

CITY OF OXNARD

PLANNING COMMISSION

AGENDA

SPECIAL MEETING

Council Chambers, 305 West Third Street

Thursday, February 24, 2022, 7:00 p.m.

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

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

YOU MAY PARTICIPATE IN THE MEETING IN THE FOLLOWING WAYS:

1. EMAILING COMMENTS OR REQUESTS TO SPEAK BEFORE THE MEETING

- a. Submit an email to Planning@oxnard.org no later than 3:00 p.m. on the day of the meeting (Please indicate the agenda item number in the subject line). All email correspondence will be forwarded to the Planning Commission prior to the start of the meeting and made part of the legislative record.
- b. Submit a request to speak by no later than 3pm on the day of the meeting by using the form <https://forms.gle/PSpPwV6PsiRBKbe89>, emailing the Planning office at planning@oxnard.org, or calling (805) 385-7878.

2. PROVIDING PUBLIC COMMENTS DURING THE MEETING

- a. Speakers shall have up to three minutes to speak.
- b. If you wish to speak during public comments or a particular item on the agenda, please follow the below instructions:
 1. Dial phone number (888) 475-4499
 2. Enter the meeting ID: 883 3759 6587
 3. Enter the meeting passcode: 032874
 4. Wait in the Zoom waiting room. Once the Chair calls for public speakers, press *9 to raise your hand to inform the recording secretary you would like to speak..
- c. Public comments on items not on the agenda shall be taken at the beginning of the meeting. If there are more speakers than can be accommodated during thirty minutes, additional speakers who will be given an opportunity to speak at the end of the meeting. After all public speakers have been given an opportunity to speak, the public comment period shall be held open for three minutes to allow additional speakers to register or otherwise be recognized for the purpose of providing public comment. During this three minute time period, the Planning Commission or staff may briefly respond to comments on items not appearing on the agenda.
- d. Public comments on items on the agenda shall be taken following the announcement of the item. After all public speakers have been given an opportunity to speak on an agenda item, the public comment period shall be held open for three minutes to allow additional speakers to register or otherwise be recognized for the purpose of

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

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

providing public comment. During this three minute time period, the Planning Commission or staff may discuss the item being considered.

In the event of a disruption which prevents a legislative body of the City of Oxnard from broadcasting a meeting using a call-in option or internet-based service option, or in the event of a disruption within the City's control which prevents members of the public from offering public comment using the call-in option or internet-based service option, the legislative body shall take no further action on items appearing on a meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored. However, if any of the broadcast options are disrupted, but any of the other broadcast options is still available to the public, the legislative body may take further action on items appearing on a meeting agenda without waiting for the disrupted broadcast option(s) to be restored.

A. ROLL CALL

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

C. PUBLIC COMMENTS - On Items Not On The Agenda

At this time, a person may address the Planning Commission on matters within the jurisdiction of the Planning Commission, including information/consent items and any item not appearing on the agenda. The Chair shall limit public comments to three (3) minutes. The Planning Commission cannot take action on any item presented during public comments that is not on the agenda and such item may only be referred to the Commission Secretary. Persons wishing to speak on public hearing items should do so at the time of the public hearing.

D. CONSENT AGENDA

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

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

F. CONTINUED PUBLIC HEARING

1. **Project Name: Blooming Organics LLC dba Elevate Oxnard - Commercial Cannabis Business Retail Special Use Permit (SUP) - PLANNING AND ZONING PERMIT No. 21-516-13** (Special Use Permit – Cannabis: Retail): Located at 2731 North Vineyard Avenue (APN: 132-0-052-150). A request to permit the operation of a commercial cannabis retail facility within an existing 1,650 square-foot commercial suite of an approximately 4,900 square-foot multi-tenant commercial building on a 1.58-acre site located within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning,

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plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, and installation of new secure doors/windows, and parking lot improvements. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. The project also increases the amount of parking onsite from 66 to 69 parking spaces and requests an administrative parking relief to allow for a decrease in the number of required parking spaces required by the center from the required 88 parking spaces to 69 parking spaces. Filed by Mario Rios (“**Applicant**”), 15431 San Jose Street, Mission Hills, CA 91345, on behalf of Blooming Organics LLC dba Elevate Oxnard.

City Staff: Jose Coyotl, Associate Planner

If this matter is continued at the February 17, 2022 Planning Commission meeting to this Special Meeting, staff’s recommendation is: That the Planning Commission

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b. Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-516-13 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

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

2. **Project Name: Boxnard LLC - Commercial Cannabis Business Retail Special Use Permit (SUP) - PLANNING AND ZONING PERMIT No. 21-516-29** (Special Use Permit – Cannabis Retail): Located at 1970 North Ventura Road (APN: 139-0-080-375 and 139-0-080-405). A request to permit the operation of a commercial cannabis retail facility within an existing 1,685 square-foot commercial suite (1970 North Ventura Road) of an approximately 8,610 square-foot multi-tenant commercial building on a 0.85-acre site located within the General Commercial Planned Development (C-2-PD) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, and making parking lot improvements. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Kristopher Luu (“**Applicant**”), 700 South Flower Street Unit 400, Los Angeles, CA 90017, on behalf of Boxnard LLC.

City Staff: Jose Coyotl, Associate Planner

If this matter is continued at the February 17, 2022 Planning Commission meeting to this Special Meeting, staff’s recommendation is: That the Planning Commission

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- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b. Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-516-29 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Please click the following link to view the required Measure M pre-recorded presentation video: <https://youtu.be/c5Ay02qpySI>

G. STUDY SESSION/REPORTS

H. PLANNING COMMISSION BUSINESS

I. COMMUNITY DEVELOPMENT STAFF UPDATES

J. ADJOURNMENT

FUTURE MEETINGS

Regular Meeting: Thursday, March 3, 2022, 6:00 p.m., Council Chambers

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

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MINUTES
OXNARD PLANNING COMMISSION
January 13, 2022
Draft Minutes

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Chavez announced pursuant to Assembly Bill 361, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Chavez (via videoconference), Vice Chair Arruejo (via videoconference), Commissioners Connelly (via videoconference), Lopez (via videoconference), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present.
3. Staff members present were: Vyto Adomaitis, Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson II, Senior Planner; Randy Baez, Associate Planner; Jose Coyotl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Jason Zaragoza, Deputy City Attorney; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; and Dee Lai, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.

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

1. Commissioner Sanchez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. A public comment was received from Natalia Ospina, Attorney (Natural Resources Defense Council)

D. CONSENT AGENDA

1. **Subject:** Adoption of a Resolution reauthorizing remote teleconference meetings of the Planning Commission of the City of Oxnard.

Recommendation: That the Planning Commission adopt Resolution 2022-01 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

MOTION: Vice Chair Arruejo moved and Commissioner Connelley seconded a motion to adopt Resolution 2022-01 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0:0¹.

¹ In Favor: Against: Absent: Abstain: Recused

2. APPROVAL OF MINUTES - November 18, 2021
3. APPROVAL OF MINUTES - December 2, 2021
4. APPROVAL OF MINUTES - December 16, 2021

MOTION: Commissioner Lopez moved and Vice Chair Arruejo seconded a motion to approve the minutes of November 18, 2021, December 2, 2021, and December 16, 2021, as submitted.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0².

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Chair Chavez stated he received a call from a person in opposition of the agenda Items F-1 and F-2. He can hear and consider Items F-1 and F-2 in a fair, objective and unbiased manner.
2. Vice Chair Arruejo stated that he received a call from a person in opposition of the agenda Item F-2. He can hear and consider the request in a fair, objective and unbiased manner. He also stated that he will recuse himself from participating in agenda Item F-4 due to 18 U.S. Code § 203 and 18 U.S. Code § 205.
3. Commission Meyer stated that he had a conversation with a resident of the Riverpark neighborhood regarding Item F-2. He can hear and consider Item F-2 in a fair, objective and unbiased manner.
4. None of the remaining Planning Commissioners had any ex parte communications to report for Items F-1, F-2, F-3 and F-4.
5. Ken Rozell, Chief Assistant City Attorney, recused himself from item F-2 because of his prior representation of the RiverPark developer (1999 to 2008) while he was in private practice. Jason Zaragoza, Deputy City Attorney, will be serving as legal counsel to the Planning Commission on agenda item F-2 in Ken Rozell's place.

F. PUBLIC HEARING

1. **Project Name: Vineyard Starbucks Site Renovations** - PLANNING AND ZONING PERMIT No. 21-550-01 (Major Modification to U-916 (Special Use Permit)): Located at 2551 North Vineyard Avenue (APN: 132-0-043-215). 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 convert the existing Wendy's drive-through restaurant into a Starbucks drive-through coffee shop. The changes include a 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.

² In Favor: Against: Absent: Abstain: Recused

The site layout will be reconfigured to increase the drive-through lane vehicle queue capacity from 5 vehicles to 16 vehicles. Other changes include revised signage, upgraded landscaping, new parking lot striping, and administrative parking relief to allow for two modifications: 1) Decrease the number required parking spaces from 50 to 35, 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 includes a Transportation Demand Management Plan. The Project site is within the General Commercial Planned Development (C-2-PD) zone district and within the Commercial General land use designation. Filed by Beverly Metz, of Starbucks, 555 Anton Boulevard, Costa Mesa, CA 92626.

City Staff: Joe Pearson II, Senior Planner

Recommendation: That the Planning Commission

- a) Finds 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 2022-02 denying Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to certain findings.

Joe Pearson, Senior Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/GP-4vk08xr8>.

City staff, including: Joe Pearson, Senior Planner; Scott Kolwitz, Planning & Environmental Services Manager; Vyto Adomaitis, Community Development Director; and Ken Rozell, Chief Assistant City Attorney, were available for questions.

The applicant team, including: Hollee King (Sites Pacific Land Use Planning and Permitting Services, Property Owner Representative) and James Spencer (MCG Architecture, Project Manager Staff) did not provide a presentation but were available for questions.

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

No Public verbal or written comments were received for Item F-1.

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

MOTION:

Commissioner Meyer moved and Vice Chair Arruejo seconded the motion to adopt Resolution 2022-02 denying Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to certain findings.

VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly and Meyer voted in favor. Commissioners Lopez, Nash, and Sanchez voted in no. The motion carried 4:3:0:0:0³.

2. **Project Name: RiverPark Specific Plan Amendment & Development Agreement Amendment** - PLANNING AND ZONING PERMIT No. 20-630-01 (Seventh Amendment to the RiverPark Specific Plan) and PZ No. 20-670-04 (Sixth Development Agreement Amendment) and certification of an Addendum to Final Environmental Impact Report No. 00-03. The Project is located in the RiverPark Specific Plan area generally located North of the Ventura Freeway (Highway 101), west of East Vineyard Avenue, east of the Santa Clara River, and south of Central Avenue.

The project consists of the following requested actions:

- a. Text and map amendments to the RiverPark Specific Plan to introduce a new high density land use designation within Planning Districts B, C, and D (Residential: Very High (30-80 units/acre)); create a new development type (Apartments - Urban); revise planning area boundaries; update the Land Use Table; and update exhibits for consistency with proposed changes. This amendment would allow development of up to 1,025 additional residential units, in exchange for a reduction of up to approximately 562,457 square feet of non-residential development.
- b. Development Agreement Amendment to allow for a time extension, impact fee modifications, and define future affordable housing requirements.

The project application was filed by Ann Walsh of Shea Properties, 2751 Park View Court, Suite 261, Oxnard, CA 93036.

City Staff: Joe Pearson II, Senior Planner

Recommendation: That the Planning Commission

- a. Adopt Resolution 2022-03 recommending City Council approval of Planning and Zoning Permit No. 20-630-01 (Amendment to The RiverPark Specific Plan) and to remove the Residential: Very High land use from District D of the RiverPark Specific Plan Amendment, subject to certain findings, and certification of an Addendum to FEIR No. 00-03; and
- b. Adopt Resolution 2022-04 recommending City Council approval of Planning and Zoning Permit No. 20-670-04 (Sixth Amendment to Development Agreement No. A-6128) for The RiverPark Specific Plan, subject to certain findings, and certification of an Addendum to FEIR No. 00-03.

Joe Pearson, Senior Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/TZjvKczgLQ4>

City staff, including: Joe Pearson, Senior Planner; Scott Kolwitz, Planning & Environmental Services Manager; Vyto Adomaitis, Community Development Director; and Jason Zaragoza, Deputy City Attorney, were available for questions.

³ In Favor: Against: Absent: Abstain: Recused

The applicant team, including: Mark Di Cecco (DiCecco Architecture Incorporated, Architect); Jonathan Cornelius (Fore Property, Vice President); Tony Locacciatto (Meridian Consultants, Partner); Sean Mohn (Gibson Transportation, Principal); Tony Talamante (Talamante Project Delivery, Owner); and Ann Walsh (Shea Properties, Director of Development), provided a presentation and were available for questions.

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

Public verbal comments were received from:

1. Justin Abbe
2. Jonas Cabrillo
3. Andy Castillo
4. Armando Delgado
5. Albert Duarte
6. Jonathan Duran
7. Robert Fallon
8. Jose Garcia
9. Max Ghenis
10. Christopher Huston
11. Bob Launius
12. Manley Mcninch
13. Alex Mireles
14. Dan Mora
15. Alex Perez
16. Timothy Redondo
17. Edwardo Rodriguez
18. Joshua Romano
19. Rick Sneydy
20. Anthony Ventura
21. Omar Vieyra-Saldana
22. Dylan White

Public written comments were received prior to the meeting, and they were organized into Transmittal Memos, distributed to the Planning Commission and posted online:

1. Transmittal Memo No. 1, dated January 13, 2022, contained six public written comments from:
 - a. Max Ghenis
 - b. Mindy Greenberg
 - c. Mitchell Tsai
 - d. Chris Tull
 - e. Jay Turner
 - f. Randy Wetmur
2. Transmittal Memo No. 2, dated January 14, 2022, contained three public written comments from:
 - a. Joseph Arnold
 - b. Johnny Escobedo
 - c. Randy Rodriguez

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

Discussion ensued among the Commissioners and staff, including: intent of the RiverPark Specific Plan, and changes which have occurred (destruction of brick and mortar stores, the recession, global pandemic); mixed-use development benefits; housing and affordable housing; timeline to build development; Specific Plan Amendment environmental document compares future conditions; much needed residential will result in more traffic than what's experienced today; local labor loses out if we switch between commercial and residential; does General Plan have any Project Labor Agreement type policy; and ability for Planning Commission to recommend a Project Labor Agreement to be included in the Development Agreement.

MAIN PROCEDURAL MOTION:

Vice Chair Arruejo moved and Commissioner Connelly seconded a motion to end the debate on item F-2.

MAIN PROCEDURAL MOTION VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0:0⁴.

MAIN MOTION:

Vice Chair Arruejo moved and Commissioner Connelly seconded a motion to Adopt Resolution 2022-03 recommending City Council approval of Planning and Zoning Permit No. 20-630-01 (Amendment to The RiverPark Specific Plan) and to remove the Residential: Very High land use from District D of the RiverPark Specific Plan Amendment, subject to certain findings, and certification of an Addendum to FEIR No. 00-03; and Adopt Resolution 2022-04 recommending City Council approval of Planning and Zoning Permit No. 20-670-04 (Sixth Amendment to Development Agreement No. A-6128) for The RiverPark Specific Plan, subject to certain findings, and certification of an Addendum to FEIR No. 00-03.

SECOND MOTION (AMENDMENT TO MAIN MOTION)

Commissioner Meyer moved and Vice Chair Arruejo seconded the motion recommending City Council require a Project Labor Agreement as part of the Development Agreement.

SECOND MOTION (AMENDMENT TO MAIN MOTION) VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0:0⁵.

MAIN MOTION VOTE:

Vice Chair Arruejo, Commissioners Meyer, Nash and Sanchez voted in favor. Chair Chavez, and Commissioners Connelly and Lopez voted no. The motion carried 4:3:0:0:0⁶.

⁴ In Favor: Against: Absent: Abstain: Recused

⁵ In Favor: Against: Absent: Abstain: Recused

⁶ In Favor: Against: Absent: Abstain: Recused

3. **Project Name: Tacos El Diablo Alcohol Special Use Permit** - PLANNING AND ZONING PERMIT No. 21-510-01 (Special Use Permit - Alcohol) located at 509 South C Street (APN: 202-0-131-230): A request for approval of a Special Use Permit (SUP) to sell beer and wine for on-site consumption (Alcohol Beverage Control (ABC) License Type 41⁷) at an existing 770 square-foot commercial suite within a 2,350 square-foot building for an existing restaurant on a 0.16-acre site within the Downtown Core (DT-C) zone. Alcohol sales shall be limited to 7:00 a.m. to 9:00 p.m. daily. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Juan Carlos Cortes, Business Owner, on behalf of property owner Donald Rosen, TR, 6520 Platt Avenue #267, West Hills, CA 91307.

City Staff: Randy Baez, Associate Planner

Recommendation: That the Planning Commission

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b. Adopt Resolution 2022-05 approving Planning and Zoning Permit No. 21-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions.

Randy Baez, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: https://youtu.be/6MacJ_mcrRg

City staff, including: Randy Baez, Associate Planner; Scott Kolwitz, Planning & Environmental Services Manager; Vyto Adomaitis, Community Development Director; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; and Ken Rozell, Chief Assistant City Attorney were available for questions.

The applicant, Carlos Cortes (Tacos El Diablo, Owner) did not provide a presentation but was available for questions.

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

A public verbal comment was received from Chris Hernandez.

No public written comments were received for Item F-3.

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

⁷ ABC License Type 41 (On-Sale Beer & Wine - Eating Place) (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Discussion ensued among the Commissioners and staff, including: alcohol sales hours; would this allow for off site sales and delivery; and

MOTION: Commissioner Sanchez moved and Vice Chair Arruejo seconded a motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and Adopt Resolution 2022-05 approving Planning and Zoning Permit No. 21-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions with the removal of condition of approval number 46:

46. ~~Permittee shall equip each point of sale with a silent robbery alarm that complies with Oxnard City Ordinance No. 2601 or develop and implement critical incident protocols that provide an efficient method for alerting police and others to a potential threat without necessarily putting the employees at risk. (PD).~~

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0:0⁸.

4. **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). 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.

City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b. Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-516-24 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: https://youtu.be/OXlpy1_ax68

City staff, including: Jose Coyotl, Associate Planner; Scott Kolwitz, Planning &

⁸ In Favor: Against: Absent: Abstain: Recused

Environmental Services Manager; Vyto Adomaitis, Community Development Director; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; and Ken Rozell, Chief Assistant City Attorney were available for questions.

The applicant team, including: Kristi Byers (Kristis Byers Architecture, Architect); Dave Dallal (TD Enterprises, Chief Operating Officer); Ruthie Edelson (TD Enterprises, Community Relations); Tony Hall (TD Enterprises, Founder and Chief Executive Officer); and Hollee King (Sites Pacific Land Use Planning and Permitting Services, Property Owner Representative), provided a presentation and were available for questions.

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

Public verbal comments were received from:

1. David Bejarano
2. Neal Berger
3. Mark Caviezel
4. Armando Delgado
5. Mayra Delgado
6. Deirdre Frank
7. Forrest Forbes
8. Ed Gutierrez
9. Walter Hagedohm
10. Holly Hayes-Rey
11. Cesar Hernandez
12. Chris Hernandez
13. Cleland Hoff
14. Bill Kracht
15. Bob Launius
16. Nancy Lindholm
17. Mike Marlow
18. Polly May
19. Alex Mireles
20. Kristine Newman
21. Daniel Nicholas
22. Ken Oplinger
23. Anthony Mireles
24. Andrew Salinas
25. Mike Smith

Public written comments were received prior to the meeting, and they were organized into Transmittal Memos, distributed to the Planning Commission and posted online:

1. Transmittal Memo No. 1, dated January 10, 2022, contained six public written comments from:
 - a. Clement and Katherine Alberts
 - b. Audrey Martinez-Keller
 - c. Mary Susan Kyropoulos
 - d. Robert Murphy
 - e. Wayne & Eva Pihlgren

- f. Linnea Von Wissmann
- 2. Transmittal Memo No. 2, dated January 11, 2022, contained nine public written comments from:
 - a. City of Oxnard Police Department Crime Statistics
 - b. Adry Ezcurra
 - c. John Fisher
 - d. Deirdre Frank
 - e. Lawrence and Magretan Howie
 - f. Audrey Martinez-Keller
 - g. Edward McSpedon
 - h. Bonnie Mercadante
 - i. Gary Ross
- 3. Transmittal memo No. 3, dated January 12, 2022, contained 12 public written comments from:
 - a. Petition received March 1, 2021
 - b. Adrian Arvizo
 - c. Karen and Dave Brooks
 - d. Jennifer Ficken
 - e. Deirdre Frank
 - f. Rick Gutierrez
 - g. Walter Hagedohm
 - h. Ted and Cory Kueppper
 - i. Clifford M. Maurer
 - j. Erika Murphy
 - k. Robert Murphy
 - l. Andrew and Theresa Steward
- 4. Transmittal memo No. 4, dated January 13, 2022, contained 19 public written comments from:
 - a. City of Oxnard Police Department Dispatch Records
 - b. Katherine Beattie
 - c. Mary Ellen
 - d. Mitch Faulkner
 - e. Deirdre Frank (two submittals)
 - f. Bob Fust
 - g. Ron Hood
 - h. Stuart Horwitz
 - i. Susan Levine
 - j. Mark and Renee Ostrove
 - k. Wayne Pihlgren
 - l. Sarah Reynolds
 - m. Gary and Marilyn Rudolph
 - n. Angela Staff
 - o. Janet Tausig
 - p. Pamela Toderan
 - q. George White
 - r. Emi Yazici

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

Discussion ensued among the Commissioners and staff, including: whether minors are allowed inside; if residential is a sensitive use; the number of security guards during business hours and after hours; video surveillance; if there is a neighborhood consensus; if there is a tenant consensus; if this Project meets all City cannabis regulations; Police department support of the Project; experience of Port Hueneme with cannabis; medical dispensaries have been legal for 25 years; recreational dispensaries have been legal for 4 years; safeguards are built into the Oxnard cannabis regulations; location will need to compete with 8 existing (12 approved) Port Hueneme locations and 8 approved (16 proposed) Oxnard locations; use of produce happens at residences, not at the dispensaries; videos showed minimal traffic and mostly vacant parking lot; suitability of the location; concerns about traffic flow; while most cannabis enjoyed at home, but maybe at beaches instead; what is the impact of this project on the community; other locations haven't had the same reaction from the public; Chief Salinas testimony was informative; community outreach when cannabis regulations were first proposed; and whether the project checked all the boxes.

PROCEDURAL MOTION:

Commissioner Nash moved and Commissioner Meyer seconded a motion to extend the meeting past 11:00 p.m.

PROCEDURAL MOTION VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0:0⁹.

MAIN MOTION:

Commissioner Meyer moved and Commissioner Connelly seconded a motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Adopt Resolution 2022-XX approving Planning and Zoning Permit No. 21-516-24 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

MAIN MOTION VOTE:

Commissioners Connelly, Meyer, and Sanchez voted in favor. Chair Chavez, Commissioners Lopez, and Nash voted no. Vice Chair Arruejo was recused. The motion failed 3:3:0:0:1¹⁰.

SECOND MOTION:

Commissioner Lopez moved and Commissioner Nash seconded a Motion of Intent to deny the TD Enterprise LLC dba Oxnard Holistics - Commercial Cannabis Business Retail Special Use Permit (SUP) Planning and Zoning Permit No. 21-516-24, as the Planning Commission could not make the following required Special Use Permit Findings, as specified in the deliberations provided by the Planning Commission:

⁹ In Favor: Against: Absent: Abstain: Recused

¹⁰ In Favor: Against: Absent: Abstain: Recused

1. Section 1 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.
2. Section 1 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.

SECOND MOTION VOTE:

Chair Chavez, Commissioners Lopez and Nash voted in favor. Commissioners Connelly, Meyer, and Sanchez voted no. Vice Chair Arruejo was recused. The motion failed 3:3:0:0:1¹¹.

DUE PROCESS DETERMINATION:

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.

G. STUDY SESSION/REPORTS

1. None.

H. PLANNING COMMISSION BUSINESS

1. Commissioner Lopez and Meyer stated that COVID cases are rising, and they reminded the public to take precautions to keep everyone safe.
2. Commissioner Nash stated the City Council reviewed redistricting maps on January 5, 2022. He also thanked the Chair and Vice Chair for their participation.
3. Chair Chavez stated that the next City of Oxnard redistricting meeting will be Saturday, January 22, 2022 at 10:00 a.m. Ventura County Transportation Commission has selected Martin Erickson as their new Director.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

1. On December 21, 2021, the City Council adopted the Bed and Breakfast parking regulations. The regulations go into effect on January 20, 2022.
2. On January 4, 2022, the City Council vacated the DMV Easement Vacation. The City Council also approved the revised version of the Encanto Homes Subdivision at 1101 West First Street.
3. The next Planning Commission meeting will be on January 20, 2022.

¹¹ In Favor: Against: Absent: Abstain: Recused

J. ADJOURNMENT

1. At 12:22 a.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, January 20, 2022, 6:00 p.m, Council Chambers

Daniel Chavez Jr.,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

MINUTES
OXNARD PLANNING COMMISSION
January 20, 2022
Draft Minutes

A. ROLL CALL

1. At 6:03 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Chavez announced pursuant to Assembly Bill 361, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Chavez (via videoconference), Vice Chair Arruejo (via videoconference), Commissioners Lopez (via videoconference - joined at 6:14 p.m.), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present. Commissioner Connelly was absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson II, Senior Planner; Jose Coyotl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; and Dee Lai, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.

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

1. Ken Rozell, Chief Assistant City Attorney, led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. No public comments were received for items not on the agenda.

D. CONSENT AGENDA

1. None.

E. NOMINATIONS AND ELECTIONS

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

MOTION:

Commissioner Nash moved and Vice Chair Arruejo seconded the motion to continue the nominations and elections of officer to the next Planning Commission on February 3, 2022 at 6:00 p.m.

VOTE:

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

¹ In Favor: Against: Absent: Abstain: Recused

F. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Chair Chavez stated he visited the site for Items G-1, G-2, and G-3, and he spoke to members of the public and businesses. He can hear and consider Items G-1, G-2, and G-3 in a fair, objective and unbiased manner.
2. Vice Chair Arruejo stated that he will recuse himself from participating in agenda Items G-1, G-2, and G-3 due to 18 U.S. Code § 203 and 18 U.S. Code § 205.
3. None of the remaining Planning Commissioners had any ex parte communications to report for Items G-1, G-2, G-3 and G-4.

G. PUBLIC HEARING

1. **Project Name: Kind Lifestyle Market LLC dba Kind Lifestyle Market - Commercial Cannabis Business Retail SUP - PLANNING AND ZONING PERMIT No. 21-516-11 (Special Use Permit – Cannabis: Retail):** Located at 911 South Oxnard Boulevard (APN: 202-0-192-010). A request to permit the operation of a 3,978 square-foot commercial cannabis retail facility within an existing commercial building on a 0.27-acre site within the Downtown General (DT-G) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, and exterior facade improvements. Cannabis retail operations will be conducted from 9:00 AM to 9:00 PM daily. Filed by Kristine Byers on behalf of Kind Lifestyle Market LLC dba Kind Lifestyle Market.

City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b. Adopt Resolution 2022-06 approving Planning and Zoning Permit No. 21-516-11 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/cXmbS5m7i1M>.

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

The applicant team, including: David Bejerano (Kind Lifestyle Market, Director of Safety and Security); Kristi Byers (Kristi Byers Architecture, Architect); Jesus Camacho (Kind Lifestyle Market, Director of Neighborhood and Community Engagement); Brooke McDonnell (Pacific Coast Land Design, Landscape Architect); and David Osborne (Kind

Lifestyle Market, Owner) provided a presentation and were available for questions.

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

No Public verbal or written comments were received for Item G-1.

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

Discussion ensued among the Commissioners and staff, including: security program; lobby and showroom design; how many children might pass the site; how does the business ensure loitering does not occur; what are the sensitive uses per the Oxnard City Code; proximity to school and educational institutions; notification and outreach, to the school office, in particular, and community in general; what is the security philosophy; what type of community benefits will this project bring; adult daycare concerns; and traffic concerns.

MOTION:

Commissioner Nash moved and Commissioner Meyer seconded the motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Adopt Resolution 2022-06 approving Planning and Zoning Permit No. 21-516-11 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE:

Commissioners Lopez, Meyer, Nash, and Sanchez voted in favor. Chair Chavez, voted no. Commissioner Connelly was absent. Vice Chair Arruejo was recused. The motion carried 4:1:1:0:1².

2. **Project Name: Blooming Organics LLC dba Elevate Downtown Oxnard - Commercial Cannabis Business Retail Special Use Permit (SUP) - PLANNING AND ZONING PERMIT No. 21-516-12 (Special Use Permit – Cannabis: Retail):** Located at 156 South A Street (APN: 202-0-056-060). A request to permit the operation of a commercial cannabis retail facility within an existing 2,550 square-foot commercial building on a 0.08-acre site located at 156 South A Street (APN: 202-0-056-060) within the Downtown General (DT-G) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, and exterior facade improvements. Cannabis retail operations will be conducted from 9:00 AM to 9:00 PM daily. Filed by Mario Rios on behalf of Blooming Organics LLC dba Elevate Downtown Oxnard.
City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

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

² In Favor: Against: Absent: Abstain: Recused

- b. Adopt Resolution 2022-07 approving Planning and Zoning Permit No. 21-516-12 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/paxGUgqm45I>

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

The applicant team, including: Courtney Caron (Cannabis Counsel); Nicholas Keefe (Blooming Organics, Chief Operating Officer); Kevin Krivitsky (Blooming Organics, Chief Executive Officer); Adrian Lopez (Blooming Organics, Director of Community Outreach); Mario Rios (Blooming Organics, Chief Procurement Officer), provided a presentation and were available for questions.

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

Public verbal comment was received from Shawn Moradian.

No Public written comments were received for item G-2.

Public written comments were received prior to the meeting, and they were organized into Transmittal Memos, distributed to the Planning Commission and posted online:

- A. Transmittal Memo No. 1, dated January 20, 2022, contained one public written comment.

1. Consuelo Contreras

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

Discussion ensued among the Commissioners and staff, including: Downtown revitalization; applicant interest to locate project in Downtown; whether applicant is concerned about other cannabis business located nearby; customer experience; in Port Hueneme, don't see loitering or homelessness concerns due to cannabis dispensaries; neighborhood outreach; and proximity to the Oxnard Library, religious institution, and the proposed Navigation Center.

MOTION:

Commissioner Meyer moved and Commissioner Nash seconded the motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Adopt Resolution 2022-07 approving Planning and Zoning Permit No. 21-516-12 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE:

Commissioners Lopez, Meyer, and Nash voted in favor. Chair Chavez, and Commissioner Sanchez voted no. Commissioner Connelly was absent. Vice Chair Arruejo was recused. The motion carried 3:2:1:0:1³.

3. **Project Name: 99 High Tide - Oxnard dba 99 High Tide - La Sirena Commercial Cannabis Business Retail SUP - PLANNING AND ZONING PERMIT No. 21-516-43** (Special Use Permit – Cannabis Retail): Located at 138 South A Street (APN: 202-0-056-100). A request to permit the operation of a commercial cannabis retail facility within an existing 2,299 square-foot commercial building on a 0.08-acre site within the Downtown General (DT-G) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, installation of new secure doors/windows, and exterior facade improvements. Cannabis retail operations will be conducted from 9:00 AM to 9:00 PM daily. Filed by Sam Boyer on behalf of 99 High Tide - Oxnard dba 99 High Tide - La Sirena
City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and
- b. Adopt Resolution 2022-08 approving Planning and Zoning Permit No. 21-516-43 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/0Pbe42ytwJs>

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

The applicant team, including: Sam Boyer (99 High Tide, Chief Operating Officer); Russ Cornwall (Security Cornwall Security, Director); Yvonne DeLaRosa Green (99 High Tide, Chief Executive Officer); Jesus Torres (99 High Tide, Community Relations), provided a presentation and were available for questions.

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

Public verbal comments were received from:

1. Jon Burga
2. Liz Dean
3. Mayra Delgado

³ In Favor: Against: Absent: Abstain: Recused

4. Natalie Dragotto
5. Tamer El-Shakhs
6. Kym Freeman
7. Chris Hernandez
8. Zahur Lalji
9. Rolando Lugo
10. Abel Magana
11. Anthony Mireles
12. Robert Mulder
13. Mikke Pierson
14. Jennifer Straiton
15. Eric Theise
16. Keilani Yanagihara

Public written comments were received prior to the meeting, and they were organized into Transmittal Memos, distributed to the Planning Commission and posted online:

- A. Transmittal Memo No. 1, dated January 20, 2022, contained eighty-two public written comments.

Documents dated January 18, 2022

1. Jennifer Castro
2. Ivy Conforti
3. Zahur S. Lalji

Documents dated January 19, 2022

4. Sonia Allen
5. Kevin Bazaldua
6. Stephanie Beas
7. DeAnna Bingerman
8. Stacy Bowman
9. Jon Burga (3 separate emails)
10. Tricia Burga
11. Bryan Calderon
12. Victoria Chapman
13. Hunter Clark
14. Alyssa Colella
15. Erik Cortez
16. Christine Davis
17. Liz Dean
18. April Declet
19. Arik Richard Dismukes
20. Ron Dore
21. Tamer El-Shakhs
22. Slyvana Elizalde
23. Mary Ellis
24. Jermain Espino
25. Allison Everdeen
26. Iris Franklin
27. Karrie Gonzalez
28. Maegan Goldberg

29. Matthew Hathorn
30. Joe Herrera
31. Megan Hewit
32. Bill Howard
33. Colleen K (2 separate emails)
34. Debra Krause
35. Robin Lerner
36. Martha Leticia
37. David Levy
38. Bryanna Lugo
39. Kimberly Lugo
40. Geoffrey Marcus
41. Julie Martinez
42. Paul McVey
43. Ana Maria Lora Mejia
44. Gabriel Mora
45. Brenda Morales (2 separate emails)
46. Jeff Morris
47. Jeff Nevitt
48. Vanessa Newman
49. Seth Novak
50. Okiekym
51. Mike Pacella
52. Cesar Parra
53. Cynthia Perdomo
54. Brad Peterson
55. Melanie Phelps
56. Christopher Raiti
57. Ana Ramirez
58. E Ree
59. Rehm
60. Giovanna Roman
61. Moni-Q Rosalez
62. Laura Rosenthal
63. Oshua Donea Rothwell-Paopao
64. Nina Rubin
65. Diana Russell
66. Karina Salas
67. Eric Schroeder
68. Jeff Shively
69. Dan Silverman
70. Jane Slivinski
71. Shain Smith
72. Jymme Taylor
73. Lil Terror TD
74. Ryan Walker
75. Michael Waltz
76. Heidi K. Warfield

77. Jessica Wells
78. David Woodrow
79. Benjamin Wright
80. Daniel Zapata
81. Nicholas Zoumot (2 separate emails)
82. Dawn Zusman (2 separate emails)

B. Transmittal memo No. 2, dated January 20, 2022, contained 40 public written comments.

1. Emily Aksak
2. b.A
3. Neftaly Alvarez
4. Atanguma81
5. Heather Brady
6. Joe Bustamante
7. Brandon Casillas
8. Francine Castanon
9. Edward Cota
10. Daniventura101
11. Debbie
12. Jannae Ethier
13. George Esses
14. Lynne Evans
15. Alessa Felix
16. Iris Franklin
17. Patty G
18. Genevegan
19. Karen Gerdts
20. Chris Hernandez
21. Jacob Kennedy
22. Curran Kiel
23. Donna Inman
24. Chris Ledbetter
25. Geoffrey Marcus
26. G. Marcus
27. Faith McVey
28. Desiree Morales
29. Irene Navarro
30. Neil Padgett
31. Gerardo Perez
32. Herb Somers
33. Madisen Stolte
34. Susan
35. John T.
36. Alisann Tolosa
37. twoidiotsfishing
38. Julia Valdivia
39. Tennille Wilson

40. Ben Wright

C. Transmittal memo No. 3, dated January 20, 2022, contained 1 public written comment.

1. Jesus Torres

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

Discussion ensued among the Commissioners and staff, including: impressed by public comments in support of the applicant team and Project; strong outreach effort; the Project meets the City's requirements; this is a local equity applicant with strong roots; security philosophy; discussed the applicant's focus on the therapeutics of cannabis; applicant has presented a good faith effort to enhance the area; the Project will help revitalized Downtown Oxnard; and proximity to the Oxnard Library, religious institution, and the proposed Navigation Center.

MOTION:

Commissioner Nash moved and Commissioner Lopez seconded a motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Adopt Resolution 2022-08 approving Planning and Zoning Permit No. 21-516-43 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE:

Commissioners Lopez, Meyer, and Nash voted in favor. Chair Chavez, and Commissioner Sanchez voted no. Commissioner Connelly was absent. Vice Chair Arruejo was recused. The motion carried 3:2:1:0:1⁴.

4. **Project Name: Starbucks & In-N-Out - Ventura Boulevard** - PLANNING AND ZONING PERMIT 21-500-03 (Special Use Permit), 21-500-04 (Special Use Permit), 21-520-03 (Special Use Permit - Minor). Located at 1700, 1720, 1740 Ventura Boulevard (APNs: 144-0-134-085, -095, & -115). A request to:
- 1) Demolish two existing buildings of approximately 18,000 square feet and 7,000 square feet;
 - 2) Construct a new 3,885 square-foot restaurant, outdoor patio with a drive-through with 23-vehicle capacity, parking for 73 vehicles, and landscaping and infrastructure improvements on the 1.47-acre project site;
 - 3) Construct a new 1,800 square-foot restaurant, outdoor patio with a drive-through with 15-vehicle capacity, parking for 25 vehicles, and landscaping and infrastructure improvements on the 0.85-acre project site;
 - 4) Approve administrative parking relief to decrease in the number of required parking spaces required by the center (1700, 1720, and 1740 Ventura Boulevard) from 207 parking spaces to 182 parking spaces; and
 - 5) Approve a new sign program for the center, which will provide standards for freestanding signs, buildings signage, and drive-through signage.

⁴ In Favor: Against: Absent: Abstain: Recused

The Project site is located at 1700, 1720, 1740 Ventura Boulevard (APNs: 144-0-134-085, -095, & -115) within the Rose-Santa Clara Corridor Specific Plan (RSCSP) zone district and within the Commercial Regional land use designation. Filed by Hollee King Winegar, of Site Specific Planning, on behalf of Darrel W. Wright, of Channel Islands Marketplace, LP, Overpass Road, Building C, Santa Barbara, CA 93111.

City Staff: Joe Pearson II, Senior Planner

Recommendation: That the Planning Commission

- a. Find the Projects to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development) and 15311(a) (On-Premise Signs); and
- b. Adopt Resolution 2022-09 approving Planning and Zoning Permit No. 21-500-03 (Special Use Permit - Starbucks), subject to certain findings and conditions; and
- c. Adopt Resolution 2022-10 approving Planning and Zoning Permit No. 21-500-04 (Special Use Permit - In-N-Out), subject to certain findings and conditions; and
- d. Adopt Resolution 2022-11 approving Planning and Zoning Permit No. 21-520-03 (Special Use Permit - Minor - Plaza Del Norte Master Sign Program), subject to certain findings and conditions.

Joe Pearson II, Senior Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/-BU3xN7gqYo>

City staff, including: Joe Pearson II, Senior Planner; Scott Kolwitz, Planning & Environmental Services Manager; and Ken Rozell, Chief Assistant City Attorney were available for questions.

The applicant team, including: Jeff Bryant (In-N-Out, Project Manager); Hollee King (Sites Pacific Land Use Planning and Permitting Services, Property Owner Representative); Jim Lockington (In-N-Out, Project Manager); Beverly Metz (Starbucks, Director of Store Development); David Shender (LLG Engineers, Transportation Engineer); Anthony Valdez (Starbucks, District Manager); and Darrel Wright (Channel Islands Properties, President), provided a presentation and were available for questions.

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

No public verbal or written comments were received for Item G-4.

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

Discussion ensued among the Commissioners and staff, including: great location; great reuse of an underutilized parcel; well designed project; like the concept of putting the public on the patio and having the drive-through behind the building; like the management plan; crosswalks ADA improvements are welcomed; these Projects should benefit adjacent

properties; if the proposed stores would replace any existing stores; the City regulates uses not brands; confirmation that staff reviewed parking studies and traffic patterns; electric vehicle and vanpool parking requirements; Starbucks' access is designed to ensure no left turns onto Ventura Boulevard with a proposed raised median; and are the proposed signs consistent with the existing signs.

PROCEDURAL MOTION:

Commissioner Nash moved and Vice Chair Arruejo seconded the motion to extend the meeting past 11:00 p.m.

PROCEDURAL MOTION VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Lopez, Meyer, Nash, and Sanchez voted in favor. Commissioner Connelly was absent. The motion carried 6:0:1:0:0⁵.

MOTION:

Vice Chair Arruejo moved and Commissioner Lopez seconded a motion to:

- a. Find the Projects to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15332 (Infill Development) and 15311(a) (On-Premise Signs); and
- b. Adopt Resolution 2022-09 approving Planning and Zoning Permit No. 21-500-03 (Special Use Permit - Starbucks), subject to certain findings and conditions; and
- c. Adopt Resolution 2022-10 approving Planning and Zoning Permit No. 21-500-04 (Special Use Permit - In-N-Out), subject to certain findings and conditions; and
- d. Adopt Resolution 2022-11 approving Planning and Zoning Permit No. 21-520-03 (Special Use Permit - Minor - Plaza Del Norte Master Sign Program), subject to certain findings and conditions.

VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Lopez, Meyer, Nash, and Sanchez voted in favor. Commissioner Connelly was absent. The motion carried 6:0:1:0:0⁶.

H. STUDY SESSION/REPORTS

1. None.

⁵ In Favor: Against: Absent: Abstain: Recused

⁶ In Favor: Against: Absent: Abstain: Recused

I. PLANNING COMMISSION BUSINESS

1. Commissioner Nash stated that would like to receive the digital version of the Planning Commission packets, instead of the paper version.
2. Vice Chair Arruejo stated that there are two upcoming redistricting meetings, one on Saturday, January 22, 2022 at 10:00 a.m. and one on February 1, 2022 at 6:00 p.m..
3. Commissioner Lopez thanked staff and the Planning Commissioners for their work.
4. Chair Chavez stated that he along with Vice Chair Arruejo and Commissioner Connelly were accepted to be a part of Southern California Association of Governments Housing Policy Leadership Academy (<https://scag.ca.gov/hpla>) to learn about housing policies and how to best serve the community.

J. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

1. On January 18, 2022, the City Council continued the Portofino Place Project to a date uncertain.
2. On January 19, 2022, the Community Development Director approved the Las Cortes Phase II Project on Rose Avenue and Camino Del Sol.
3. The City has received two Appeals associated with Planning Commission denials on January 13, 2022: 1) Vineyard Starbucks Site Renovations located at 2551 North Vineyard Avenue and 2) TD Enterprise LLC located at 1015 Harbor Boulevard.
4. The City has received a letter from the California Department of Housing and Community Development (HCD) requesting information regarding the Housing Element. Staff is reviewing the comments.
5. The next Planning Commission meeting will be on February 3, 2022.

K. ADJOURNMENT

1. At 11:29 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, February 3, 2022, 6:00 p.m, Council Chambers

Daniel Chavez Jr.,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

MINUTES
OXNARD PLANNING COMMISSION
February 3, 2022
Draft Minutes

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Chavez announced pursuant to Assembly Bill 361, members of the Planning Commission or staff may participate in meetings via teleconference.
2. Chair Chavez (via videoconference), Vice Chair Arruejo (via videoconference), Commissioners Connelly (via videoconference), Lopez (via videoconference), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Jose Coyotl, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; and Dee Lai, Recording Secretary.
4. Chair Chavez presided and called the meeting to order.

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

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

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. No public comments were received for items not on the agenda.

D. CONSENT AGENDA

1. **Subject:** Adoption of a Resolution reauthorizing remote teleconference meetings of the Planning Commission of the City of Oxnard.

Recommendation: That the Planning Commission adopt Resolution 2022-12 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

MOTION:

Commissioner Nash moved and Vice Chair Arruejo seconded the motion to adopt Resolution 2022-12 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0¹.

¹ In Favor: Against: Absent: Abstain: Recused

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

MOTION:

Commissioner Nash moved and Vice Chair Arruejo seconded the motion to continue the Minutes of January 13, 2022 and January 20, 2022 to date certain of February 17, 2022.

VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0:0².

E. NOMINATIONS AND ELECTIONS

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

CHAIR NOMINATIONS:

Commissioner Nash moved and Vice Chair Arruejo seconded a nomination for Chair Chavez to serve as Chair for Calendar Year 2022.

VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried: 7:0:0:0:0³.

VICE CHAIR NOMINATIONS:

Commissioner Lopez moved and Commissioner Connelly seconded a nomination for Vice Chair Arruejo to serve as Vice Chair for Calendar Year 2022.

VOTE:

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried: 7:0:0:0:0⁴.

F. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Vice Chair Arruejo stated that he will recuse himself from participating in agenda Items G-1 and G-2 due to 18 U.S. Code § 203 and 18 U.S. Code § 205.
2. Commissioner Connelly stated that she will recuse herself from participating in agenda Item G-2 because she is in the process of selling a property near the Project.
3. None of the remaining Planning Commissioners had any ex parte communications to report for Items G-1 and G-2.

² In Favor: Against: Absent: Abstain: Recused

³ In Favor: Against: Absent: Abstain: Recused

⁴ In Favor: Against: Absent: Abstain: Recused

G. PUBLIC HEARING

- 1. Project Name: Kind Lifestyle Advocate Society LLC dba Advocate Society Commercial Cannabis Business Retail SUP - PLANNING AND ZONING PERMIT** No. 21-516-17 (Special Use Permit – Cannabis: Retail): Located at 2550 North Vineyard Avenue (APN: 145-0-232-165). A request to permit the operation of a commercial cannabis retail facility within an existing 4,566 square-foot commercial suite of a 5,270 square-foot multi-tenant commercial building on a 1.01-acre site within the General Commercial (C-2) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, and installation of new secure doors/windows. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. The project also includes a request for an administrative parking relief to allow for a decrease in the number of required parking spaces required by the center, which include the properties located at 2250 North Vineyard Avenue, from 54 parking spaces to 46 parking spaces. Filed by Ronald Jakins, on behalf of Advocate Society LLC dba Advocate Society.
City Staff: Jose Coyotl, Associate Planner

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

MOTION:

Commissioner Lopez moved and Chair Chavez seconded a motion to continue the project to date certain of February 17, 2022.

VOTE:

Chair Chavez, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. Vice Chair Arruejo recused himself. The motion carried: 6:0:0:0:1⁵.

- 2. Project Name: Haven #8 LLC dba Haven - Commercial Cannabis Business Retail Special Use Permit (SUP) - PLANNING AND ZONING PERMIT** No. 21-516-21 (Retail): Located at 220 South A Street (APN: 202-0-095-100). A request to permit the operation of a commercial cannabis retail facility within an existing 3,370 square-foot commercial building on an 0.16-acre site within the Downtown Core (DT-C) zone. Proposed development includes tenant improvements: installation of interior wall partitioning, plumbing upgrades, upgrades to an existing fire alarm system, security upgrades to the existing building, and installation of new secure doors/windows, and parking lot improvement. Cannabis retail operations will be conducted between the hours from 9:00 AM to 9:00 PM daily. Filed by Joe Velazquez (“Applicant”), 18012 Cowan Suite 200, Irvine, CA 92614, on behalf of Haven #8 LLC dba Haven.
City Staff: Jose Coyotl, Associate Planner

Recommendation: That the Planning Commission

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing

⁵ In Favor: Against: Absent: Abstain: Recused

Facilities), and

- b. Adopt Resolution 2022-13 approving Planning and Zoning Permit No. 21-516-21 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

Jose Coyotl, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/VE2mmxvaMgA>

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

The applicant team, including: Mike Cuccia (Haven, Community & Business Development); Johnnie Hernandez (Haven, Chief Business Operations); Natalya Lepskaya (John Cataldo Architects, Project Manager); Mark Simonian (Haven, Chief Operating Officer); and Joe Velazquez (Haven, Community & Business Relations) provided a presentation and were available for questions.

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

Public verbal comment was received from Deirdre Frank and Arthur Reynolds.

No Public written comments were received for item G-2.

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

Discussion ensued among the Commissioners and staff, including: applicant interest to locate project in Downtown; dense collection of dispensaries in the Downtown area; if there is an overconcentration of cannabis retail stores in this area; business is high end boutique; security philosophy; if cannabis retail become an attractive nuisance for the homeless population; in Port Hueneme, don't see loitering or homelessness concerns due to cannabis dispensaries; Port Hueneme dispensaries show beneficial impacts to reduce crime rate; status of the parking lot and opening up as a throughway to 3rd Street; neighborhood outreach; appreciative of applicant's efforts to reach out to the City leadership to support the City and City services; proximity to the Oxnard Library, religious institution, and the proposed Navigation Center; what is the Police Department's and the Housing Department's take on this project being near the Navigation Center; this Project complied with the City's robust requirements; and annual performance review and renewal process.

MOTION:

Commissioner Nash moved and Commissioner Lopez seconded the motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities), and Adopt Resolution 2022-13 approving Planning and Zoning Permit No. 21-516-21 (Special Use Permit – Cannabis: Retail), subject to certain findings and conditions.

VOTE:

Commissioners Lopez, Meyer, Nash and Sanchez voted in favor. Chair Chavez voted no. Vice Chair Arruejo and Commissioner Connelly recused themselves. The motion carried 4:1:0:0:2⁶.

H. STUDY SESSION/REPORTS

1. None.

I. PLANNING COMMISSION BUSINESS

1. Commissioner Lopez stated that he appreciates Chair Chavez and Vice Chair Arruejo for their great work in their position as Chair and Vice Chair.
2. Commissioner Meyer inquired if the Planning Commission can discuss the Planning Commission's meeting start time on a future Agenda. He stated that he prefers the 7:00 p.m. start time.
3. Vice Chair Arruejo thanked the Commissioners for their support in regards to reelecting him Vice Chair.
4. Chair Chavez thanked the Commissioners for their support in regards to reelecting him Vice Chair. He stated that the Metrolink is offering free rides on Friday, February 4, 2022 for Transit Equity Day, a day to honor Rosa Parks. He also stated that February 7, 2022 will be the last day to submit maps for redistricting.

J. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

1. On February 15, 2022, the City Council will consider the two Appeals associated with Planning Commission denials on January 13, 2022: 1) Vineyard Starbucks Site Renovations located at 2551 North Vineyard Avenue and 2) TD Enterprise LLC located at 1015 Harbor Boulevard.
2. The next Planning Commission meeting will be on February 17, 2022.

K. ADJOURNMENT

1. At 7:50 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, February 17, 2022, 6:00 p.m, Council Chambers

Daniel Chavez Jr.,
Chair

ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager

⁶ In Favor: Against: Absent: Abstain: Recused