in phases in order to give students time to acclimate to the additional (*e.g.*, start with helmet, progress to helmet and shoulder pads, and finally progress to full uniform).

6. <u>Methicillin-Resistant Staph Aureus (MRSA)</u>

Consultant agrees to adhere to the following standards regarding MRSA (a type of staph infection that is resistant to many common antibiotics, and which, if left untreated, can be serious or deadly).

a. Coaches – education about MRSA. Consultant shall take reasonable steps to ensure that its coaches are aware of the warning signs, risks, and treatment of MRSA. At minimum, Consultant shall provide its coaches with a copy of the Sports Medicine Alert for Coaches about MRSA, prepared by CIF, and attached hereto as Exhibit A-2(vi), or any updated alert or information sheet.

b. Coaches - preventative measures. Consultant shall require its coaches to adopt precautionary measures to decrease the risk of spreading MRSA, including, but not limited to, recommending that students shower with soap (at home or otherwise) as soon as possible after practices and competitions; instructing students not to share equipment, clothing, towels, or personal grooming items; recommending that students wash their uniforms or sportswear after each use; requiring students to cover all wounds, cuts, and abrasions, especially during practice and competition; and ensuring that all Program

sports equipment surfaces (*e.g.*, benches, mats) are cleaned and disinfected on a daily basis, using supplies provided by District.

c. **Coaches – duty to inform students and parents/guardians.** Consultant shall take reasonable steps to inform students participating in Program sports and their parents or guardians about the risks of MRSA, including, but not limited to, providing the students and their parents or guardians with the Sports Medicine Alert for Students, Parents and Guardians about MRSA, prepared by CIF, and attached hereto as Exhibit A-2(vii), or any updated alert or information sheet at least once a year.

7. **Performance Enhancement Drugs**

Consultant agrees to adhere to the following standards regarding performance enhancement drugs.

a. **Consultant development and implementation of policy.** Consultant shall adopt a policy prohibiting the use and abuse of steroids or other performance enhancement drugs, which policy is subject to District approval. Consultant may adopt District's policy, or use the Steroids Policy Form prepared by CIF and attached hereto as Exhibit A-2(viii) (or any updated form) as a reference in developing its own policy, the form and content of which shall be subject to District's prior approval.

b. **Student and parent/guardian agreement about policy.** The policy shall require that all students participating in Program sports and their parents or guardians to agree in writing that the student will not use performance enhancement drugs except with the written prescription of a licensed physician in order to treat a medical condition.

c. **Annual update.** Students and student parents/guardians shall complete a new performance enhancement drug agreement each year. Consultant agrees to train its coaches on its District-approved performance enhancement drug policy at least once a year.

d. **Copies of agreement.** Consultant shall make two (2) copies of each agreement about the drug enhancement policy. Consultant shall return the first copy to the student's parent or guardian. Consultant shall retain the second copy for a period of at least three (3) years, and, upon District's request, provide the copies to District.

e. **Applicability.** At District's discretion, the requirements of this section, or any portion thereof, may be made applicable only to District's intermediate students (and thereby exempt in whole or part District's elementary students).

☐ Not Project Related

☑Project **#21-02**

8. Event Emergency Guidelines

a. Adoption of policy. Consultant shall adopt an event emergency guideline protocol for all sporting events. The protocol shall be subject to District approval, which shall be unreasonably withheld. Consultant may adopt District's event emergency protocol or use the Event Emergency Guidelines prepared by CIF and attached hereto as Exhibit A-2(ix) (or any updated guidelines) as a reference in developing its own guidelines for District approval. The event emergency guideline protocol shall address, at minimum, and include protocols regarding specific threats, including, but not limited to, injuries, medical emergencies, fire, earthquake, severe weather, active shooters, other weapons, suspicious behavior, personnel harassment, missing child, abduction, controlled substances, assaults, and bomb threats.

b. Training regarding policy. Prior to implementing any Program sports activities, Consultant must take reasonable steps to ensure that its coaches are informed about and well-versed in the District-approved event emergency policy.

c. Biennial Review. If the Program is a multi-year program, Consultant and District shall review and update the policy at least every two (2) years.

☐ Not Project Related

☑Project **#21-02**

EXHIBIT A-3
ADMINISTRATION OF EPINEPHRINE AUTO-INJECTORS AND PROVISION OF EMERGENCY ASSISTANCE

Consultant and District agree to operate the Program in accordance with the following requirements. Consultant shall not administer any medication not explicitly set forth herein.

1. Requirements for Administration of Epinephrine (Epi-pen)

a. Obligation to Administer Epinephrine; Authorized Individuals

Pursuant to Education Code section 49414, District shall provide emergency epinephrine and auto-injectors to school nurses or trained personnel who have volunteered to provide emergency medical aid to persons suffering or reasonably believed to be suffering from an anaphylactic reaction (*i.e.*, potentially life-threatening hypersensitivity to a substance). Consultant shall designate those employees and/or volunteers that have volunteered to provide emergency medical aid to persons suffering or reasonably believed to be suffering from an anaphylactic reaction and provide District with a list of those individuals prior to the provision of any Services under this Agreement. Consultant shall at all times maintain a designated employee and/or volunteer at all Program sites. Consultant shall only allow its employees and/or volunteers who have received proper training as set forth below to administer an epinephrine auto-injector to a person suffering, or reasonably believed to be suffering, from an anaphylactic reaction if a District nurse is not onsite and when a physician is not immediately available. Any employee and/or volunteer of Consultant that administers an epinephrine auto-injector to a person suffering, or reasonably believed to be suffering, form an anaphylactic reaction shall initiate emergency medical services or other appropriate medical follow up in accordance with the training materials that District retains onsite.

b. Training of Voluntary Consultant Employees and Volunteers

Consultant shall provide all designated Consultant employees and/or volunteers epinephrine training. All epinephrine training must be provided by a licensed physician or nurse and in compliance with the CDE's *Training Standards for the Administration of Epinephrine Auto-Injectors*, available online at http://www.cde.ca.gov/ls/he/hn/epiadmin.asp. The training shall cover at a minimum the information listed in the CDE's *Training Standards for the Administration of Epinephrine Auto-Injectors*, which includes (a) techniques for recognizing symptoms of anaphylaxis, (b) standards and procedures for the storage and emergency use of epinephrine auto-injectors, (c) emergency follow-up procedures, including calling 911 phone number and contacting, if possible, the student's parent/guardian and physician, and (d) instruction and certification in cardiopulmonary resuscitation. Consultant warrants that it will provide training that complies with CDE guidelines and requirements. In the event of a conflict between the training requirements set forth herein and in the CDE training standards, the requirements in the CDE training standards shall control. All training materials shall be retained at Program sites.

2. Epinephrine Prescriptions

For each school site, District shall obtain from an authorizing physician and surgeon an epinephrine auto-injectors prescription that, at a minimum, includes for elementary schools, one regular epinephrine auto-injector and one junior epinephrine auto-injector, and for junior high schools and middle schools, if there are no pupils who require a junior epinephrine auto-injector, one regular epinephrine auto-injector. District shall be responsible for stocking the epinephrine auto-injector, restocking it if it is used and

providing access to those employees and/or volunteers of Consultant that have volunteered to provide emergency medical aid to persons suffering or reasonably believed to be suffering from an anaphylactic reaction. Consultant shall promptly notify District no more than forty-eight (48) hours after any administration of an epinephrine auto-injector.

3. Requirements for the Provision of Emergency Assistance

Consultant shall at all times maintain an employee and/or volunteer at all Program sites to provide emergency assistance to any Program participant who is injured or suddenly becomes ill. Consultant shall provide the necessary training in cardiopulmonary resuscitation (CPR), an automated external defibrillator (AED) and first aid to its employees and/or volunteers who have volunteered to provide emergency assistance. Consultant shall designate those employees and/or volunteers that have volunteered to provide emergency assistance and provide District with a list of those individuals prior to the provision of any Services under this Agreement. Consultant shall only allow its employees and/or volunteers who have received proper certification to provide emergency assistance. For purposes of this Agreement, "emergency assistance" shall include the provision of CPR in the event of cardiac arrest; use of an AED to analyze a person's heart rhythm and deliver an electrical shock to restore heartbeat; and the provision of other forms of first aid to respond to common first aid emergencies, including burns, cuts, and head, neck and back injuries. Any employee and/or volunteer of Consultant that provides emergency assistance shall initiate emergency medical services or other appropriate medical follow up in accordance with their training.

4. Copies of Documents

Consultant shall maintain a copy of all health care documents and provide a copy of same to District.

Exhibit “A(2)(i)”

Exhibit “A(2)(i)”

PREPARTICIPATION PHYSICAL EVALUATION
HISTORY FORM

(Note: This form is to be filled out by the patient and parent prior to seeing the physician. The physician should keep this form in the chart.)

Date of Exam _____

Name _____ Date of birth _____

Sex _____ Age _____ Grade _____ School _____ Sport(s) _____

Medicines and Allergies: Please list all of the prescription and over-the-counter medicines and supplements (herbal and nutritional) that you are currently taking

_____

_____

_____

Do you have any allergies? ☐ Yes ☐ No If yes, please identify specific allergy below.
☐ Medicines ☐ Pollens ☐ Food ☐ Stinging Insects

Explain "Yes" answers below. Circle questions you don't know the answers to.

GENERAL QUESTIONS	Yes	No
1. Has a doctor ever denied or restricted your participation in sports for any reason?		
2. Do you have any ongoing medical conditions? If so, please identify below: ☐ Asthma ☐ Anemia ☐ Diabetes ☐ Infections Other: _____		
3. Have you ever spent the night in the hospital?		
4. Have you ever had surgery?		
HEART HEALTH QUESTIONS ABOUT YOU	**Yes**	**No**
5. Have you ever passed out or nearly passed out DURING or AFTER exercise?		
6. Have you ever had discomfort, pain, tightness, or pressure in your chest during exercise?		
7. Does your heart ever race or skip beats (irregular beats) during exercise?		
8. Has a doctor ever told you that you have any heart problems? If so, check all that apply: ☐ High blood pressure ☐ A heart murmur ☐ High cholesterol ☐ A heart infection ☐ Kawasaki disease Other: _____		
9. Has a doctor ever ordered a test for your heart? (For example, ECG/EKG, echocardiogram)		
10. Do you get lightheaded or feel more short of breath than expected during exercise?		
11. Have you ever had an unexplained seizure?		
12. Do you get more tired or short of breath more quickly than your friends during exercise?		
HEART HEALTH QUESTIONS ABOUT YOUR FAMILY	**Yes**	**No**
13. Has any family member or relative died of heart problems or had an unexpected or unexplained sudden death before age 50 (including drowning, unexplained car accident, or sudden infant death syndrome)?		
14. Does anyone in your family have hypertrophic cardiomyopathy, Marfan syndrome, arrhythmogenic right ventricular cardiomyopathy, long QT syndrome, short QT syndrome, Brugada syndrome, or catecholaminergic polymorphic ventricular tachycardia?		
15. Does anyone in your family have a heart problem, pacemaker, or implanted defibrillator?		
16. Has anyone in your family had unexplained fainting, unexplained seizures, or near drowning?		
BONE AND JOINT QUESTIONS	**Yes**	**No**
17. Have you ever had an injury to a bone, muscle, ligament, or tendon that caused you to miss a practice or a game?		
18. Have you ever had any broken or fractured bones or dislocated joints?		
19. Have you ever had an injury that required x-rays, MRI, CT scan, injections, therapy, a brace, a cast, or crutches?		
20. Have you ever had a stress fracture?		
21. Have you ever been told that you have or have you had an x-ray for neck instability or atlantoaxial instability? (Down syndrome or dwarfism)		
22. Do you regularly use a brace, orthotics, or other assistive device?		
23. Do you have a bone, muscle, or joint injury that bothers you?		
24. Do any of your joints become painful, swollen, feel warm, or look red?		
25. Do you have any history of juvenile arthritis or connective tissue disease?		

MEDICAL QUESTIONS	Yes	No
26. Do you cough, wheeze, or have difficulty breathing during or after exercise?		
27. Have you ever used an inhaler or taken asthma medicine?		
28. Is there anyone in your family who has asthma?		
29. Were you born without or are you missing a kidney, an eye, a testicle (males), your spleen, or any other organ?		
30. Do you have groin pain or a painful bulge or hernia in the groin area?		
31. Have you had infectious mononucleosis (mono) within the last month?		
32. Do you have any rashes, pressure sores, or other skin problems?		
33. Have you had a herpes or MRSA skin infection?		
34. Have you ever had a head injury or concussion?		
35. Have you ever had a hit or blow to the head that caused confusion, prolonged headache, or memory problems?		
36. Do you have a history of seizure disorder?		
37. Do you have headaches with exercise?		
38. Have you ever had numbness, tingling, or weakness in your arms or legs after being hit or falling?		
39. Have you ever been unable to move your arms or legs after being hit or falling?		
40. Have you ever become ill while exercising in the heat?		
41. Do you get frequent muscle cramps when exercising?		
42. Do you or someone in your family have sickle cell trait or disease?		
43. Have you had any problems with your eyes or vision?		
44. Have you had any eye injuries?		
45. Do you wear glasses or contact lenses?		
46. Do you wear protective eyewear, such as goggles or a face shield?		
47. Do you worry about your weight?		
48. Are you trying to or has anyone recommended that you gain or lose weight?		
49. Are you on a special diet or do you avoid certain types of foods?		
50. Have you ever had an eating disorder?		
51. Do you have any concerns that you would like to discuss with a doctor?		
FEMALES ONLY		
52. Have you ever had a menstrual period?		
53. How old were you when you had your first menstrual period?		
54. How many periods have you had in the last 12 months?		

Explain "yes" answers here

_____

_____

_____

_____

_____

_____

_____

_____

_____

I hereby state that, to the best of my knowledge, my answers to the above questions are complete and correct.

Signature of athlete _____ Signature of parent/guardian _____ Date _____

©2010 American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine. Permission is granted to reprint for noncommercial, educational purposes with acknowledgment.

HE0503

9-2681/0410

PREPARTICIPATION PHYSICAL EVALUATION
PHYSICAL EXAMINATION FORM

Name _____ Date of birth _____

PHYSICIAN REMINDERS

1. Consider additional questions on more sensitive issues
   - Do you feel stressed out or under a lot of pressure?
   - Do you ever feel sad, hopeless, depressed, or anxious?
   - Do you feel safe at your home or residence?
   - Have you ever tried cigarettes, chewing tobacco, snuff, or dip?
   - During the past 30 days, did you use chewing tobacco, snuff, or dip?
   - Do you drink alcohol or use any other drugs?
   - Have you ever taken anabolic steroids or used any other performance supplement?
   - Have you ever taken any supplements to help you gain or lose weight or improve your performance?
   - Do you wear a seat belt, use a helmet, and use condoms?
2. Consider reviewing questions on cardiovascular symptoms (questions 5–14).

EXAMINATION		
Height	Weight	☐ Male ☐ Female
BP / (/) Pulse	Vision R 20/	L 20/ Corrected ☐ Y ☐ N
MEDICAL	**NORMAL**	**ABNORMAL FINDINGS**
Appearance • Marfan stigmata (kyphoscoliosis, high-arched palate, pectus excavatum, arachnodactyly, arm span > height, hyperlaxity, myopia, MVP, aortic insufficiency)		
Eyes/ears/nose/throat • Pupils equal • Hearing		
Lymph nodes		
Heart[a] • Murmurs (auscultation standing, supine, +/- Valsalva) • Location of point of maximal impulse (PMI)		
Pulses • Simultaneous femoral and radial pulses		
Lungs		
Abdomen		
Genitourinary (males only)[b]		
Skin • HSV, lesions suggestive of MRSA, tinea corporis		
Neurologic[c]		
MUSCULOSKELETAL		
Neck		
Back		
Shoulder/arm		
Elbow/forearm		
Wrist/hand/fingers		
Hip/thigh		
Knee		
Leg/ankle		
Foot/toes		
Functional • Duck-walk, single leg hop		

[a]Consider ECG, echocardiogram, and referral to cardiology for abnormal cardiac history or exam.
[b]Consider GU exam if in private setting. Having third party present is recommended.
[c]Consider cognitive evaluation or baseline neuropsychiatric testing if a history of significant concussion.

☐ Cleared for all sports without restriction

☐ Cleared for all sports without restriction with recommendations for further evaluation or treatment for _____

☐ Not cleared

- ☐ Pending further evaluation
- ☐ For any sports
- ☐ For certain sports _____

Reason _____

Recommendations _____

I have examined the above-named student and completed the preparticipation physical evaluation. The athlete does not present apparent clinical contraindications to practice and participate in the sport(s) as outlined above. A copy of the physical exam is on record in my office and can be made available to the school at the request of the parents. If conditions arise after the athlete has been cleared for participation, the physician may rescind the clearance until the problem is resolved and the potential consequences are completely explained to the athlete (and parents/guardians).

Name of physician (print/type) _____ Date _____

Address _____ Phone _____

Signature of physician _____, MD or DO

©2010 American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine. Permission is granted to reprint for noncommercial, educational purposes with acknowledgment.

HE0503

9-2681/0410

PREPARTICIPATION PHYSICAL EVALUATION
CLEARANCE FORM

Name _____ Sex ☐ M ☐ F Age _____ Date of birth _____

☐ Cleared for all sports without restriction

☐ Cleared for all sports without restriction with recommendations for further evaluation or treatment for _____

_____

☐ Not cleared

- ☐ Pending further evaluation
- ☐ For any sports
- ☐ For certain sports _____

Reason _____

Recommendations _____

_____

_____

_____

_____

_____

I have examined the above-named student and completed the preparticipation physical evaluation. The athlete does not present apparent clinical contraindications to practice and participate in the sport(s) as outlined above. A copy of the physical exam is on record in my office and can be made available to the school at the request of the parents. If conditions arise after the athlete has been cleared for participation, the physician may rescind the clearance until the problem is resolved and the potential consequences are completely explained to the athlete (and parents/guardians).

Name of physician (print/type) _____ Date _____

Address _____ Phone _____

Signature of physician _____, MD or DO

EMERGENCY INFORMATION

Allergies _____

_____

_____

_____

_____

_____

Other information _____

_____

_____

_____

_____

_____

_____

_____

_____

_____

_____

©2010 American Academy of Family Physicians, American Academy of Pediatrics, American College of Sports Medicine, American Medical Society for Sports Medicine, American Orthopaedic Society for Sports Medicine, and American Osteopathic Academy of Sports Medicine. Permission is granted to reprint for noncommercial, educational purposes with acknowledgment.

Exhibit “A(2)(ii)”

(INSERT SCHOOL NAME HERE)

Concussion Information Sheet

A concussion is a brain injury and all brain injuries are serious. They are caused by a bump, blow, or jolt to the head, or by a blow to another part of the body with the force transmitted to the head. They can range from mild to severe and can disrupt the way the brain normally works. Even though most concussions are mild, **all concussions are potentially serious and may result in complications including prolonged brain damage and death if not recognized and managed properly.** In other words, even a "ding" or a bump on the head can be serious. You can't see a concussion and most sports concussions occur without loss of consciousness. Signs and symptoms of concussion may show up right after the injury or can take hours or days to fully appear. If your child reports any symptoms of concussion, or if you notice the symptoms or signs of concussion yourself, seek medical attention right away.

Symptoms may include one or more of the following:	
• Headaches • "Pressure in head" • Nausea or vomiting • Neck pain • Balance problems or dizziness • Blurred, double, or fuzzy vision • Sensitivity to light or noise • Feeling sluggish or slowed down • Feeling foggy or groggy • Drowsiness • Change in sleep patterns	• Amnesia • "Don't feel right" • Fatigue or low energy • Sadness • Nervousness or anxiety • Irritability • More emotional • Confusion • Concentration or memory problems (forgetting game plays) • Repeating the same question/comment
Signs observed by teammates, parents and coaches include:	
• Appears dazed • Vacant facial expression • Confused about assignment • Forgets plays • Is unsure of game, score, or opponent • Moves clumsily or displays incoordination • Answers questions slowly • Slurred speech • Shows behavior or personality changes • Can't recall events prior to hit • Can't recall events after hit • Seizures or convulsions • Any change in typical behavior or personality • Loses consciousness	

What can happen if my child keeps on playing with a concussion or returns to soon?

Athletes with the signs and symptoms of concussion should be removed from play immediately. Continuing to play with the signs and symptoms of a concussion leaves the young athlete

Adapted from the CDC and the 3rd International Conference on Concussion in Sport

Document created 5/20/2010

(INSERT SCHOOL NAME HERE)

Concussion Information Sheet

especially vulnerable to greater injury. There is an increased risk of significant damage from a concussion for a period of time after that concussion occurs, particularly if the athlete suffers another concussion before completely recovering from the first one. This can lead to prolonged recovery, or even to severe brain swelling (second impact syndrome) with devastating and even fatal consequences. It is well known that adolescent or teenage athlete will often under report symptoms of injuries. And concussions are no different. As a result, education of administrators, coaches, parents and students is the key for student-athlete's safety.

If you think your child has suffered a concussion

Any athlete even suspected of suffering a concussion should be removed from the game or practice immediately. No athlete may return to activity after an apparent head injury or concussion, regardless of how mild it seems or how quickly symptoms clear, without medical clearance. Close observation of the athlete should continue for several hours. The new CIF Bylaw 313 now requires implementation of long and well-established return to play concussion guidelines that have been recommended for several years:

> "A student-athlete who is suspected of sustaining a concussion or head injury in a practice or game shall be removed from competition at that time and for the remainder of the day."
>
> **and**
>
> "A student-athlete who has been removed may not return to play until the athlete is evaluated by a licensed heath care provider trained in the evaluation and management of concussion and received written clearance to return to play from that health care provider".

You should also inform your child's coach if you think that your child may have a concussion Remember its better to miss one game than miss the whole season. And when in doubt, the athlete sits out.

For current and up-to-date information on concussions you can go to:
http://www.cdc.gov/ConcussionInYouthSports/

_____	_____	_____
Student-athlete Name Printed	Student-athlete Signature	Date
_____	_____	_____
Parent or Legal Guardian Printed	Parent or Legal Guardian Signature	Date

Adapted from the CDC and the 3rd International Conference on Concussion in Sport
Document created 5/20/2010

Exhibit “A(2)(iii)”

(INSERT SCHOOL NAME HERE)

Información acerca de las concusiones cerebrales

Una concusión es una herida cerebral y todas las heridas cerebrales son graves. Dichas heridas son causadas por un golpe ligero, un golpe fuerte a la cabeza, un movimiento repentino de la cabeza o por un golpe fuerte a otra parte del cuerpo con fuerza que se trasmite a la cabeza. Las heridas varían entre ligeras o graves y pueden interrumpir la manera en la que el cerebro funciona. Aunque la mayoría de las concusiones cerebrales son ligeras, **todas las concusiones cerebrales tienen el potencial de ser graves y si no se reconocen y tratan correctamente podrían tener como resultado complicaciones incluyendo daño cerebral prolongado o la muerte.** Eso quiere decir que cualquier "golpecito" a la cabeza podría ser grave. Las concusiones cerebrales no son visibles y en su mayoría las concusiones cerebrales que ocurren durante los deportes no ocasionan la perdida de conciencia. Las señales y síntomas de una concusión cerebral podrían aparecer inmediatamente después de una herida o después de horas o días. Si su hijo(a) reporta cualquier síntoma de una concusión cerebral, o si se da cuenta de los síntomas de una concusión cerebral, por favor consiga atención médica sin demora.

Los siguientes son algunos de los síntomas de una concusión:	
• Dolor de cabeza • "Presión en la cabeza" • Nausea o vómito • Dolor de cuello • Problemas de equilibrio o mareos • Visión borrosa o visión doble • Sensibilidad a la luz o ruido • Decaído • Adormecido • Mareado • Cambios en los hábitos de dormir	• Amnesia • "No se siente bien" • Fatiga o energía baja • Tristeza • Nervios o ansiedad • Irritabilidad • Más sensible • Confundido • Problemas con concentración o memoria (por ejemplo: olvidar las jugadas) • Repetir la misma pregunta o comentario

Los siguientes síntomas son observados por compañeros, padres y entrenadores:
• Parece desorientado • Tiene una expresión facial vacía • Está confundido acerca de la tarea o actividad • Se olvida de las jugadas • Está confundido sobre el juego, los puntos o el oponente • Se mueve torpemente o muestra una falta de coordinación • Contesta las preguntas lentamente • Arrastra las palabras • Muestra cambios de comportamiento o personalidad • No puede recordar los eventos que sucedieron antes de la colisión • No puede recordar los eventos que sucedieron después de la colisión • Ataques o convulsiones • Cualquier cambio en el comportamiento típico o personalidad • Perdida de la conciencia

Adaptado del Centro de Control de Enfermedades y el documento de la 3ª conferencia internacional sobre las concusiones deportivas escrito el 5/20/2010

(INSERT SCHOOL NAME HERE)

Información acerca de las concusiones cerebrales

¿Qué puede pasar si mi hijo(a) sigue jugando con una concusión cerebral o regresa a jugar antes de que este recuperado?

Los deportistas con señales o síntomas de una concusión cerebral deben dejar de jugar inmediatamente. Continuar jugando con las señales o síntomas de una concusión pone al deportista en riesgo de sufrir una herida más grave. La probabilidad de que se sufra daño significativo de una concusión aumenta cuando ha pasado un periodo de tiempo largo después de que sucedió la concusión, sobre todo si el deportista sufre otra concusión antes de recuperarse completamente de la primera. Eso puede traer como consecuencia una recuperación más prolongada o incluso una hinchazón cerebral (síndrome de segundo impacto) con consecuencias devastadoras o fatales. Es bien conocido que los deportistas adolescentes no reportan mucho los síntomas de sus heridas. Eso es el caso también con las concusiones cerebrales. Por lo mismo es importante que los administradores, entrenadores, padres y estudiantes estén bien informados, el cual es clave para la seguridad de los estudiantes deportistas.

Si cree que su hijo(a) ha sufrido una concusión

En cualquier situación donde se sospecha que un deportista tiene una concusión, es importante sacar a este estudiante del juego o entrenamiento inmediatamente. Ningún deportista puede volver a participar en la actividad después de sufrir una herida de cabeza o concusión cerebral sin el permiso de un doctor, no importa si la herida parece ser ligera o los síntomas desaparecen rápidamente. Se debe de observar cuidadosamente el mejoramiento del deportista por varias horas. El nuevo estatuto 313 de la Federación Interescolar de California (CIF por sus siglas en inglés) requiere la implementación de las siguientes normas para regresar a jugar un deporte después de sufrir una concusión, las cuales se han recomendado por muchos años:

> "Cuando se sospeche que un estudiante deportista ha sufrido una concusión o herida de cabeza en un entrenamiento o juego, a este estudiante deportista se le debe sacar de la competencia en ese momento y por el resto del día".
>
> **Y**
>
> "A un estudiante deportista que se le ha sacado del juego no podrá volver a jugar hasta que le evalué un doctor licenciado con capacitación en la evaluación y manejo de las concusiones y hasta que se reciba un permiso por escrito para volver a jugar de dicho doctor".

También debe informar al entrenador(a) de su hijo(a) si piensa que ha sufrido una concusión cerebral. Recuerde que es mejor faltar un partido que faltar toda la temporada. Si existe alguna duda de que el deportista sufrió una concusión cerebral o no, se tomará precauciones y no podrá jugar.

Si desea información actual acerca de las concusiones cerebrales por favor visiten el sitio en Internet:
http://www.cdc.gov/ConcussionInYouthSports/

Nombre del estudiante deportista	Firma del estudiante deportista	Fecha
Nombre del padre, madre o tutor	Firma del padre, madre o tutor	Fecha

Adaptado del Centro de Control de Enfermedades y el documento de la 3ª conferencia internacional sobre las concusiones deportivas escrito el 5/20/2010

Exhibit “A(2)(iv)”

Acute Concussion Evaluation (ACE)
Care Plan

Gerard Giola, PhD[1] & Micky Collins, PhD[2]
[1]Children's National Medical Center
[2]University of Pittsburgh Medical Center

Patient Name:_____
DOB: _____ Age:_____
Date:_____ ID/MR#_____
Date of Injury:_____

You have been diagnosed with a concussion (also known as a mild traumatic brain injury). This personal plan is based on your symptoms and is designed to help speed your recovery. Your careful attention to it can also prevent further injury.

Rest is the key. You should not participate in any high risk activities (e.g., sports, physical education (PE), riding a bike, etc.) if you still have any of the symptoms below. It is important to limit activities that require a lot of thinking or concentration (homework, job-related activities), as this can also make your symptoms worse. If you no longer have any symptoms and believe that your concentration and thinking are back to normal, you can slowly and carefully return to your daily activities. Children and teenagers will need help from their parents, teachers, coaches, or athletic trainers to help monitor their recovery and return to activities.

Today the following symptoms are present (circle or check). ____**No reported symptoms**

Physical		Thinking	Emotional	Sleep
Headaches	Sensitivity to light	Feeling mentally foggy	Irritability	Drowsiness
Nausea	Sensitivity to noise	Problems concentrating	Sadness	Sleeping more than usual
Fatigue	Numbness/Tingling	Problems remembering	Feeling more emotional	Sleeping less than usual
Visual problems	Vomiting	Feeling more slowed down	Nervousness	Trouble falling asleep
Balance Problems	Dizziness			

RED FLAGS: Call your doctor or go to your emergency department if you suddenly experience any of the following

Headaches that worsen	Look very drowsy, can't be awakened	Can't recognize people or places	Unusual behavior change
Seizures	Repeated vomiting	Increasing confusion	Increasing irritability
Neck pain	Slurred speech	Weakness or numbness in arms or legs	Loss of consciousness

— SCHOOL VERSION —

Returning to Daily Activities

1. Get lots of rest. Be sure to get enough sleep at night- no late nights. Keep the same bedtime weekdays and weekends.
2. Take daytime naps or rest breaks when you feel tired or fatigued.
3. **Limit physical activity as well as activities that require a lot of thinking or concentration. These activities can make symptoms worse.**
   - Physical activity includes PE, sports practices, weight-training, running, exercising, heavy lifting, etc.
   - Thinking and concentration activities (e.g., homework, classwork load, job-related activity).
4. Drink lots of fluids and eat carbohydrates or protein to main appropriate blood sugar levels.
5. **As symptoms decrease, you may begin to gradually return to your daily activities. If symptoms worsen or return, lessen your activities, then try again to increase your activities gradually.**
6. During recovery, it is normal to feel frustrated and sad when you do not feel right and you can't be as active as usual.
7. Repeated evaluation of your symptoms is recommended to help guide recovery.

Returning to School

1. If you (or your child) are still having symptoms of concussion you may need extra help to perform school-related activities. As your (or your child's) symptoms decrease during recovery, the extra help or supports can be removed gradually.
2. Inform the teacher(s), school nurse, school psychologist or counselor, and administrator(s) about your (or your child's) injury and symptoms. School personnel should be instructed to watch for:
   - Increased problems paying attention or concentrating
   - Increased problems remembering or learning new information
   - Longer time needed to complete tasks or assignments
   - Greater irritability, less able to cope with stress
   - Symptoms worsen (e.g., headache, tiredness) when doing schoolwork

~Continued on back page~

This form is part of the "Heads Up: Brain Injury in Your Practice" tool kit developed by the Centers for Disease Control and Prevention (CDC).

Returning to School (Continued)

Until you (or your child) have fully recovered, the following supports are recommended: *(check all that apply)*

__No return to school. Return on (date)_____

__Return to school with following supports. Review on (date)_____

__Shortened day. Recommend ___ hours per day until (date)_____

__Shortened classes (i.e., rest breaks during classes). Maximum class length: _____ minutes.

__Allow extra time to complete coursework/assignments and tests.

__Lessen homework load by _____%. Maximum length of nightly homework: _____ minutes.

__No significant classroom or standardized testing at this time.

__Check for the return of symptoms (use symptom table on front page of this form) when doing activities that require a lot of attention or concentration.

__Take rest breaks during the day as needed.

__Request meeting of 504 or School Management Team to discuss this plan and needed supports.

Returning to Sports

1. **You should NEVER return to play if you still have ANY symptoms** – (Be sure that you do not have any symptoms at rest and while doing any physical activity and/or activities that require a lot of thinking or concentration.)
2. Be sure that the PE teacher, coach, and/or athletic trainer are aware of your injury and symptoms.
3. It is normal to feel frustrated, sad and even angry because you cannot return to sports right away. With any injury, a full recovery will reduce the chances of getting hurt again. It is better to miss one or two games than the whole season.

The following are recommended at the present time:

___ Do not return to PE class at this time

___ Return to PE class

___ Do not return to sports practices/games at this time

___ **Gradual** return to sports practices under the supervision of an appropriate health care provider (e.g., athletic trainer, coach, or physical education teacher).

- Return to play should occur in gradual steps beginning with aerobic exercise only to increase your heart rate (e.g., stationary cycle); moving to increasing your heart rate with movement (e.g., running); then adding controlled contact if appropriate; and finally return to sports competition.
- Pay careful attention to your symptoms and your thinking and concentration skills at each stage of activity. Move to the next level of activity only if you do not experience any symptoms at the each level. If your symptoms return, let your health care provider know, return to the first level, and restart the program gradually.

Gradual Return to Play Plan

1. No physical activity
2. Low levels of physical activity (i.e., *symptoms do not come back during or after the activity*). This includes walking, light jogging, light stationary biking, light weightlifting (lower weight, higher reps, no bench, no squat).
3. Moderate levels of physical activity with body/head movement. This includes moderate jogging, brief running, moderate-intensity stationary biking, moderate-intensity weightlifting (reduced time and/or reduced weight from your typical routine).
4. Heavy non-contact physical activity. This includes sprinting/running, high-intensity stationary biking, regular weightlifting routine, non-contact sport-specific drills (in 3 planes of movement).
5. Full contact in controlled practice.
6. Full contact in game play.

*Neuropsychological testing can provide valuable information to assist physicians with treatment planning, such as return to play decisions.

This referral plan is based on today's evaluation:

___ Return to this office. Date/Time_____

___ Refer to: Neurosurgery____ Neurology____ Sports Medicine____ Physiatrist____ Psychiatrist____ Other____

___ Refer for neuropsychological testing

___ Other_____

ACE Care Plan Completed by:_____

© Copyright G. Gioia & M. Collins, 2006

Exhibit “A(2)(v)”

Keep Their Heart in the Game

A Sudden Cardiac Arrest Information Sheet for Athletes and Parents/Guardians

What is sudden cardiac arrest?

Sudden cardiac arrest (SCA) is when the heart stops beating, suddenly and unexpectedly. When this happens blood stops flowing to the brain and other vital organs. SCA is NOT a heart attack. A heart attack is caused by a blockage that stops the flow of blood to the heart. SCA is a malfunction in the heart's electrical system, causing the victim to collapse. The malfunction is caused by a congenital or genetic defect in the heart's structure.

How common is sudden cardiac arrest in the United States?
As the leading cause of death in the U.S., there are more than 300,000 cardiac arrests outside hospitals each year, with nine out of 10 resulting in death. Thousands of sudden cardiac arrests occur among youth, as it is the #2 cause of death under 25 and the #1 killer of student athletes.

Who is at risk for sudden cardiac arrest?
SCA is more likely to occur during exercise or physical activity, so student-athletes are at greater risk. While a heart condition may have no warning signs, studies show that many young people do have symptoms but neglect to tell an adult. This may be because they are embarrassed, they do not want to jeopardize their playing time, they mistakenly think they're out of shape and need to train harder, or they simply ignore the symptoms, assuming they will "just go away." Additionally, some health history factors increase the risk of SCA.

FAINTING is the #1 SYMPTOM OF A HEART CONDITION

What should you do if your student-athlete is experiencing any of these symptoms?
We need to let student-athletes know that if they experience any SCA-related symptoms it is crucial to alert an adult and get follow-up care as soon as possible with a primary care physician. If the athlete has any of the SCA risk factors, these should also be discussed with a doctor to determine if further testing is needed. Wait for your doctor's feedback before returning to play, and alert your coach, trainer and school nurse about any diagnosed conditions.

What is an AED?

An automated external defibrillator (AED) is the only way to save a sudden cardiac arrest victim. An AED is a portable, user-friendly device that automatically diagnoses potentially life-threatening heart rhythms and delivers an electric shock to restore normal rhythm. Anyone can operate an AED, regardless of training. Simple audio direction instructs the rescuer when to press a button to deliver the shock, while other AEDs provide an automatic shock if a fatal heart rhythm is detected. A rescuer cannot accidently hurt a victim with an AED—quick action can only help. AEDs are designed to only shock victims whose hearts need to be restored to a healthy rhythm. Check with your school for locations of on-campus AEDs.

The Cardiac Chain of Survival

On average it takes EMS teams up to 12 minutes to arrive to a cardiac emergency. Every minute delay in attending to a sudden cardiac arrest victim decreases the chance of survival by 10%. Everyone should be prepared to take action in the first minutes of collapse.

Early Recognition of Sudden Cardiac Arrest

Collapsed and unresponsive.
Gasping, gurgling, snorting, moaning or labored breathing noises.
Seizure-like activity.

Early Access to 9-1-1

Confirm unresponsiveness.
Call 9-1-1 and follow emergency dispatcher's instructions.
Call any on-site Emergency Responders.

Early CPR

Begin cardiopulmonary resuscitation (CPR) immediately. Hands-only CPR involves fast and continual two-inch chest compressions—about 100 per minute.

Early Defibrillation

Immediately retrieve and use an automated external defibrillator (AED) as soon as possible to restore the heart to its normal rhythm. Mobile AED units have step-by-step instructions for a bystander to use in an emergency situation.

Early Advanced Care

Emergency Medical Services (EMS) Responders begin advanced life support including additional resuscitative measures and transfer to a hospital.

Cardiac Chain of Survival Courtesy of Parent Heart Watch

Keep Their Heart in the Game

Recognize the Warning Signs & Risk Factors of Sudden Cardiac Arrest (SCA)

Tell Your Coach and Consult Your Doctor if These Conditions are Present in Your Student-Athlete

Potential Indicators That SCA May Occur

- ☐ Fainting or seizure, especially during or right after exercise
- ☐ Fainting repeatedly or with excitement or startle
- ☐ Excessive shortness of breath during exercise
- ☐ Racing or fluttering heart palpitations or irregular heartbeat
- ☐ Repeated dizziness or lightheadedness
- ☐ Chest pain or discomfort with exercise
- ☐ Excessive, unexpected fatigue during or after exercise

Factors That Increase the Risk of SCA

- ☐ Family history of known heart abnormalities or sudden death before age 50
- ☐ Specific family history of Long QT Syndrome, Brugada Syndrome, Hypertrophic Cardiomyopathy, or Arrhythmogenic Right Ventricular Dysplasia (ARVD)
- ☐ Family members with unexplained fainting, seizures, drowning or near drowning or car accidents
- ☐ Known structural heart abnormality, repaired or unrepaired
- ☐ Use of drugs, such as cocaine, inhalants, "recreational" drugs, excessive energy drinks or performance-enhancing supplements

What is CIF doing to help protect student-athletes?

CIF amended its bylaws to include language that adds SCA training to coach certification and practice and game protocol that empowers coaches to remove from play a student-athlete who exhibits fainting—the number one warning sign of a potential heart condition. A student-athlete who has been removed from play after displaying signs or symptoms associated with SCA may not return to play until he or she is evaluated and cleared by a licensed health care provider. Parents, guardians and caregivers are urged to dialogue with student-athletes about their heart health and everyone associated with high school sports should be familiar with the cardiac chain of survival so they are prepared in the event of a cardiac emergency.

I have reviewed and understand the symptoms and warning signs of SCA and the new CIF protocol to incorporate SCA prevention strategies into my student's sports program.

STUDENT-ATHLETE SIGNATURE	PRINT STUDENT-ATHLETE'S NAME	DATE
PARENT/GUARDIAN SIGNATURE	PRINT PARENT/GUARDIAN'S NAME	DATE

For more information about Sudden Cardiac Arrest visit

California Interscholastic Federation
http.www.cifstate.org

Eric Paredes Save A Life Foundation
http:www.epsavealife.org

CardiacWise (20-minute training video)
http.www.sportsafetyinternational.org

Exhibit “A(2)(vi)”

California Interscholastic Federation

www.cifstate.org

SPORTS MEDICINE ALERT

Prepared by the State CIF Sports Medicine Committee for distribution to Coaches, Athletic Directors and Administrators

MRSA

MRSA (methicillin-resistant staph aureus) is a type of staph infection that is resistant to many common antibiotics and, in cases where treatment is needed, can be very difficult to treat. Staph bacteria are one of the most common causes of skin infections in the United States. Most of these skin infections are minor (such as pimples and boils) and can be treated without antibiotics, but occasionally serious infections require treatment. In the last few years, there have been a number of cases where these bacteria have spread among members of sports teams. Recently, this issue is making headlines as MRSA can have serious and deadly ramifications if not dealt with immediately.

WARNING SIGNS

It is common for athletes to have pimples, cuts and abrasions on their skin. Coaches must be aware of the signs and symptoms that their student-athletes may exhibit.

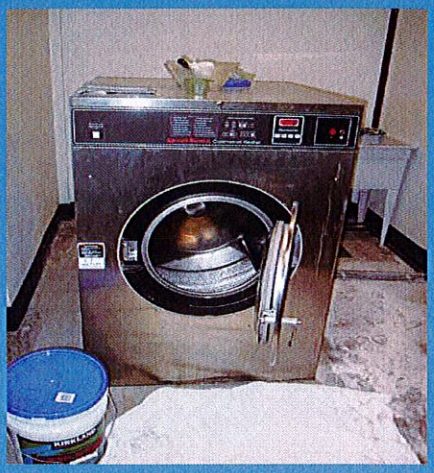
- **Unusual or increasing pain and/or warmth**
- **The presence of pus or a pustule**
- **Induration (hardness)**
- **Increasing swelling, size or redness of the wound**
- **Red streaks around the wound**
- **Fever and/or chills (flu-like symptoms)**

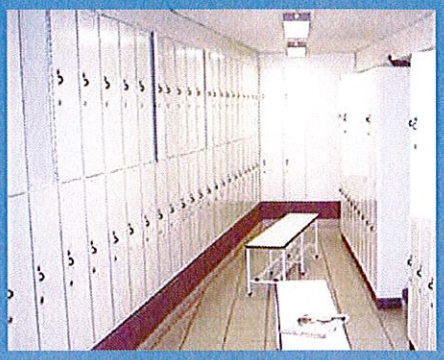
If you have any of these signs or symptoms, seek medical attention immediately.

Preventing MRSA

Precautions that coaches should take for preventing the spread of MRSA

- **Insist that your athletes shower with soap as soon as possible after practices and competitions. If MRSA bacteria are present on your skin, you can wash them away before they have a chance to cause infection.**
- **Ensure that athletes do not share equipment, clothing, towels and other personal items. Implement a NO-SHARING rule if you have not done so already.**
- **Whether your athletic department launders practice and game uniforms or athletes do it themselves, implement a policy that uniforms (practice and game) get washed after EACH use.**
- **Ensure that all wounds, cuts and abrasions are covered to help prevent infection, especially during practice and competition.**
- **Equipment MUST be stored in clean, dry areas. A dark, moist, warm environment (lockers) is perfect for bacteria growth.**
- **Clean and disinfect daily, surfaces that are touched on a regular basis. This includes benches, training room tables, weight room equipment and benches.**
- **Wrestling mats MUST be cleaned DAILY before and after use. This would include use by physical education classes.**
- **Research is inconclusive on whether athletic fields can harbor MRSA bacteria. Since some studies have shown that the possibility exists, there are companies that offer antimicrobial treatments for athletic fields.**





For more information go to www.cifstate.org and click on the "Health and Safety" box at the top of the page. Open the Sports Medicine Handbook and refer to page 44 for practical health hygiene policies and recommendations.

What to do about MRSA in School Athletic Programs

Infection Control Policies and Procedures Checklist

Please review the policies and procedures below. Use this tool to help determine which policies/procedures you already have, if they are being followed, and which policies and procedures you need to put in place. This check list is meant to serve as a guideline on reasonable methods of protecting the health and welfare of student athletes. These guidelines are not meant to provide a "standard of care" and are not meant to supersede medical or administrative judgment decisions that must frequently be made on the scene by appropriate individuals.	Policy/Procedures		
	Exist (x)	Follow (x)	Needed (x)
General			
All hard environmental surfaces that may come in contact with body fluids are cleaned and sanitized daily with EPA-approved disinfectant (if area in use).			
All floor and wall padding in athletic area(s) are washed daily, if athletic area is used.			
Separate mop heads/ buckets are used for each activity area, locker rooms and rest rooms. Mop heads and buckets are cleaned regularly. (Washable micro-fiber heads or disposable mop cloths are preferred.)			
Towels/ linens laundered on premises are washed at a minimum of 160 °F and dried in a hot dryer.			
Notes:			
Wrestling Room and Mats			
Wall padding, benches and door knobs are wiped-down with quaternary ammonium (quat) or 1:100 bleach solution after each practice and meet.			
Floors are cleaned before and after any moveable mats are used.			
Mat surfaces with *small* holes or tears are repaired with mat tape. When mat sides are in poor condition, mats are taped together for meets *and* for practice.			
Mat surfaces are replaced promptly when there are *large* holes or surfaces are excessively worn.			
Both sides of mats are thoroughly cleaned before and after each use for practices and meets.			
A separate mop head/ bucket is used specifically for cleaning mats; mop heads and buckets are washed regularly.			
Notes:			
Weight Room			
Weight machine padding is inspected regularly, and promptly replaced if punctured or torn.			
Grip areas on weight bars, dumbbells and machines are not taped.			
Grip areas on weight bars, dumbbells, and machines, and lift belts are wiped down daily.			
Wall dispensers of hand gel (≥ 60% alcohol) are placed at each entry/exit. Athletes and coaches are instructed to use when entering/leaving room-minimum use, may use more often.			
Floors, benches, supports, pads, light switches and door knobs are cleaned daily (when room in use).			
Notes:			

Locker Rooms/Shower Rooms			
Wall dispensers for liquid soap are located next to showers.			
All shower and locker room areas are cleaned daily (if used).			
All floor and walls in athletic area(s) are washed daily, if athletic area is used.			
All benches are washed daily, if used.			
Notes:			

Exhibit “A(2)(vii)”

California Interscholastic Federation

www.cifstate.org

SPORTS MEDICINE ALERT

Prepared by the State CIF Sports Medicine Committee for distribution to Student-Athletes, Coaches and Parents

MRSA

MRSA (methicillin-resistant staph aureus) is a type of staph infection that is resistant to many common antibiotics and, in cases where treatment is needed, can be very difficult to treat. Staph bacteria are one of the most common causes of skin infections in the United States. Most of these skin infections are minor (such as pimples and boils) and can be treated without antibiotics, but occasionally serious infections require treatment. In the last few years, there have been a number of cases where these bacteria have spread among members of sports teams. Recently, this issue is making headlines as MRSA can have serious and deadly ramifications if not dealt with immediately.

WARNING SIGNS

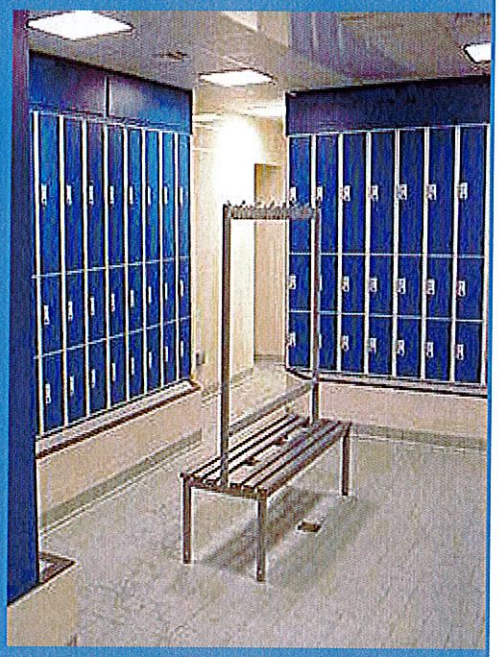
It is common for athletes to have pimples, cuts and abrasions on their skin. Here are a few warning signs to look for and ask about when deciding whether a wound requires medical attention.

- **Unusual or increasing pain and/or warmth**
- **The presence of pus or a pustule**
- **Induration (hardness)**
- **Increasing swelling, size or redness of the wound**
- **Red streaks around the wound**
- **Fever and/or chills (flu-like symptoms)**

If you have any of these signs or symptoms, seek medical attention immediately.

Preventing MRSA

Here are some precautions for preventing the spread of MRSA



- **Shower with soap as soon as possible after practices and competitions. If MRSA bacteria are present on your skin, you can wash them away before they have a chance to cause infection.**
- **Don't share towels, razors, soap or other personal items.**
- **Cover all wounds to help prevent infection, especially during practice and competition. If a bandage or wrapping falls off, replace it immediately.**
- **Get every skin wound, no matter how minor checked out by you coach, athletic trainer, parent/guardian or team physician.**
- **Dry out your equipment and padding after each use. Wash your clothes daily.**
- **Do not store uniforms and equipment in a dark, moist, warm environment. Keep your locker clean and dry.**
- **Wash your hands often. Frequent hand washing with soap for at least 15 seconds is one of the best ways to prevent MRSA.**

For more information go to www.cifstate.org and click on the 'Health and Safety" box at the top of the page. Open the Sports Medicine Handbook and refer to page 44 for practical health hygiene policies and recommendations.

Exhibit “A(2)(viii)”

CIF Mandatory Steroid Policy

SCHOOL NAME/LOGO HERE or remove CCS logo above and add school logo there

"As a condition of membership in the CIF, all member school shall adopt policies prohibiting the use and abuse of androgenic/anabolic steroids. All member school shall have participating student-athletes and their parents, legal guardian/caregiver agree that the athlete will not use steroids without the written prescription of a fully-licensed physical (as recognized by the AMA) to treat a medical condition." (CIF Bylaw 503.I)

Our School Policy:

(insert your school policy here) The text box can be expanded to accommodate your entire school policy or insert the reference to where students/parents may find your policy)

PLEASE COMPLETE THIS FORM AND RETURN TO _____

NO LATER THAN _____

Print Name of Student-Athlete:

By signing below, both the participating student-athlete and the parents, legal guardians/caregiver hereby agree that the student-athlete named herein, shall not use androgenic/anabolic steroids without the written prescription of a fully-licensed physician (as recognized by the AMA) to treat a medical condition. We also recognize that under CIF bylaw 202, there could be penalties for false or fraudulent information. We also understand that the _____(name of school) policy regarding the use of illegal drugs will be enforced for any violations of these rules.

_____ _____

Signature of Student-Athlete named above ***Date signed***

_____ _____

Print or type name of Parent/Guardian/Caregiver signing below **Relationship to student**

_____ _____

Signature of Parent/Guardian/Caregiver ***Date signed***

SAMPLE

Exhibit “A(2)(ix)”

EVENT EMERGENCY GUIDELINES

CALIFORNIA INTERSCHOLASTIC FEDERATION

MARCH, 2013

Purpose

These Event Emergency Guidelines have been developed to work in conjunction with school site and school district safety plans, where applicable. These Guidelines are general in nature and the manner in which they are implemented must depend on the sound judgment of the coach or school administrator at the scene who will be making quick assessments. By their nature, disasters and emergencies are unique events and a decision maker's response to them will almost always involve at least some improvisation.

The Guidelines are divided into two sections. The first section consists of Guidelines to lower the risk of violence or disruptions to an athletic event. The second section addresses responses to specific threats that occur during an athletic event.

TABLE OF CONTENTS

Page

PART I: PLANNING TO AVOID VIOLENCE AND DISRUPTIVE INCIDENTS AT ATHLETIC EVENTS 3

GENERAL CONSIDERATIONS 3

A. RESPONSIBILITIES OF HOME TEAM 3

B. GUIDELINES FOR VISITING TEAMS 4

C. GUIDELINES FOR BOTH TEAMS 4

PART II: SPECIFIC THREATS 5

A. INJURIES AND MEDICAL EMERGENCIES 5

B. FIRE 5

C. EARTHQUAKE 5

D. SEVERE WEATHER 7

E. SHOTS FIRED: RUN, HIDE AND FIGHT IF NECESSARY 7

F. WEAPONS WITHOUT SHOOTING 8

G. SUSPICIOUS BEHAVIOR 9

H. CHILD ABUSE 9

I. PERSONNEL HARASSMENT 10

J. POWER OUTAGE 10

K. MISSING CHILD 10

L. ABDUCTION 11

M. CONTROLLED SUBSTANCE (Drugs/Alcohol) 11

N. SEXUAL HARASSMENT 11

O. SEXUAL ASSAULT 12

P. TACTICAL SITUATION 12

Q. BOMB THREATS 13

GENERAL REMINDERS

WHEN INVESTIGATING ANY ACCIDENTS OR UNUSUAL INCIDENTS, PLEASE REMEMBER TO:

1. Note date and time of incident
2. Note the names and badge numbers of officers responding to incident.
3. Get signed witness statements noting name, address, phone numbers(s) and date of birth.
4. Note **ALL** individuals involved and conduct a full investigation, documenting all information in writing.
5. File all required forms in a timely manner with the event coordinator.

PART I: PLANNING TO AVOID VIOLENCE AND DISRUPTIVE INCIDENTS AT ATHLETIC EVENTS

GENERAL CONSIDERATIONS: Often the hostility of a crowd is the reflection of hostility between coaches or as a result of coaches' actions. In addition, a crowd, or individuals within the crowd, faced with disorganized, confused events, are more prone to become hostile. The following recommendations have the primary goal to prevent or decrease hostility between schools and guide schools to more efficiently conduct events.

A. RESPONSIBILITIES OF HOME TEAM

The coaching staff and administrators of both teams have significant responsibilities and opportunities to reduce the risk of violence and unsafe conditions at athletic events. However, the Home team staff have more responsibilities because they have more control and knowledge about conditions at their sporting facility. The implementation of the Guidelines listed below will depend on a range of factors, including the history of competition between the schools, the layout and location of the athletic facility, the time of the event and the anticipated number of spectators.

1. Pre-Event Planning: Develop an operational plan for each event. Contact the visiting school as early as possible to discuss the game, including prior and existing school/community problems. Under appropriate conditions, schedule a pre-game meeting to address these issues. Provide the visiting team with directions and instructions regarding the safest routes, parking, seating, dismissal from bleachers and the loading, and unloading of buses and automobiles.

2. Staff Planning: Provide specific instructions to teachers, staff members and volunteers supervising the game. Staff should be readily identifiable. Prevention, not apprehension after trouble commences, should be emphasized.

3. Visiting Team Arrival: Have parking areas well-lighted. Arrange, where possible, on-site parking of visitors' automobiles and buses. Supervise the area and path between the visitors' team bus and the facility entrance. The route of the visiting team to the locker room or their section of the field should not be directly in front of the Home team section.

4. Referees: Referees and umpires should emphasize the importance of keeping the game under control. Give payment to officials before the game. Provide them with an escort both entering the field and exiting the field

5. Scoreboard: Have properly trained adult scorers and timers for officials at games.

6. Game Announcer: The game should be reported without showing overt favoritism to teams or players. Proper language should be used at all times. Announcers can show enthusiasm without losing control. Under no circumstances should the officials' decisions be criticized, directly or indirectly.

7. Concession Stands: Where appropriate, separate concession stands should be employed, one for visitors and one for the home crowd. This rule should also apply to restrooms.

8. Conduct of Game: Provide for supervision of spectators during halftime. Efforts should be made to direct the crowd, keep spectators off the field, and keep the under-the stand area clear.

9. Disruptive Individuals: If a disruptive individual will not take direction, that person should be promptly removed. Noisemakers and drunkenness should not be permitted and, if found, addressed quickly.

10. Area outside of Venue: Areas immediately outside of the venue should be kept clear of unassociated persons.

11. Exiting the Venue: Arrange for supervision to continue until students have left the area, including the team bus.

B. GUIDELINES FOR VISITING TEAMS

1. Contact the administrators of the Home Team to establish routes, parking information, entering and exit gates.

2. Have adequate faculty and administrative presence at the game.

3. Provide students information about parking, entrance, seating and exiting.

4. Check on the amount of time allotted for halftime activities and strictly adhere to those time limits.

C. GUIDELINES FOR BOTH TEAMS

1. Players should refrain from showing surprise or irritation at a call by an official.

2. "Playing to the crowd" can cause trouble- particularly in basketball, where the players' facial expressions are clearly visible to the bench and stands. Players should not communicate with spectators.

3. Players on the bench should not heckle the opposing team.

4. Unsportsmanlike gesturing or the harassment of individual players should be avoided.

PART II: SPECIFIC THREATS

A. INJURIES AND MEDICAL EMERGENCIES

Call 911. If you are alone, call 911 first and then return to the victim. Stay on the line until the 911 operator gives you permission to hang up the phone. Tell the operator exactly which entrance to use to your facility/site and exactly where you are located in the facility/site.

1. Lend any assistance to the victim that you are able and qualified to do. Do not move the victim if there is a chance of back or neck injury.
2. Make sure that someone is at the entrance to meet the emergency vehicle and escort the rescue personnel to the victim.
3. Contact your immediate supervisor.
4. Provide as much information to the rescue personnel that you can regarding the onset of the illness or injury.
5. If the medical emergency is caused by accidental injury, interview witnesses and get as much information as possible.
6. Contact the parents/guardians immediately.
7. Complete the incident report form and forward it to your immediate supervisor.

B. FIRE

1. Call Fire Department.
2. If fire is small in nature, extinguish it with a fire extinguisher.
3. If fire is large in nature or uncontrollable, pull the fire alarm, call 911 and immediately evacuate the building of all students and staff according to your pre-determined crisis plan. Close all doors and windows behind you, but do not lock them.
4. Do not touch anything on your way out.
5. Do not use the elevators.
6. If you smell something burning, immediately notify the site directors who will notify on-site engineering personnel to investigate.
7. Contact your immediate supervisor.
8. Complete the incident report form and forward it to your immediate supervisor.

C. EARTHQUAKE:

(A) Indoor Event: Basic Rule is Drop, Cover, Hold and Wait

1. At the first indication of ground movement, you should drop to the ground. It may soon be impossible to stand upright during the earthquake. Getting to the ground will prevent you from being thrown to the ground and will allow you to assist your team and spectators more quickly.

2. If you are in grandstand, grab hold of seats, railing or other fixture. Move away from the side of the grandstands
3. If you are in an open area, such as a basketball court or swimming pool area, move to the area in front of an interior wall, especially interior corners, kneel and clasp your hand behind your neck.
4. Protect your eyes from flying glass and debris with your arm covering your eyes.
5. After ground movement ends, check for injuries and safely evacuate the building after counting to at least 60. (Many aftershocks occur in the first 60 seconds after the main quake).
6. Please note: It is intuitive and natural for individuals to flee the scene of an earthquake, because flight is a reasonable response to other types of disaster such as fire. This generalized flight response is generally unsafe in the context of an earthquake. California School buildings are built to exacting earthquake standards, otherwise known as the Field Act. As a general proposition the safest place to be on a school site during an earthquake is inside a school building. Most injuries occur when people move to different locations or move to another place in the building.
7. To the extent possible, quiet the crowd to control panic. It is often the case that most injuries during an earthquake do not occur from a structural failure of a building but injuries sustained by person exiting the building, who are struck from falling glass, debris and architectural or lighting elements. (It is a unfortunate fact that architectural elements and lighting fixtures are not inspected to the same level of scrutiny as structural elements.) The area of significant danger is in the "fall zone", the 10 to 20 wide perimeter of a building where objects can fall and strike those below. If possible send someone to "scout" this perimeter around the exit before the general evacuation commences.
8. Move to a safe, open area, away from power lines and other overhead hazards.

B. Outside Event: DROP AND COVER AND STAY OUTSIDE

1. Assess where you are. If you are near overhead lines, trees or buildings, move way form them. If they are not near you, drop to the ground and cover the back of your neck with your hands.
2. Do not enter any buildings until it is determined safe to do so.

C. Traveling to a School Event: STOP SAFELY

1. Pull the Bus or vehicle to the side of the road and stop, unless the conditions found in 2 below, apply.
2. If the bus or vehicle is on a bridge, overpass, or under power lines, continue until these dangers are cleared.

3. Wait until the ground movement stops, then check for injuries. Be aware of aftershocks, downed wires or roads blocked by debris. Check radio for emergency broadcast. Even if road is apparently safe, proceed slowly.

D. SEVERE WEATHER

1. If the tornado sirens are sounded, immediately proceed to the designated shelter area in your building.
2. If inside, stay away from glass windows and doors and the perimeter of the building. Sit as near to the wall as you can get.
3. If you are inside, do not use the phones during and electrical storm.
4. If the building is moving, assume the duck and cover position with your head between your knees and your hands locked over your head.
5. If severe weather occurs while you are outside with students, immediately seek shelter in a building. If none is available, keep students away from trees if you are in an electrical storm. If a tornado is threatening, go to the lowest area of land and lie down.
6. Keep students as calm as possible and speak in reassuring tones.
7. Contact your immediate supervisor.
8. Complete the incident report form and forward it to your immediate supervisor.

E. SHOTS FIRED: RUN, HIDE AND FIGHT IF NECESSARY

GENERAL CONSIDERATIONS: Most mass shooting incidents are over within 10-15 minutes. Your plan for safety should be designed for the short duration survival of you and those around you. Your main challenge is to quickly process the fact that you in such an incident and to not freeze in place. A flawed plan for escape is better than no plan at all.

A. Outside Event

1. During the initial firing, immediately lie on the ground.
2. Immediately assess, to the extent you can, the nature of the threat.
3. If the shooter is in your vicinity, run and encourage others to run
4. If you are in an open area, run in a zigzag pattern, bending over as much as you can.
5. Keep others from entering into the area.
6. Seek shelter if you cannot outrun the shooter. Any feature that can be used block gun fire should be considered, including walls, planters or trees.
7. Call 911 as soon as safety permits.
8. As soon as possible, evacuate patrons to a safe area, preferably into a building.
9. Remain calm and as observant as possible. Be ready to describe the shooter, the weapon, a vehicle tag number, etc. to police when they arrive.
10. Be ready to describe the situation and request medical aid if necessary.
11. **Do not confront the shooter unless the circumstances present no other option**: In most cases, the shooter will leave after the initial assault.

12. After shots are no longer being fired, check for injuries.
13. Contact your immediate supervisor.
14. Contact parents/guardian.
15. Complete the incident report form and forward it to your immediate supervisor.

B. Inside a Building

1. Tell everyone to get on the floor or behind furniture and remain quiet. Activate crisis procedure plan.
2. If you are in a confined area, such as a locker room, lock the doors and, if possible, move out of view of windows. Blockade locked doors as best you can.
3. If you are confined indoors, turn out the lights and mute your cell phone.
4. Call 911. Be ready to describe the situation and request medical aid if necessary.
5. Remain calm and as observant as possible – be ready to describe the shooter and the weapon to police when they arrive.
6. **Do not confront the shooter unless the circumstances present no other option**: In most cases, the shooter will leave after the initial assault.
7. After shots are no longer being fired, check students for injuries.
8. Keep students calm and wait for assistance to arrive.
9. If shooter has left the building, do not permit anyone to enter until assistance arrives.
10. Contact your immediate supervisor.
11. Contact parents/guardians immediately.
12. Complete the incident report form and forward it to your immediate supervisor.

C. Fight Option

1. If you cannot escape or hide, and lives remain at stake, fight the intruder
2. The goal is to incapacitate the shooter.
3. Use extreme aggressiveness and improvise your weapons, including fire extinguishers, and chairs.

F. <u>WEAPONS WITHOUT SHOOTING</u>

A. Suspected Weapon On The Premises

1. Call 911.
2. **Do not confront the individual**.
3. Try to keep patrons away from the area until police arrive. If this is not possible, observe the suspect from a reasonable distance until police do arrive. Activate lock down procedures if necessary.
4. If the suspect leaves the premises, try to watch and determine the direction. Be ready to give police as complete a description as possible including vehicle tag number.
5. Contact your immediate supervisor.

6. Complete the incident report form and forward it to your immediate supervisor.

B. Observed Weapon On The Premises

1. Seek assistance from another staff member or supervising adult in reporting the incident.
2. Discreetly call 911 if the suspect is not present.
3. Provide a physical and clothing description and the last known direction of travel of the individual.
4. **IN ALL CASES – USE EXTREME CAUTION. DO NOT CONFRONT THE SUSPECT.**

G. SUSPICIOUS BEHAVIOR

1. Approach the individual and ask if you can help.
2. If the individual does not appear to have legitimate business on the premises, ask the person to leave.
3. If the individual does not leave and/ or the suspicious behavior continues, call 911.
4. Contact your immediate supervisor.
5. Continue to observe the individual until police arrive.
6. Be ready to give police as complete a description of the behavior as possible.
7. Do not become involved in a confrontation with the individual.
8. If the behavior seems potentially threatening to your students, remove them to a safer area.
9. Complete the incident report form and forward it to your immediate supervisor.

H. CHILD ABUSE

1. Immediately record the suspected child abuse/neglect in daily log.
2. All staff are mandatory reporters and must report the suspected child abuse/neglect to law enforcement (including a school police department) on the day that it is observed and recorded and no later than 72 hours after the reasonable suspicion is formed.
3. Program Director must contact the Child Welfare Organization for parents/guardians, when appropriate, about observed abuse or neglect within 24 hours of the observation.
4. Staff must record all observations, phone calls and contacts made.
5. If immediate help is required, call Police Department or 911.
6. Contact your immediate supervisor.
7. Complete the incident report form and forward it to your immediate supervisor.

(Remember: All information about children and families is **confidential**)

Definitions Of Child Abuse:

1. **Physical Abuse** – any injuries from shaking, beating, striking, burning. Any suspected sexual abuse.
2. **Physical Neglect** – failure to provide basic necessities such as food, clothing, shelter, medical attention or proper supervisor

I. PERSONNEL HARASSMENT

1. Remain Calm.
2. Do not respond to the person in a confrontational manner
3. Involve your direct supervisor.
4. Ask and allow person to explain situation.
5. Listen and show concern.
6. If situation remains confrontational, ask the person to leave.
7. If you feel that you are in danger, call 911.
8. Complete the incident report form and forward it to your immediate supervisor.

J. POWER OUTAGE

1. Remain calm.
2. If participants are in danger, stop activity and move them to a safe place.
3. Contact your immediate supervisor. Notify the on-site maintenance staff.
4. Ask site personnel for available flashlight.
5. Complete the incident report form and forward it to your immediate supervisor.

K. MISSING CHILD

1. Remain calm.
2. Inform your immediate supervisor and all staff members that the child is missing and direct staff and participants to meet in an assigned area or room. (Pre-determined procedures should be in place for the remainder of the program hours.)
3. Previously designated staff should stay with participants while the remaining staff search the building. Check all inside spaces of the building and conduct and thorough search of the grounds.
4. Notify the police at 911.
5. Notify the parent/guardian. Ask questions of the parent such as:
   - Does s/he know how to ride the bus?
   - Does s/he have any money?
   - Are there any places in the area that the child is familiar with such as a playground or picnic area?
   - Are there any relatives or friends in the area where the child would be likely to go?

6. Gather all vitals – Picture or description, registrations/applications and clothes child was wearing. The police will need this information to assist in finding the child as quickly as possible.
7. If you or your staff assists in the search, ask neighbors for help. Many people are able and willing to do whatever it takes to help find a missing child.
8. Complete the incident report form and forward it to your immediate supervisor.

L. ABDUCTION

1. **Remain Calm**
2. Call 911.
3. Report abduction, or attempted abduction to your immediate supervisor.
4. Note the person's appearance and any other information about him or her (voice, clothing, vehicle type, license plate number, etc.) that might be helpful to police.
5. If the person is seen taking the child into an automobile, note the color and make of automobile and attempt to memorize the license plate or at least a portion of it. Note the direction or street the automobile is traveling.
6. Treat custody dispute problems as a possible child abduction.

M. CONTROLLED SUBSTANCE (Drugs/Alcohol)

1. Be ready to provide as complete a description of the suspect as possible.
2. Call 911. Give 911 operator as complete a description of the suspect, the behavior, the type of controlled substance, if known, and vehicle tag number.
3. **Do not approach the suspect.**
4. If suspect leaves before police arrive, note the direction, type of vehicle, etc. Do not attempt to follow the suspect.
5. Call your immediate supervisor.
6. Complete the incident report form and forward it to your immediate supervisor.

N. SEXUAL HARASSMENT

1. If a student reports to you that s/he has been approached in an inappropriate fashion by another person, take the student to a private area with another staff member for an interview. **All allegations** of sexual harassment, regardless of the nature, must be investigated.
2. Determine by questioning, as gently as possible, exactly what happened. Ask the victim questions like:
   - What did the person say?
   - What did the person do that made you feel uncomfortable?

- When did this happen?
- How long has this been going on?

3. Inform the parents/guardians immediately of the alleged sexual harassment.
4. Interview the alleged aggressor. If a patron, proceed with the questioning. If an employee, wait for your supervisor to arrive to conduct the interview.
5. *If allegations* of **physical touching,** CALL POLICE and your immediate supervisor. **Sexual Assault** *Procedures* should be initiated (see page 12).

O. SEXUAL ASSAULT

1. Isolate and secure the victim and the assault area.
2. Call 911.
3. Do not leave the victim alone. Ensure the victim is in a safe place, and assist in making them comfortable.
4. Remain calm and reassure patrons that all possible actions are being take to care for the injured person and to protect others.

Note: For Sexual Assaults:

1. Notify supervisor.
2. Attempt to dissuade the victim from washing, cleaning up or use of the restroom if possible.
3. Provide the victim with privacy.
4. Secure the crime scene. Protect any potential evidence.
5. DO NOT USE THE VICTIM'S NAME on two-way radios or release the victim's identity to anyone other than the lead administrator or law enforcement officials.
6. Remember that sexual assaults are very serious crimes. Do not attempt to conduct an investigation, question victims, witnesses or suspects and do not disturb any potential physical evidence.
7. Assist law enforcement officials as requested.
8. Complete the incident report form and forward it to your immediate supervisor.

P. TACTICAL SITUATION

1. If inside, take all participants to a central area. Keep away from windows and doors and secure all entry doors.
2. If outside and time permits take all participants to an indoor central location.
3. Call your supervisor immediately – they will determine who to contact.
4. Call parents/guardian to inform them of the situation.
5. Do not release anyone until the police say it is safe to do so.

6. Do not release any information to the media. Let the police or a public relations representative have that responsibility.
7. Complete the incident report form and forward it to your immediate supervisor.

Q. BOMB THREATS

ALL BOMB THREATS MUST BE TAKEN SERIOUSLY

1. Remain calm. Keep your voice steady. Do not alarm the caller.
2. DO NOT try to transfer the call. Don't risk losing the call.
3. Record call if possible.
4. Treat the call like any normal order of business. You need to act quickly to get information. **ASK**……
   - **WHEN** will the device explode?
   - **WHERE** is the device?
   - **WHAT** kind of device is it?
   - **WHAT** does it look like?
   - **WHY** did you place the device?
   - **WHO** are you?
5. Try to keep the caller on the line as long as possible. Take notes while you are talking. Attempt to note……
   - Time of call
   - Exact words of caller
   - Male or female sounding voice
   - Is there a detectable accent
   - Voice tone, pitch, meter
   - Speech skills, inflections
   - Is the voice familiar
   - Background noise
   - Time the call is terminated
6. CALL 911 immediately. Answer all questions asked of you. Follow any instructions give by the 911 operator.

   - **DO NOT TOUCH SUSPICIOUS OBJECTS.**
   - **DO NOT USE TWO –WAY RADIOS, CORDLESS PHONES, OR ANYTHING ELSE.**
   - **DO NOT TURN ANYTHING ON OR OFF – ESPECIALLY LIGHTS**

7. Contact your immediate supervisor
8. Complete an incident report form and forward it to your immediate supervisor.

DO NOT tell anyone about the Bomb Threat. Trained law enforcement officials will provide instructions.

For Those Individuals Aware Of The Bomb Threat:
DO NOT PANIC. Wait for direction. You may hear the fire alarm sound. It is common to initiate a fire drill in these situations to encourage an orderly exit. The goal is to avoid panic. Mass panic has the potential to result in disaster, including serious injury and /or death.

☐ Not Project Related

[X] Project **#21-02**

EXHIBIT B
TO AGREEMENT FOR CONSULTANT SERVICES #21-02

COMPENSATION

I. The total compensation for the Primary Services, including reimbursement for actual expenses, shall not exceed Two Million Five Hundred Thousand Dollars ($2,500,000.00) and "Additional Services" not to exceed Two Hundred Fifty Thousand ($250,000.00) payable through reimbursement as outlined in Exhibit A-0. If the amount of the funding is modified, the Parties agree to amend the costs accordingly through written amendment.

II. Consultant may utilize subcontractors as indicated in this Agreement. The hourly rate for any subcontractor is not to exceed Forty-Five Dollars ($45.00) per hour without written authorization from the District Superintendent or his designee.

III. Within the grant amount, the District will compensate Consultant for the Services performed upon submission of a valid invoice. Each invoice is to include:

A. Monthly expenditure report by school.
B. Certification that all employees, agents and contractors that will have contact with students and for whom a certificate has not been previously provided have been properly fingerprinted and TB tested.
C. Line items for all personnel describing the work performed, the number of hours worked, and the hourly rate.
D. Line items for all supplies properly charged to the Services.
E. Line items for all travel properly charged to the Services.
F. Line items for all equipment properly charged to the Services.
G. Line items for all materials properly charged to the Services.
H. Line items for all subcontractor labor, supplies, equipment, materials, and travel properly charged to the Services.

☐ Not Project Related

[X] Project **#21-02**

EXHIBIT C
TO AGREEMENT FOR CONSULTANT SERVICES #21-02

INSURANCE

I. Insurance Requirements. Consultant shall provide and maintain insurance, acceptable to the District Superintendent or District Counsel, in full force and effect throughout the term of this Agreement, against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by Consultant, its agents, representatives or employees. Insurance is to be placed with insurers authorized to conduct business in the State of California and with a current A.M. Best's rating of no less than A, as rated by the current edition of Best's Key Rating Guide, published by A.M. Best Company, Oldwick, New Jersey 08858. Consultant shall provide the following scope and limits of insurance:

A. Minimum Scope of Insurance. Coverage shall be at least as broad as:

1. Commercial General Liability coverage of not less than two million dollars ($2,000,000) in the aggregate and one million dollars ($1,000,000) per occurrence.

2. Auto liability insurance with limits of not less than one million dollars ($1,000,000).

3. Insurance coverage should include:

a. owned, non-owned and hired vehicles;
b. blanket contractual;
c. broad form property damage;
d. products/completed operations; and
e. personal injury.

4. Workers' Compensation insurance as required by the laws of the State of California.

5. Abuse and Molestation coverage of not less than two million dollars ($2,000,000) per occurrence and five million dollars ($5,000,000) Aggregate.

6. Professional liability (Errors and Omissions) insurance, including contractual liability, as appropriate to the Consultant's profession, in an amount of not less than the following:

Accountants, Attorneys, Education Consultants, Nurses, Therapists	$1,000,000
Architects	$1,000,000 or $2,000,000
Physicians and Medical Corporations	$5,000,000

Failure to maintain professional liability insurance is a material breach of this Agreement and grounds for immediate termination

☐ Not Project Related

[X] Project **#21-02**

II. Other Provisions. Insurance policies required by this Agreement shall contain the following provisions:

A. All Policies. Each insurance policy required by this Agreement shall be endorsed and state the coverage shall not be suspended, voided, cancelled by the insurer or either party to this Agreement, reduced in coverage or in limits except after 30 days' prior written notice by certified mail, return receipt requested, has been given to District

B. General Liability, Automobile Liability, and Abuse/Molestation Coverages.

1. District, and its respective elected and appointed officers, officials, employees and volunteers are to be covered as additional insureds (collectively, "additional insureds") as respects the following: liability arising out of activities Consultant performs; products and completed operations of Consultant; premises owned, occupied or used by Consultant; automobiles owned, leased, hired or borrowed by Consultant, and Abuse/Molestation. The coverage shall contain no special limitations on the scope of protection afforded to additional insureds.

2. Each policy shall state that the coverage provided is primary and any insurance carried by any additional insured is in excess to and non-contributory with Consultant's insurance.

3. Consultant's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.

4. Any failure to comply with the reporting or other provisions of the policies including breaches of warranties shall not affect coverage provided to any additional insured.

III. Other Requirements. Consultant agrees to deposit with District, at or before the effective date of this Agreement, certificates of insurance or evidence of self-insurance coverage necessary to satisfy District that the insurance provisions of this Agreement have been complied with. The District may require that Consultant furnish District with copies of original endorsements effecting coverage required by this Section. The certificates and endorsements are to be signed by a person authorized by that insurer to bind coverage on its behalf. District reserves the right to inspect complete, certified copies of all required insurance policies, at any time.

A. If any Services are performed by subcontractor, Consultant shall furnish certificates and endorsements from each subcontractor identical to those Consultant provides.

B. Any deductibles or self-insured retentions must be declared to and approved by District. At the option of District, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects District or its respective elected or appointed officers, officials, employees and volunteers or the Consultant shall procure a bond guaranteeing payment of losses and related investigations, claim administration, defense expenses and claims.

C. The procuring of any required policy or policies of insurance shall not be construed to limit Consultant's liability hereunder nor to fulfill the indemnification provisions and requirements of this Agreement.

☐ Not Project Related

[X] Project **#21-02**

EXHIBIT D
TO AGREEMENT FOR CONSULTANT SERVICES #21-02

CONFLICT OF INTEREST CHECK

Bylaws of the Board 9270(BB)E requires that the Superintendent or a designee make a determination, on a case by case basis, concerning whether disclosure will be required from a consultant to comply with the District's Conflict of Interest Code (commencing with Bylaws of the Board 9270 BB).

Consultants are required to file disclosures when, pursuant to a contract with the District, the Consultant will make certain specified government decisions or will perform the same or substantially the same duties for the District as a staff person would.

The services to be performed by Consultant under the Agreement to which this Exhibit D is attached [] constitute **[X]** do not constitute governmental decisions or staff services within the meaning of the Conflict of Interest Code. Therefore, the Consultant, **CITY OF OXNARD**, who will provide Services under the Agreement, [] is **[X]** is not subject to disclosure obligations.

Date: 6-7-2021

By: LAFranz

Lisa A. Franz
Director, Purchasing

REQUEST FOR BUDGET APPROPRIATION

Department: Cultural & Community Services/Recreation
Project/Progra Oxnard ASES
Manager: Terrel Harrison

Date: January 24, 2022
Phone: 385-7994

Reason for Appropriation:

Amendment to Agreement -Oxnard ASES 21-02 (A-8318) To recognize and increase $200,000.00 to the award amount of $2,750,000.00 for FY 20-21.

Accounts and Descriptions		AMOUNT
Fund: 21ST CENTURY CLCP-ASESP (272)		
Revenue/Tranfers In		
GRANTS (5502)		
272-5502-531-7201	**Federal & State Sources/Federal Grant Rev.**	200,000.00
Expenditures/Transfers Out		
GRANTS (5502)		
272-5502-805-8001 AS0925 (Marshall ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0926 (Ramona ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0927 (Marina West ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0928 (Lemonwood ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0929 (Driffill ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0930 (Sierra Linda ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0931 (Brekke ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0932 (Curren ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0933 (Chavez ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0934 (Rose Avenue ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0935 (Ritchen ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0936 (McAuliffe ASP)	Persnl Svs-Direct Labor Regular	5,000.00
272-5502-805-8001 AS0937 (Kamala ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0938 (McKinna ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0939 (Harrigton ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0940 (Elm ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0941 (Frank Jr, High ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0942 (Fremont Jr. High ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0943 (Dr. Lopez Academy ASP	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0944 (Juan Soria ASP)	Persnl Svs-Direct Labor Regular	10,000.00
272-5502-805-8001 AS0945 (Core Team Support)	Persnl Svs-Direct Labor Regular	5,000.00
	Subt-Total Expenditures	200,000.00
	Net Change to Fund Balance	-
	Net Appropriation Change	-

Approvals

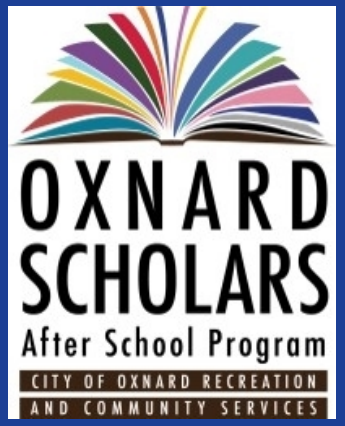
Department Director

Chief Financial Officer

City Manager

ACM Initial

After School Education & Safety



Community Services Committee
By: Terrel Harrison, Cultural & Community Services Director
February 15, 2022

CITY OF
OXNARD
CALIFORNIA

Recommendation

That the City Council approve and authorize the Mayor to execute an amendment to the agreement (A-8318) with the Oxnard School District (OSD) for the operations of the Oxnard After School Education and Safety (ASES) Grant to

(1) Increase the agreement amount by $5,030,000 resulting in a total agreement amount not to exceed $2,950,000 in year one (FY2021-2022) and $4,830,000 in year two (FY2022-2023) with a City match of $130,000 of in-kind services per fiscal year; and

(2) Extend the expiration date for one year to June 30, 2023.

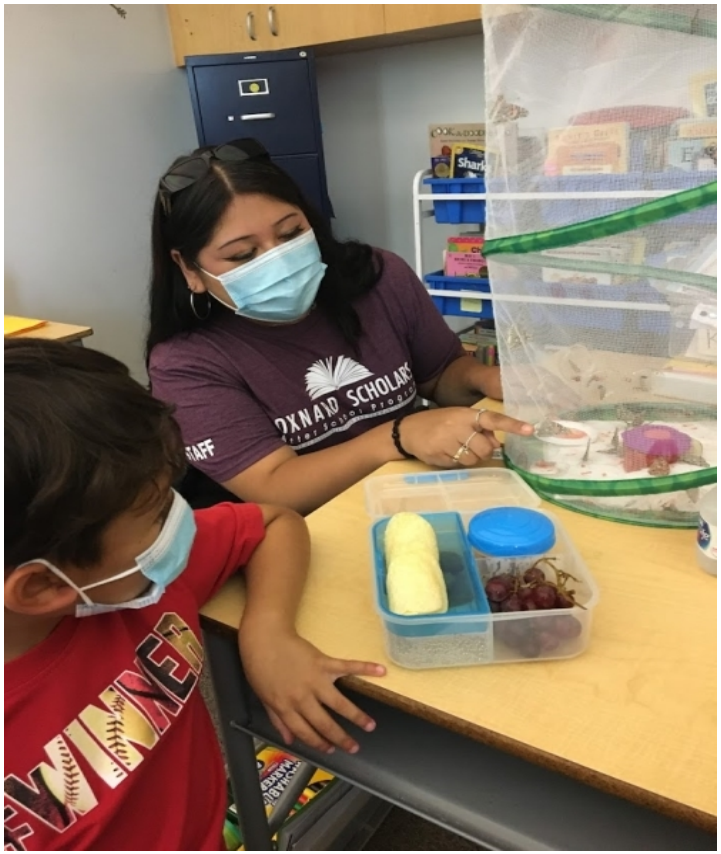
(3) Approve a budget appropriation recognizing $200,000 of additional FY21-22 Fund 272 (21st Century CLCP-ASESP) grant

Overview

- Serving over 2,200 Oxnard students
- Employing 122 individuals between the ages 18-25
- Over 100 Hours of Ongoing Professional Staff Development Training provided by School Districts
- Hours of Operation 1:30 p.m. - 6:00 p.m.
- Over 1,000 Volunteer Hours
- Through special events and programs the afterschool program comes in contact with 1,500-2,000 parents and other family members.

Educational and Literacy Element

- Homework Assistance
- English Language Development
- Math Fluency
- Reading Fluency/High Frequency Words



Enrichment Opportunities

- Visual and Performing Arts
- Music
- Physical Activity/Recreation
- Health/Nutrition
- Technology
- Science

Community Outreach and Service Learning

- Cultivating Scholars (Parent Nights)
- Youth Directors Council
- Meet-Up Clean-Up
- Rockin' 2 Sports
- Fun Fest
- Recreation Youth Sports Leagues

Funding

In 2002 California voters passed Proposition 49 which funds the After School Education and Safety (ASES) Grant

- State of California grants funds to school districts that collaborate with community partners to provide safe and educationally enriching alternatives for children and youths during non-school hours.
- School districts, as grantees are responsible for creating, reviewing, and updating the program plan every three years as well as tracking its outcomes.

Amendment

- Extending the agreement for one (1) additional year. Changing the expiration date from June 30, 2022 to June 30, 2023
- Increase total agreement value from $2,750,000 to $7,780,000
  - Year One (FY2021-22) not to exceed $2,950,000
  - Year Two (FY2022-2023) not to exceed $4,830,000

Amendment

- The increase in funding will include an increase to the necessary full time staffing levels from:
  - one (1) Recreation Coordinator and
  - three (3) Recreation Leader III positions
- to now consist of the following full time staff positions::
  - one (1) Recreation Supervisor,
  - three (3) Recreation Coordinators, and
  - twenty (20) Recreation Leader III's.
- These positions are in addition to over 100 part time Afterschool Site Leader and Afterschool Instructors positions.

Amendment

- These additional full-time positions will provide an increase to services such as:
  - expanding the number of students served at each of the 20 school sites,
  - tracking attendance for each site,
  - student enrollment,
  - overall program planning on a larger scale.
- The additional Recreation Coordinators will be responsible for
  - the planning and hosting of additional training,
  - direct supervision of 20 Recreation Leader III's,
  - bringing back the science and engineering components to the ASES program.

Fiscal Impact

- These positions rely on grant funding
- Any decrease in funding can affect the number of positions,
- A loss of funding will result in the elimination of these positions.
- Year One Funding increase $200,000
- Year Two funding $4,830,000
- City Match of $130,000 of in-kind services per fiscal year

QUESTIONS?

CITY COUNCIL AGENDA REPORT

REPORTS
AGENDA ITEM NO. N.4

DATE: February 15, 2022

TO: City Council

FROM: Emilio Ramirez, Housing Director, (805) 385-8094, emilio.ramirez@oxnard.org

SUBJECT: Impact Fee Loan Agreement Amendment Las Cortes Phase III. (0/5/5)

RECOMMENDATION

That the City Council approve and authorize the Mayor to execute a First Amendment to the Loan Agreement with A0592 Oxnard, L.P., a California limited partnership (Agreement No. A-8226), for an increase in deferred impact fees related to the development of the Las Cortes Phase III affordable housing project.

Please click the following link to view the required Measure M pre-recorded presentation video: https://youtu.be/mmty2GyH3gk

BACKGROUND

On September 18, 2012, the Board of Commissioners of the Oxnard Housing Authority approved a Development Agreement with UHC 00558 Oxnard L.P. and a subsequent First Amendment in 2015. The Development Agreement called for the redevelopment of a former public housing site commonly known as Colonia Village. On June 16, 2020, the Oxnard City Council authorized the Mayor to execute a loan agreement between A0592 Oxnard, LP, a California Limited partnership ("Developer"), for deferred impact fees in the amount of $1,916,880 related to the development of the Las Cortes III affordable housing project (Agreement No. A-8226). The project is structured as a partnership involving Las Cortes, Inc. (the City's non-profit affordable housing development entity) and Urban Housing Communities, forming the entity A0592 Oxnard, L.P.

Las Cortes Phase III will consist of a total of 108 affordable units and one unrestricted manager's unit. Eighty-six of the 109 units being developed will replace a portion of the 260 units that were previously demolished on the project site which was previously known as Colonia Village or the Courts. The project is generally located along First Street between Rose Avenue and Marquita Street in Oxnard ("Property"). Colonia Village was originally constructed in 1952. Due to the condition of the units, the Oxnard Housing Authority ("Authority") submitted an application (HUD Demolition and Disposition Application) to the United States Department of Housing and Urban Development ("HUD") requesting approval for the demolition and disposition of the Property in accordance with Section 18 of the U.S. Housing Act of 1937. The Authority received HUD's approval of such disposition in a letter from HUD dated March 20, 2008. That approval has subsequently been amended several times by HUD upon the Authority's request.

To date, the Developer has demolished all 260 former public housing units on site and completed development of Phase II of Las Cortes, consisting of 142 replacement units, plus two units for resident managers.

Per the Development Agreement between the Authority and the Developer, up to 86 replacement units in Phase III are eligible for impact fee credits. The project, however, has the ability to bring more funding to the project by actually incurring the fees based upon a financing plan which includes Low Income Housing Tax Credits. By incurring these impact fees, the project adds costs eligible to receive tax credit funds. Therefore, staff previously recommended and the City Council authorized the fees to be charged, but that the payment of such fees be structured as a cash residual note.

The executed Loan Agreement between the City and the Developer requires the fees to be paid with excess cash generated by operations of the project beginning the date the project is placed-in service. The projected impact fees subject to the request for deferral included fees for eighty-six units, based on the City's building impact fees prior to the impact fee increases approved by the City Council in May 2020. The Developer agreed to pay impact fees for the remaining twenty-three units.

DISCUSSION

The Developer of Las Cortes has not been successful in securing tax credit financing in prior funding rounds but intends on submitting a new application, which is expected to be due in late February of 2022. However, given the increase in building impact fees, the Developer is requesting to amend their current Impact Fee Loan Agreement to include increased building impact fees and Quimby fees for eighty-six units. The increase in deferred fees to be added to the existing Loan Agreement is $1,209,428 for a total amended loan agreement of $3,133,436 for a term of fifty-five years. In addition to this Loan Agreement, the Loan will be evidenced by a Surplus Cash Note and Deed of Trust. Prior to the Maturity Date the developer will be required to make payments of principal and interest on the Loan equal to ten percent of Surplus Cash (as defined in the Surplus Cash Note) on the dates required by the Surplus Cash Note. Should there be any variation in the calculated fees after the Impact Fee Agreement is executed, the exact fee calculation will be determined at the time the building permits are issued and an amendment will be made to Impact Fee Agreement to reflect the actual fee amount.

If awarded tax credits, Phase III of Las Cortes may begin construction as early as September 2022 and complete construction in December of 2023. The total estimated cost for development of Phase III is $81,005,438. The completed development will include 108 affordable units restricted to households with annual gross incomes ranging from 30% to 60% of the Area Median Income and one market-rate manager's units. It will include twenty-three one-bedroom units, fifty-four two-bedroom units, thirty-one three-bedroom units, and one two-bedroom manager's unit. Onsite amenities will include a community center featuring a manager's office & leasing office, social service office, business center, club room with attached full-service kitchen, TV room, and centralized laundry facilities (two additional laundry facilities will also be offered on-site). Additionally, the center will have an attached outdoor courtyard and BBQ Patio.

The Developer's proposed financing plan is provided below:

Amount	**Sources of Funds**
$21,335,000	Permanent Loan
$41,833,508	Tax Credit Proceeds from Investor
$8,710,000	Oxnard Housing Land Contribution*
$1,870,000	Oxnard Housing Authority**
$3,133,436	Deferred Impact Fees (86 Units)
$3,304,818	Deferred Developer Fee
$628,410	Revenue Prior to Conversion
$81,005,438	**Total**

*Long-term ground lease on Authority owned property authorized in the Development Agreement between the Developer and the Authority dated, September 2012.

**Promissory Note between the Authority and the Developer for demolition of 146 vacant housing units on the existing project site, approved by the Housing Authority Board of Commissioners on January 21, 2020.

If the current effort for project financing is not successful, the Housing Department staff will work with Urban Housing Communities to redefine the overarching development agreement.

STRATEGIC PRIORITIES

This agenda item supports the Quality of Life strategy. The purpose of the Quality of Life strategy is to restore and increase quality services and programs that enrich Oxnard's diverse community, promotes safe neighborhoods, encourages community engagement, and supports our residents in their efforts to improve their quality of life.

FINANCIAL IMPACT

If approved, the loan for the impact fees for the project, expected to be $3,133,436, would be deferred for a term of fifty-five years from the date the project is placed-in-service. Although this project is eligible for a fee waiver, the recommended action is to defer the fees rather than waive them.

COMMITTEE OUTCOME

The Community Services, Public Safety, Housing & Economic Development Committee approved 3-0 on January 25, 2022, to approve the staff recommendation and to forward the item for Council approval.

Prepared by: Emilio Ramirez, Housing Director

ATTACHMENTS

1. Impact Fee Loan Agreement
2. Las Cortes Power Point

AMENDED AND RESTATED IMPACT FEE LOAN AGREEMENT

THIS AMENDED AND RESTATED IMPACT FEE LOAN AGREEMENT (this "Agreement") is entered into as of February 1, 2022, (the "Execution Date") by and between the City of Oxnard ("City"), and A0592 Oxnard, L.P. a California limited partnership ("Borrower"). This Agreement amends, restates, and supersedes that certain Impact Fee Loan Agreement dated as of July 1, 2020, which is hereby deemed terminated.

RECITALS

A. Borrower is developing a 109-unit residential apartment complex, including 1 manager's unit, in the City upon that certain real property located within City (the "Project").

B. Borrower has agreed to restrict the Project for occupancy by tenants earning no more than Sixty percent (60%) of the area median income adjusted for family size appropriate for the unit for a period of Fifty-Five (55) years from the date the Project is placed-in-service (the "Affordability Restrictions"). As consideration for Borrower agreeing to the Affordability Restrictions, the City agrees to make a loan (the "Loan") to Borrower up to an amount of Three Million, One Hundred and Thirty-Three Thousand Four Hundred Thirty-Six and 00/100 dollars ($3,133,436.00) to finance a portion of the development impact fees ("Development Fees") related to the Project. In addition to this Agreement the Loan will be evidenced by a Surplus Cash Note and Deed of Trust (this Agreement, the Promissory Note and the Deed of Trust are collectively referred to as the "Loan Documents").

C. The parties desire to enter into this Agreement evidencing City's agreement to make the Loan upon the terms and conditions of this Agreement.

NOW THEREFORE, IT IS AGREED AS FOLLOWS:

AGREEMENT

1) Loan. City hereby agrees to make a loan to Borrower for the payment of Development Fees (or reimbursement for Development Fees previously paid) in the amount up to Three Million, One Hundred and Thirty-Three Thousand Four Hundred Thirty-Six and 00/100 dollars ($3,133,436.00) at the applicable federal rate for a term of Fifty-Five (55) years commencing with the date the Project is placed-in-service.

2) Repayment. All principal and accrued interest shall be due and payable upon the Fifty-Fifth (55th) anniversary of the date the Project is placed-in-service (the "Maturity Date"). Prior to the Maturity Date Borrower shall make payments of principal and interest on the Loan equal to Ten 10% percent of Surplus Cash (as defined in the Surplus Cash Note) on the dates required by the Surplus Cash Note.

3) Affordability Restrictions. Borrower hereby agrees to restrict no fewer than One Hundred (100%) of the dwelling units, not including the manager units, in the Project for occupancy by tenants earning no more than Sixty percent (60%) of the area median income adjusted for family size appropriate for the unit for a period of Fifty-Five (55) years from the date the Project is placed-in-service.

4) Conditions of Funding. City agrees to defer to Borrower the full amount of the Loan upon receipt of fully executed originals of each of the Loan Documents.

5) No Liability of City Officials. No councilmember, director, official or employee of the City shall be personally liable to Borrower, or any successor in interest, in the event of any default or breach by the City under this Agreement or for any amount which may become due to Borrower under the terms of this Agreement.

6) Miscellaneous Provisions.

a) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of California, to the jurisdiction of which the parties hereto submit.

b) Time of the Essence. Time is of the essence of each and every provision of this Agreement.

c) Notices. Notices or other communications given under this Agreement shall be in writing and shall be served personally or transmitted by first class mail, postage prepaid. Notices shall be deemed received either at the time of actual receipt or, if mailed in accordance herewith, on the third (3rd) business day after mailing, whichever occurs first. Notices shall be directed to the parties at the following addresses or at such other addresses as the parties may indicate by notice:

Borrower: A0592 Oxnard, L.P.
Attn: John Bigley
2000 E Fourth Street, #205
Santa Ana, CA 92705

City: City of Oxnard
Attn: City Manager
300 W. Third Street
Oxnard, CA 93030

d) Invalidity. If any provision of this Agreement shall be invalid, illegal or unenforceable, the validity, legality, and enforceability of the remaining provisions hereof shall not in any way be affected or impaired thereby.

e) Headings. The titles and headings of the various sections of this Agreement are intended solely for reference and are not intended to explain, modify or place any interpretation upon any provision of this Agreement.

f) Severability. Whenever possible, each provision of this Agreement shall be interpreted in such manner as to be effective and valid under applicable law, but if any provision of this Agreement shall be prohibited or invalid under applicable law, such provision shall be ineffective to the extent of such prohibition or invalidity without invalidating the remainder of such or the remaining provisions of this Agreement.

g) Waiver. No waiver of any provision of this Agreement shall be deemed or shall constitute a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executing in writing by the party making the waiver.

h) Number and Gender. As used in this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall each include the others whenever the context so indicates or requires.

i) Further Assurances. The parties shall execute, acknowledge, file or record such other instruments and statements and shall take such additional action as may be necessary to carry out the purpose and intent of this Agreement.

j) Binding Effect. This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, legal representatives, successors and assigns.

k) Entire Agreement. This Agreement constitutes the entire agreement between the parties and supersedes all prior or contemporaneous agreements, representations, warranties and understandings of the parties concerning the subject matter contained herein, written or oral. No change, modification, addendum or amendment to any provision of this Agreement shall be valid unless executed in writing by each party hereto.

l) Attorneys' Fees. In the event of any litigation arising out of this Agreement, the prevailing party in such action, or the nondismissing party where the dismissal occurs other than by reason of a settlement, shall be entitled to recover its reasonable costs and expenses, including, without limitation, reasonable attorneys' fees and costs paid or incurred in good faith. The "prevailing party," for purposes of this Agreement, shall be deemed to be that party who obtains substantially the result sought, whether by settlement, dismissal or judgment.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Execution Date.

BORROWER

A0592 Oxnard, L.P., a California Limited Partnership

By: A0592 Oxnard Holdings LLC, a California Limited Liability Company, Its Administrative General Partner

By: John Bigley, Manager

CITY

CITY OF OXNARD

By: John C. Zaragoza, Mayor

ATTEST:

Rose Chaparro, City Clerk

APPROVED AS TO FORM:

Stephen M. Fisher, City Attorney

Las Cortes Phase III

Emilio Ramirez
Housing Director
City Council
February 15, 2022

CITY OF OXNARD CALIFORNIA

Redevelopment of Colonia Village

Las Cortes Phase III

Current Status

View 3 - Perspective of Rec Building Along Carmelita Court

ktgy
Architecture + Planning
17911 Von Karman Ave.,
Suite 200
Irvine, CA 92614
949.851.2133
ktgy.com

Urban Housing Communities
2000 E. Fourth Street, Suite 205
Santa Ana, CA 92705

LAS CORTES II, PHASE 3
1500 -1700 SAN GORGONIO AVE. & FIRST ST.
OXNARD, CA # 2017-1200

SCHEMATIC DESIGN
JUNE 26, 2020

NTS

PERSPECTIVES

A6.2

Financing Plan

View 5 - Northern Corner Perspective Along Dolores Court

ktgy
Architecture + Planning
17911 Von Karman Ave.,
Suite 200
Irvine, CA 92614
949.851.2133
ktgy.com

Urban Housing Communities
2000 E. Fourth Street, Suite 205
Santa Ana, CA 92705

LAS CORTES II, PHASE 3
1500 -1700 SAN GORGONIO AVE. & FIRST ST.
OXNARD, CA # 2017-1200

SCHEMATIC DESIGN
JUNE 26, 2020

NTS

PERSPECTIVES

A6.4

Amending the Impact Fee Loan Agreement

View 2 - Perspective Along Interior Paseo

ktgy
Architecture + Planning
17911 Von Karman Ave.,
Suite 200
Irvine, CA 92614
949.851.2133
ktgy.com

Urban Housing Communities
2000 E. Fourth Street, Suite 205
Santa Ana, CA 92705

LAS CORTES II, PHASE 3
1500 -1700 SAN GORGONIO AVE. & FIRST ST.
OXNARD, CA # 2017-1200

SCHEMATIC DESIGN
JUNE 26, 2020

NTS

PERSPECTIVES

A6.1

Recommendation

That the City Council approve and authorize the Mayor to execute a first amendment to the loan agreement with A0592 Oxnard, L.P., a California limited partnership, for an increase in deferred impact fees related to the development of the Las Cortes Phase III affordable housing project.