MINUTES
OXNARD PLANNING COMMISSION
December 16, 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 Commision 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; Jeff Pengilley, Assistant Community Development Director; Scott Kolwitz, Planning & Environmental Services Manager; Joe Pearson II, Senior Planner; Ken Rozell, Chief Assistant City Attorney; Jason Zaragoza, Deputy 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 Nash 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 2021-49 reauthorizing remote teleconference meetings of the Planning Commission in accordance with Assembly Bill 361.

   MOTION: Commissioner Lopez moved and Commissioner Connelley seconded a motion to adopt Resolution 2021-49 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[1].

[1] In Favor: Against: Absent: Abstain: Recused

2. Adoption of the 2022 Planning Commission Meeting Calendar.

MOTION: Commissioner Sanchez moved and Vice Chair Arruejo seconded a motion to adopt the 2022 Planning Commission Meeting Calendar as submitted.

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted in favor. The motion carried 7:0:0:0:0[2].

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Vice Chair Arruejo stated that he drove by and looked at the project site for Item F-3. He can hear and consider the request in a fair, objective and unbiased manner.

2. Chair Chavez stated that he met with Tony Talamante and talked about a separate topic unrelated to any items on the agenda. He can hear and consider Items F-1 and F-2 in a fair, objective and unbiased manner.

3. Commission Meyer stated that he is a resident of the Riverpark neighborhood. He is not automatically recused because of distance requirements. 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, F-2 and F-3.

5. Ken Rozell, Chief Assistant City Attorney recused himself from item F-1 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-1 in Ken Rozell's place.

F. PUBLIC HEARING

1. **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 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 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

[2] In Favor: Against: Absent: Abstain: Recused

River, and south of Central Avenue. The project application was filed by Ann Walsh of Shea Properties, 2751 Park View Court, Suite 261, Oxnard, CA 93036.
City Staff: Joe Pearson, Senior Planner

Recommendation: That the Planning Commission

a) Adopt Resolution 2021-XX recommending City Council approval of Planning and Zoning Permit No. 20-630-01 (Amendment to the RiverPark Specific Plan), subject to certain findings, and certification of an Addendum to FEIR No. 00-03; and

b) Adopt Resolution 2021-XX 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/TNX5EQKb7Qk.

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

The applicant team, including: Jonathan Cornelius (Fore Property, Vice President): Sean Mohn (Gibson Transportation, Principal); Tony Locacciato (Meridian Consultants, Partner); Doug Svensson (Applied Development Economics, President); Tony Talamante (Talamante Project Delivery, Owner); Ann Walsh (Shea Properties, Director Of Development); and Derek Wyatt (RCLCO, Managing Director) 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:

1. Armando Delgado,
2. Katherine Lazier,
3. Joshua Medrano,
4. Paul Schnebelen, and
5. Anthony Ventura.

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 December 15, 2021, contained four public written comments from:
    a. Kathy Lazier (two separate correspondences),
    b. Nancy Madrid, and
    c. Tai Hartley,

2. Transmittal Memo No. 2, dated December 16, 2021, contained four public written comments from:
    a. Peaches Aguirre,
    b. Tai Hartley,
    c. Michael Kubanet,
    d. Llana Stice.
3. Transmittal Memo No. 3, dated December 16, 2021, contained two public written comments from:
    a. Perry Self, and
    b. Michael Wallace and Sarah Johns Wallace.

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

Discussion ensued among the Commissioners and staff, including: how was the 9,000 vehicle trip reduction calculated; what would be displaced in District D to allow for residential development; how realistic is it to expect the commercial development to be built; type of parking structure to accommodate displaced parking; how will parking be balanced onsite; ensuring utilities infrastructure is maintained with this change; ways to making building energy efficient; whether project is open to eliminating gas ranges; is a 5 year extension an industry standard; meaning of waived or increased impact fees; 2018 impact fees impacting Development Agreement number 2 and 7; reasons for fee increase in 2020; values of the assets if fully built out as commercial or residential; whether the Planning Commission would be involved in review of future development projects; are fees in the Development Agreement appropriate; how are uses determined to be allowed or not; maximum height of any structure in River Park; parking strategies lessons learned from existing RiverPark developments; has an emergency egress plan been reviewed for man made or natural disasters; the number of affordable housing requirement in a development project; pre-pandemic versus current retail occupancy percentage; is there a development plan to go along with the Specific Plan Amendment; can a Development Agreement include a labor agreement; District B is located next to the property with the approved gas station; difference between one-time and perpetual fees paid as part of the units; would this project reduce the costs per unit as part of the CFD; many real world happenings since 2001: recession, decline of brick and mortar stores, pandemic, autonomous vehicles.

PROCEDURAL MOTION:

Commissioner Nash moved and Chair Chavez seconded the 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 7:0:0:0:0[3].

MAIN MOTION:

Vice Chair Arruejo moved and Commissioner Connelly seconded a motion to adopt Resolution recommending City Council approval of Planning and

[3] In Favor: Against: Absent: Abstain: Recused

Zoning Permit No. 20-630-01 (Amendment to the RiverPark Specific Plan), subject to certain findings, and certification of an Addendum to FEIR No. 00-03; and adopt a Resolution 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, subject to certain findings and conditions.

SECOND MOTION (AMENDMENT TO MAIN MOTION):

Vice Chair Arruejo moved and Commissioner Connelly seconded a motion to remove Development Agreement Amendment requests 2 (Set applicable impact fees at the rates effective September 24, 2018 for the term of the agreement, except as otherwise modified) and 7 (Set the Traffic Impact Fee at the rate in effect September 24, 2018 for the term of the agreement) from the Development Agreement.

SECOND MOTION (AMENDMENT TO MAIN MOTION) VOTE:

Chair Chavez and Vice Chair Arruejo voted in favor. Commissioners Connelly, Lopez, Meyer, Nash, and Sanchez voted against. The motion failed 2:5:0:0:0[4].

THIRD MOTION (SECOND AMENDMENT TO MAIN MOTION):

Commissioner Connelly moved and Vice Chair Arruejo seconded a motion to remove potential residential development within District D from the Specific Plan Amendment request and continue the project to a date certain of January 13, 2022.

THIRD MOTION (SECOND AMENDMENT TO MAIN MOTION) VOTE:

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

MAIN MOTION VOTE:

The Commission did not vote on the main motion.

2. **Project Name: Fore Property Development Agreement Amendment** - PLANNING AND ZONING PERMIT No. 20-670-03 (Second Development Agreement Amendment) and certification of an Addendum to Final Environmental Impact Report No. 00-03. The project consists of a Development Agreement Amendment to allow for a time extension, fee modifications, define future affordable housing requirements, and off-site maintenance requirements. The Project is located at 2700 and 2750 North Ventura Road (APN 132-0-100-095 & 132-0-100-085). The project application was filed by Jonathan K. Cornelius of Fore Property, 1004 Santa Barbara Street, Santa Barbara , CA 93101

City Staff: Joe Pearson, Senior Planner

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[4] In Favor: Against: Absent: Abstain: Recused

[5] In Favor: Against: Absent: Abstain: Recused

Recommendation: That the Planning Commission
Adopt Resolution 2021-50 recommending City Council approval of Planning and Zoning Permit No. 20-670-03 (Second Amendment to Development Agreement No. A-7113) for Fore Property, 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/xfy6qDBSYbo

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

The applicant team, including: Jonathan Cornelius (Fore Property, Vice President): Sean Mohn (Gibson Transportation, Principal); Tony Locacciato (Meridian Consultants, Partner); Doug Svensson (Applied Development Economics, President); Tony Talamante (Talamante Project Delivery, Owner); Ann Walsh, Director Of Development, Shea Properties) andDerek Wyatt (RCLCO, Managing Director)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 Armando Delgado.

No public 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, including supporting housing and affordability; and can a Development Agreement include a labor agreement.

MAIN MOTION:

Commissioner Connelly moved and Commissioner Meyer seconded a motion to adopt Resolution 2021-50 recommending City Council approval of Planning and Zoning Permit No. 20-670-03 (Second Amendment to Development Agreement No. A-7113) for Fore Property, subject to certain findings, and certification of an Addendum to FEIR No. 00-03.

SECOND MOTION (AMENDMENT TO MAIN MOTION):

Commissioner Meyer moved and Commissioner Nash seconded a motion to adopt Resolution 2021-50 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 7:0:0:0:0[6].

MAIN MOTION VOTE:

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

3. **Project Name: Lockwood Senior Apartments Project** - PLANNING AND ZONING PERMIT No. 21-500-01 (Special Use Permit). A request for the construction of a 173 unit, 100 percent affordable, active senior apartment project at 2001 Outlet Center Drive (portion of APN: 213-0-090-285), for individuals who are 62 years of age or older, with associated site improvements on an approximately 3.60 acre site and adjacent infrastructure improvements offsite. The Project also includes a request for ministerial approval of a Density Bonus Permit to allow for a 65 percent density bonus to increase the maximum number of units from 105 to 173 units and to waive, reduce or modify three development standards related to open space requirements, balcony size and number, and bedroom location and apply parking reductions per State regulations. The project is located within the Business Research Park land use designation and the Business Research Park - Affordable Housing Discretionary (BRP-AHD) zone. Filed by Mark Ross, of Sun Village, LLC, on behalf of Sunbelt Enterprises, LLC, 5715 Mesmer Avenue, Los Angeles, CA 90230 (the "Applicant").

City Staff: Joe Pearson, Senior 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 15332 (In-Fill Development Projects); and

b) Adopt Resolution 2021-51 Approving Planning and Zoning Permit Nos. 21-500-01 (Special Use Permit) and 21-535-04 (Density Bonus), 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/htSRTY8d6pA

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

The applicant team, including: Randy Chapman (CCE Design Associates, Inc., Civil Engineer); Thomas Cohen (Cohen Land Use Law, Counsel); Mark Pettit (Lauterbach & Associates, Architect); and Mark Ross (Sunbelt, Developer/Agent) provided a presentation and were available for questions.

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[6] In Favor: Against: Absent: Abstain: Recused

[7] In Favor: Against: Absent: Abstain: Recused

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

Public verbal comments were received from:

1. Francine Castanon,
2. Armando Delgado, and
3. Michael Penrod.

A public written comment 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 16, 2021, contained one public written comment from:
    a. Mitchell M. Tsai.

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

Discussion ensued among the Commissioners and staff, including: opportunities for daycare onsite; no traffic issues; this project can revitalize this area; and good location.

MOTION: Commissioner Nash 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 15332 (In-Fill Development Projects); and Adopt Resolution 2021-51 Approving Planning and Zoning Permit Nos. 21-500-01 (Special Use Permit) and 21-535-04 (Density Bonus), to include the revised condition number 75, subject to certain findings and conditions with the inclusion of the following edit to Condition of Approval No. 75:

75. ~~All s~~Signalized intersections at Gonzales Road & Solar Drive and Gonzales Road & Lombard Street/Outlet Center Drive shall be equipped with pre-emption equipment. (FD/TR, F15).

VOTE: Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Meyer, Nash and Sanchez voted in favor. The motion carried 7:0:0:0:0[8].

G. STUDY SESSION/REPORTS

1. None.

H. PLANNING COMMISSION BUSINESS

1. Planning Commissioners wished all happy holidays and shared appreciations.

[8] In Favor: Against: Absent: Abstain: Recused

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 approved by the Local Area Formation Commission (LAFCo) on December 15, 2021.
2. The next Planning Commission meeting will be on January 13, 2022.

J. ADJOURNMENT

1. At 12:30 a.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Thursday, January 13, 2022, 6:00 p.m, Council Chambers

Daniel Chavez Jr.,
Chair

ATTEST
Scott Kolwitz,
Planning & Environmental Services Manager