

MINUTES  
OXNARD PLANNING COMMISSION  
December 2, 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), Meyer (via videoconference), Nash (via videoconference), and Sanchez (via videoconference) were present.
3. Staff members present were: Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson II, Senior Planner; Juan Martinez, Associate Planner; Ken Rozell, Chief Assistant City Attorney; Tim Bochum, City Traffic Engineer; 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 Meyer led the pledge of allegiance.

**C. PUBLIC COMMENTS - On Items Not On The Agenda**

1. None.

**D. CONSENT AGENDA**

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

**Recommendation:** That the Planning Commission adopt Resolution 2021-45 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

**MOTION:** Commissioner Sanchez moved and Commissioner Lopez seconded a motion to adopt Resolution 2021-45 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 7:0:0:0:0<sup>1</sup>.

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<sup>1</sup> In Favor: Against: Absent: Abstain: Recused

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

**MOTION:** Vice Chair Arruejo moved and Commissioner Meyer seconded a motion to approve the October 7, October 13, and October 21, 2021 as submitted.

**VOTE:** Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0<sup>2</sup>.

**MOTION:** Vice Chair Arruejo moved and Chair Chavez seconded a motion to approve the November 4, 2021 minutes with the following edits (in underline and strike-through format) to read as follows:

**THIRD MOTION:**

Commissioner Lopez moved and Commissioner Nash seconded a motion to approve the Vineyard Starbucks Site Renovations project, Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit) finding the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities) and adopting Resolution 2021-XX approving Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit), subject to certain findings and conditions with the inclusion of the following edits to Conditions 9, 107, 116, 139 and 140:

9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code except as modified by the Administrative Parking Relief granted by the Planning Commission (PL/B, G-9) including to mark the compact spaces as such to avoid larger or oversized vehicles from disrupting the planned parking. ~~Each compact parking stall is to have the word "compact" painted at the entrance of the space in letters a minimum of eight inches in height.~~

~~107. The Transportation Demand Management Plan shall provide direction for onsite circulation signage. 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. Signage shall indicate that there is additional parking onsite. Onsite directional signage shall be designed with one double-faced permanent directional sign per vehicular entrance, provided such signs do not exceed~~

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<sup>2</sup> In Favor: Against: Absent: Abstain: Recused

~~three square feet in area each. 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)

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 ~~alerted~~ altered to the presence of recycling on site and how contamination will be minimized. The Occupancy Plan must include what service provider(s) will manage/transport materials to appropriate facilities for processing and/or disposal.

139. All overhangs are required to be sprinklered as required by City Code.

140. Trash enclosure is required to be sprinklered as required by City Code.

#### **AMENDMENT TO THE THIRD MOTION:**

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

9. Developer shall provide off-street parking for the project, including the number of spaces, stall size, paving, striping, location, and access, as required by the City Code except as modified by the Administrative Parking Relief granted by the Planning Commission (PL/B, G-9) ~~including to mark the compact spaces as such to avoid larger or oversized vehicles from disrupting the planned parking.~~ Each compact parking stall is to have the word "compact" painted at the entrance of the space in letters a minimum of eight inches in height.

107. The Transportation Demand Management Plan shall provide direction for onsite circulation signage. 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. Signage shall indicate that there is additional parking onsite. Onsite directional signage shall be designed with one double-faced permanent directional sign per vehicular entrance, provided such signs do not exceed three square feet in area each. 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)

**VOTE:** Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, and Nash voted in favor. Commissioner Sanchez abstained. The motion carried 6:0:0:1:0<sup>3</sup>.

**E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS**

1. Vice Chair Arruejo stated that he is a member of a Oxnard Unified High School District (OUHSD) grants board, but he has no knowledge item F-1 other than what has been provided to the Planning Commission. He can hear and consider the request in a fair, objective and unbiased manner.
2. Commissioner Lopez stated that his wife is an elected OUHSD Trustee so he is recusing himself from Item F-1.
3. Commissioner Nash stated that he has met with Henry Casillas on other projects in the past as part of the Oxnard Community Planning Group but not on the project on tonight's agenda. He can hear and consider the request in a fair, objective and unbiased manner.
4. None of the remaining Planning Commissioners had any ex parte communications to report for Items F-1 or F-2.

**F. PUBLIC HEARING**

1. **Project Name: Encanto Homes Subdivision - Major Modification** - PLANNING AND ZONING PERMIT No. 21-550-03 (Major Modification) to Modify PZ 20-500-05 (Special Use Permit for a Development Plan); and PZ 20-300-04 (Tentative Subdivision Map for T6054); and PZ 20-535-03 (Density Bonus). A request to:
  - a) Adjust the site plan and Tentative Tract Map plotting of five lots (Lots 23 through 27) to exclude a 126 square-foot area designated to be transferred to an adjacent property (1101 West First Street) located north of Lot 27 of Tentative Tract No. 6054. The five lots have been reconfigured to accommodate the 126 square-foot area. The Major Modification the Planning Commission's recent (August 26, 2021) approval of Planning and Zoning Permit 20-500-05 (Special Use Permit for Planned Development); PZ 20-300-04 (Tentative Subdivision Map for T6054); and PZ 20-535-03 (Density Bonus) would allow for a 27-unit residential project with a reconfigured site and plotting changes to Lots 23 through 27. The Modified Project entitlements include a request to:
    - i) Demolish existing infrastructure consisting of modular classroom buildings and site improvements serving the former Oxnard Union High School's Adult Education Program; and
    - ii) Subdivide the Project 4.10-acre site into 27 lots ranging between 3,891 and 10,584 net square feet in size and dedication of approximately 1-acre of land for the benefit of public right-of-way for existing and proposed roadway improvements along all four sides of the proposed development. The net developable area will be 3.13 acres; and
    - iii) Allow for the construction of 27 detached single-family dwelling units. The single-story, three bedroom homes will offer a two plan mix with two unit sizes

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<sup>3</sup> In Favor: Against: Absent: Abstain: Recused

- (1,149 & 1,201 square feet) and attached or detached 484 square-foot two-car garages with alley access and associated site improvements; and
- iv) The Project also includes a request for the ministerial approval of a Density Bonus Permit to allow for a 23 percent Density Bonus to increase the maximum number of units from 22-units to 27-units. Of the 27 homes, twenty (20) of the homes will be market rate, seven (7) of the homes will be affordable units as follows: Three (3) units will be set aside for low income households and four (4) units will be set aside for moderate income households. Approval of the following Density Bonus concessions/incentives are requested pursuant to Government Code Section 65915(d) (State's Density Bonus law):
- (1) reduce the minimum lot area from 6,000 square feet to lots averaging 5,332.6 square feet;
  - (2) reduce the minimum lot dimensions: frontage and width from 50-feet to 32-feet or greater with two flag lots having frontages of 14 and 20 feet and depth from 100 feet to 71 feet; and
  - (3) reduce the rear yard setback from 25-feet to 5-feet primarily to allow the garages in the rear yard.

The Project site is located at 1101 & 1111 West Second Street & 1101 West First Street within the Residential Low land use designation, Single Family Residential (R-1) zone, and is in the Fremont South Neighborhood. Filed by Henry Casillas, on behalf of the Oxnard Union High School District, property owner, 451 West Fifth Street, Oxnard, California 93030. **City Staff: Juan Martinez, Associate Planner**

**Recommendation:** That the Planning Commission

- a) Find the Project to be Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines; and
- b) Adopt Resolution No. 2021-46 repealing Resolution No. 2021-22 and approving Planning and Zoning Permit No. 21-550-03 (Major Modification to PZ 20-500-05 Special Use Permit for a Development Plan and PZ 20-535-03 Density Bonus), subject to certain findings and conditions; and
- c) Adopt Resolution 2021-47 repealing Resolution No. 2021-23 recommending that City Council approve Planning and Zoning Permit No. 20-300-04 (Tentative Tract Map for Tract No.6054), subject to certain findings and conditions.

Juan Martinez, Associate Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/wLH4J-hxqKM>.

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

The applicant team, including: Henry Casillas (Project Manager); Roberto Curiel (Principal Partner); and Mark Di Cecco (DiCecco Architecture, Inc., Architect) provided a presentation and were available for questions.

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

A public verbal comment was received from Barbara Macri Ortiz.

A public written comments was received prior to the meeting, and it was organized into a Transmittal Memo, distributed to the Planning Commission and posted online:

1. Transmittal Memo No. 1, dated December 2, 2021, contained one public written comment from:
  - a. Jules Kumagai.

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

Discussion ensued among the Commissioners and staff, including: property lines identification given their non-perpendicular nature; adequate spacing of fire hydrants; difference in gross and net square footage of the lots; whether the project maintains and honors the prior Density Bonus; which lots contain the affordable units; and had a survey been previously conducted that should have spotted the encroachment, or was the property transfer based on an unrecorded agreement?

**MOTION:** Commissioner Nash moved and Vice Chair Arruejo seconded a motion to find the Project to be Exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332 (In-fill Development Projects) of the CEQA Guidelines; Adopt Resolution No. 2021-46 repealing Resolution No. 2021-22 and approving Planning and Zoning Permit No. 21-550-03 (Major Modification to PZ 20-500-05 Special Use Permit for a Development Plan and PZ 20-535-03 Density Bonus); and adopt Resolution 2021-47 repealing Resolution No. 2021-23 recommending that City Council approve Planning and Zoning Permit No. 20-300-04 (Tentative Tract Map for Tract No.6054), subject to certain findings and conditions.

**VOTE:** Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Meyer, Nash, and Sanchez voted in favor. Commissioner Lopez was recused. The motion carried 6:0:0:0:1<sup>4</sup>.

2. **Project Name: Vineyard Starbucks Site Renovations** - PLANNING AND ZONING PERMIT No. 21-550-01 (Major Modification to U-916 (Special Use Permit). The project includes modifications to an existing 2,450 square-foot drive through fast food restaurant building and to allow for a Starbucks coffee shop on a 0.66 acre site. The proposed improvements will consist of a series of site changes to convert the existing Wendy's restaurant drive-through restaurant into a Starbucks drive-through coffee shop. The changes include a small 50 square-foot addition to allow for the relocation of the 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.

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<sup>4</sup> In Favor: Against: Absent: Abstain: Recused

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. Filed by Beverly Metz, of Starbucks, 555 Anton Boulevard, Costa Mesa, CA 92626.

**City Staff: Joe Pearson, Senior Planner**

**Recommendation:** That the Planning Commission

- a) Finds the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b) Adopt Resolution 2021-XX approving Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit)), subject to certain findings and conditions.

Joe Pearson, Senior Planner, provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: [https://youtu.be/GuM\\_jawL1e8](https://youtu.be/GuM_jawL1e8)

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

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

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

There were no public verbal or written comments received for item F-2.

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

Discussion ensued among the Commissioners and staff, including: is there a conflict with the compact spaces turning radii and pedestrian paths of travel where the drive-through queue is located; signage installation; what additional steps could be taken to enhance onsite circulation improvements; would the Planning Commission be able to review any future Transportation Demand Management Program modifications; performance measures; which location in California is the parking data pulled from; operational experiences of the stores in Oxnard; does Starbucks have metrics that shows the operations with and without handheld devices; whether Starbucks staff is trained in traffic management; time and location of Starbucks deliveries and loading zones; Riverpark Boulevard and Vineyard intersection operations; what are possible Catrans improvements; learned behavior of customers.

**MAIN MOTION (MOTION OF INTENT TO DENY):**

Vice Chair Arruejo moved and Commissioner Meyer seconded a Motion of Intent to Deny the Vineyard Starbucks Site Renovations project, Planning and Zoning Permit No. 21-550-01 (Major Modification to U-916 (Special Use Permit) as the Planning Commission could not make the following two required Special Use Permit Findings, as specified in the deliberations provided by the Planning Commission, and to have staff return with a formal Resolution to Deny the project on January 13, 2022:

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.
2. 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.

**AMENDMENT TO THE MAIN MOTION:**

Commissioner Connelly moved and Vice Chair Arruejo seconded a motion to specify the Planning Commission could not make the following third required Special Use Permit Finding:

1. 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).

**AMENDMENT TO THE MAIN MOTION VOTE:**

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, and Meyer voted in favor. Commissioners Nash and Sanchez voted against. The motion carried: 5:2:0:0:0.

**MAIN MOTION (MOTION OF INTENT TO DENY) VOTE:**

Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, and Meyer voted in favor. Commissioners Lopez, Nash, and Sanchez voted against. The motion carried 4:3:0:0:0.

**G. STUDY SESSION/REPORTS**

1. None.

**H. PLANNING COMMISSION BUSINESS**

1. Chair Chavez stated that the Oxnard Leadership Academy is still taking applications. The tuition fee is \$900 and scholarships are available. Additionally, he stated that FoodShare is having their annual donation collection and Gold Coast is accepting coat donations to give to unshelter individuals.
2. Vice Chair Arruejo stated redistricting efforts are underway.
3. Commissioner Lopez stated the Del Norte facility will have free drop-off days on Saturday, December 4, 2021 for Oxnard residents only. Additionally, he stated that there will be a community information meeting for the South Oxnard Aquatic Center on Saturday, December 11, 2021 at College Park.
4. Commissioner Meyer reminded everyone that the Covid-19 vaccines are now available to those 5-years old and older and booster shots are now available for those 18 years and older.

**I. COMMUNITY DEVELOPMENT STAFF UPDATES**

Scott Kolwitz, Planning & Environmental Services Manager announced:

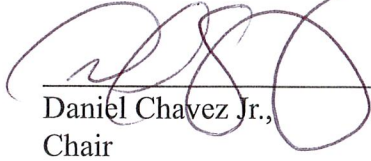
1. The Southern California Association of Governments (SCAG) is accepting applications for the Housing Policy Leadership Academy until January 10, 2022.
2. On November 17, 2021, the Rio Urbana Annexation associated with a City-approved project consisting of 167 condos and 15,000 square feet office building was reviewed by the Local Area Formation Commission (LAFCo), but the meeting ended before action could be taken due to a broadcasting disruption, and the item was continued to December 15, 2021.
3. On December 7, 2021, the City Council will review the Bed and Breakfast Ordinance Amendment and the Appeal of the Planning Commission's Approval of FGH Retail Services, LLC. - Commercial Cannabis Business Retail Special Use Permit located at 2320 North Rose Avenue.
4. The next Planning Commission meeting will be on December 16, 2021.

**J. ADJOURNMENT**

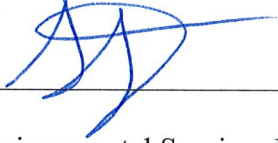
1. At 9:08 p.m., the Planning Commission concurred to adjourn.

**FUTURE MEETINGS**

Thursday, December 16, 2021, 6:00 p.m, Council Chambers



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Daniel Chavez Jr.,  
Chair



ATTEST \_\_\_\_\_  
Scott Kolwitz,  
Planning & Environmental Services Manager