

MINUTES
OXNARD PLANNING COMMISSION
January 20, 2022

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 Gerds
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