

MINUTES
OXNARD PLANNING COMMISSION
November 18, 2021

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers. Chair Chavez announced pursuant to Assembly Bill 361, members of the Planning 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), Nash (via videoconference), and Sanchez (via videoconference) were present. Commissioner Meyer was absent.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Isidro Figueroa, Principal Planner; Randy Baez, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Tim Bochum, City Traffic Engineer; Tai P. Chau, Supervising Civil Engineer; Eric Storrie, Special Districts Manager; Scott Swenson, Safer Neighborhoods and Alcohol Compliance Specialist; Jennifer Haddow, Rincon Consultant; Mattie Magers, Rincon Consultant; Ryan Thacher, Rincon Consultant; 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 Lopez led the pledge of allegiance.

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None.

D. CONSENT AGENDA

1. APPROVAL OF MINUTES - October 7, 2021
2. APPROVAL OF MINUTES - October 13, 2021
3. APPROVAL OF MINUTES - October 21, 2021
4. APPROVAL OF MINUTES - November 4, 2021

MOTION: Vice Chair Arruejo moved and Commissioner Connelly seconded a motion to continue the approval of the October 7, October 13, October 21, 2021 Minutes and November 4, 2021 to the next regular Planning Commission meeting dated December 2, 2021.

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

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Commissioner Lopez stated that he drove by both properties for item F-1 and F-2. He can hear and consider the request in a fair, objective and unbiased manner.
2. None of the remaining Planning Commissioners had any ex parte communications to report for Items F-1 or F-2.

F. PUBLIC HEARING

1. **Project Name: Victoria Market Alcohol Special Use Permit - PLANNING AND ZONING PERMIT** No. 21-510-02 (Special Use Permit - Alcohol). A request for approval of a Special Use Permit (SUP) to sell beer, wine, and distilled spirits for off-sale consumption (Alcohol Beverage Control (ABC) License Type 21²) at an existing 2,326 square-foot commercial suite within a 16,770 square-foot building for a proposed convenience store/market on a 1.1-acre site located at 600 South Victoria Avenue, Suites #700 & 800 (APN: 185-0-170-105) within the General Commercial - Planned Development (C-2-PD) zone. Alcohol sales shall be limited to 6:00 a.m. to 11:00 p.m. daily. Filed by Waseem Farhat, Designated Agent, on behalf of property owner Robert & Susan Werner, TR, 11595 Bellagio Road, Los Angeles, CA 90049.

City Staff: Randy Baez, Associate Planner

Recommendation: That the Planning Commission

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Approve Resolution 2021-39 approving Planning and Zoning Permit No. 21-510-02 (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/zJOyNG_N68w.

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

The applicant team, including: Waseem Farhat (Victoria Market, Applicant), and Patrick Panzarello (Designated Agent, Patrick E. Panzarello Consulting Services) did not provide a presentation but were available for questions.

¹ In Favor: Against: Absent: Abstain: Recused

² ABC License Type 21 (Off-Sale General) (Package Store) Authorizes the sale of beer, wine, and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises.

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

Public verbal comment was received from Faith Collari.

No written comments were received for Item F-1.

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

Discussion ensued among the Commissioners and staff about several topics, including: whether the applicant is intending to sell spirits in addition to beer and wine; what products other than alcohol will be selling; whether there will be vaping and smoking products being sold; hours of operation; the difference between liquor store and convenience store; whether there will be onsite consumption; neighborhood outreach and outcome; distance to schools; crime statistics in the area; definition for allowable distance from sensitive uses for alcohol; set metric for convenience store and liquor stores and buffer zones for alcohol.

MOTION: Commissioner Lopez moved and Vice Chair Arruejo seconded a motion to find the the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and adopt Resolution 2021-39 approving Planning and Zoning Permit No. 21-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Nash, and Sanchez voted in favor. Commissioner Meyer was absent. The motion carried 6:0:1:0:0³.

2. **Project Name: Portofino Place - PLANNING AND ZONING PERMIT** No. 19-500-04, 20-300-02, 20-570-02 & 20-620-02. A request for a Special Use Permit for the construction of 90, two-story condominium dwelling units each with attached 2-car garages, 214 total visitor parking spaces, common swimming pool and playground area, 3,281 square-foot recreation building, entry gates and perimeter walls, private roads, detention basins, landscaping and associated site improvements on 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) (PZ 19-500-04). The project includes a General Plan Amendment request to change the 2030 General Plan land use designation of the project site from Business Research Park (BRP) to Residential Medium (RM) (PZ 20-620-02), a Zone Change to change the zoning of the project site from Business Research Park to Multiple-Family (R-2) (PZ 20-570-02), and a Tentative Subdivision Map (Tract No. 6064) for condominium purposes and to combine three existing lots into two lots (PZ 20-300-02). Filed by the Law Office of K.M. Neiswender, P.O. Box 1225, Blue Jay, CA 92317, the applicant.
City Staff: Isidro Figueroa, Principal Planner

Recommendation: That the Planning Commission

- a) Adopt Resolution 2021-40 recommending that the City Council adopt an

³ In Favor: Against: Absent: Abstain: Recused

Addendum to previously adopted Mitigated Negative Declaration (MND) 2004-11; and

- b) Adopt Resolution 2021-41 recommending that the City Council approve 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
- c) Adopt Resolution 2021-42 recommending that the City Council approve 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
- d) Adopt Resolution 2021-43 recommending that the City Council approve Planning and Zoning Permit No. 20-300-02 (Tentative Subdivision Map for Tract No. 6064), subject to certain findings and conditions, and
- e) Adopt Resolution 2021-44 Approving Planning and Zoning Permit No. 19-500-04 (Special Use Permit – Residential), subject to certain findings and conditions.

Isidro Figueroa, Principal Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/JOevbhB8ZkM>

City staff, including: Isidro Figueroa, Principal Planner; Scott Kolwitz, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; Tim Bochum, City Traffic Engineer; and Tai P. Chau, Supervising Civil Engineer, Eric Storrie, Special Districts Manager; Jennifer Haddow, Rincon Consultant; Mattie Magers, Rincon Consultant; and Ryan Thacher, Rincon Consultant; were available for questions.

The applicant team, including: John Carnesale (Pacific Coastal Investments, Developer); Odette Gharibeh (Pacific Coastal Investments, Project Manager); Kate Neiswender (Law Office of K.M. Neiswender, Attorney); Ross Peabody (Civil Engineer); John Morelli (Architect); and Jim Meaney (CBRE, Advisory & Transaction Services, First Vice President) 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. Faith Collari,
- 2. John Collari,
- 3. Miguel Diaz,
- 4. Brian Finerman, and
- 5. Tina M. Peters.

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 November 17, 2021, contained one public written comment from:
 - a. Justin Campbell.
2. Transmittal Memo No. 2, dated November 18, 2021, contained one public written comment from:
 - a. Judy Perkins.

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

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

Discussion ensued among the Commissioners and staff about several topics, including: widening of 5th Street; need for photometric plans; volume of retention basins and ability to be placed above or below ground; traffic volumes and patterns; accident levels of vehicles; traffic signal requirements; traffic calming devices; one-way flow of traffic; on-street parking not allowed; number of resident and visitor parking spaces; bus stop locations; location of crosswalks; affordable housing condition of approval number 45; not using affordable housing in-lieu fees; petition questions regarding condo or apartments, outreach to the school regarding construction activities; vapor barrier, airport expansion; noise disclosure; lighting standards; solar energy; solar panel roofs; limiting the homes to electric or gas only; residents ability to access the common residential areas; color scheme; palm trees; and quimby fees; ;zone change supported to provide infill housing; this project helps Oxnard provide a full continuum of housing.

MOTION: Commissioner Nash moved and Commissioner Lopez seconded a motion to:

- a) Adopt Resolution 2021-40 recommending that the City Council adopt an Addendum to previously adopted Mitigated Negative Declaration (MND) 2004-11; and
- b) Adopt Resolution 2021-41 recommending that the City Council approve 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
- c) Adopt Resolution 2021-42 recommending that the City Council approve 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
- d) Adopt Resolution 2021-43 recommending that the City Council approve Planning and Zoning Permit No. 20-300-02 (Tentative Subdivision Map for Tract No. 6064), subject to certain findings and conditions with the inclusion of the following edit to Condition of Approval No. 60:
 - i) 60. The applicant shall provide a notice to potential homebuyers and renters disclosing the presence of the

Oxnard Airport and a helicopter flight path along West Fifth Street and the potential expansion of the Oxnard Airport. The applicant shall provide such notice to each homebuyer and renter and obtain signatures acknowledging the presence of the Oxnard Airport and helicopter flight path along West Fifth Street and the potential expansion of the Oxnard Airport.

e) Adopt Resolution 2021-44 approving Planning and Zoning Permit No. 19-500-04 (Special Use Permit – Residential), subject to certain findings and conditions with the inclusion of the following edit to Condition of Approval Nos. 188, deletion of Condition of Approval Nos. 259, 260, 261 and 262, addition of new Condition of Approval 259, and renumber of the remaining Conditions of Approval:

- i) 188. The applicant shall provide a notice to potential homebuyers and renters disclosing the presence of the Oxnard Airport and a helicopter flight path along West Fifth Street and the potential expansion of the Oxnard Airport. The applicant shall provide such notice to each homebuyer and renter and obtain signatures acknowledging the presence of the Oxnard Airport and helicopter flight path along West Fifth Street and the potential expansion of the Oxnard Airport.
- ii) ~~259. Developer shall provide secure fencing around any infiltration or detention basin designed to contain stormwater at a depth greater than 18-inches. Walls and fences around the basin shall be set back a minimum of 2-feet from the top of slope. Developer shall design detention and retention basins with gates that can be accessed by maintenance vehicles. Final design is subject to approval of the City Engineer. (DS)~~
- iii) ~~260. All detention or infiltration basin sites shall be provided with a minimum of two (2) signs identifying the use of the lot as a detention or infiltration basin. The signs shall have a minimum area of four (4) square feet and shall contain the following message: "WARNING This area has been designed as a storm water detention pond and is subject to periodic ponding to a depth of _____ inches." The material, design, size, and number of signs are subject to the review and approval of the City Engineer. Signs and posts shall be constructed of metal or other long-lasting material. Signage shall be oriented to be visible to residents of the project. All information regarding required detention basin signage shall be included on the grading/site improvement plans. (DS)~~
- iv) ~~261. Developer shall provide a confirmation letter from the project geotechnical engineer approving the design and location of all project detention and infiltration basins that~~

~~must include a minimum setback requirement of 8-feet from any structures. The letter shall confirm that the design conforms to the Geotechnical Engineer's recommendations for structural and geotechnical setbacks from ownership lines sufficient to protect adjacent owners from negative impacts. Developer shall provide calculations demonstrating that the proposed infiltration basin slopes will not negatively impact the structural integrity or foundation support of the adjacent existing block wall or residential homes. Developer shall install a 30-mils minimum geomembrane liner around all the detention and infiltration basins to a depth recommended by the geotechnical engineer. (DS)~~

- v) ~~262. Developer shall construct solid block walls between the detention and/or infiltration basins and an adjacent residential side or back yards that must be located 8-feet away. Any proposed tubular steel or other metal fencing shall be designed to have a minimum 30 year life. (DS)~~
- vi) 259. Developer shall design the detention, retention, and infiltration facilities to be underground, meeting the requirements of the City of Oxnard and the 2011 Technical Guidance Manual for Stormwater Control. The design must include an access vault for each facility for inspection and maintenance purposes. Developer shall provide a confirmation letter from the project geotechnical engineer approving the design and location of all detention, retention, and infiltration facilities, including a minimum setback requirement of 8-feet from any structures. The letter shall confirm that the design conforms to the Geotechnical Engineer's recommendations for structural and geotechnical setbacks from ownership lines sufficient to protect adjacent owners from negative impacts. Developer shall provide calculations demonstrating that the proposed detention, retention, and infiltration facilities will not negatively impact the structural integrity of foundation support of the adjacent block wall or residential homes. (DS)

VOTE: Vice Chair Arruejo, Commissioners Connelly, Lopez, Nash, and Sanchez voted in favor. Chair Chavez voted no and Commissioner Meyer was absent. The motion carried 5:1:1:0:0⁴.

G. STUDY SESSION/REPORTS

1. None.

⁴ In Favor: Against: Absent: Abstain: Recused

H. PLANNING COMMISSION BUSINESS

1. Planning Commissioners expressed general thanks in the spirit of the season.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

Scott Kolwitz, Planning & Environmental Services Manager announced:

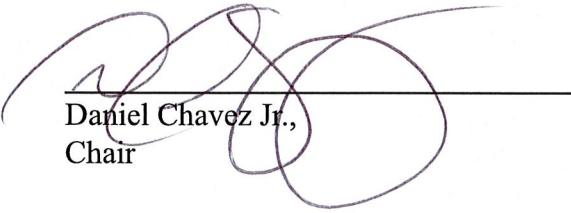
1. The Rio Urbana Annexation associated with a City-approved project consisting of 167 condos and 15,000 square feet office building that was scheduled to be reviewed by the Local Area Formation Commission (LAFCo) was continued to December 15, 2021 due to audio technical difficulties.
2. The next Planning Commission meeting will be on December 2, 2021.

J. ADJOURNMENT

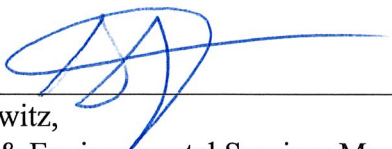
1. At 8:47 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

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



Daniel Chavez Jr.,
Chair



ATTEST _____
Scott Kolwitz,
Planning & Environmental Services Manager