ITEM F-1

PZ 22-550-01
Dunkin Donuts

PLANNING COMMISSION
MEMORANDUM

TO: Planning Commission

FROM: Jay Dobrowalski, Planning Supervisor

DATE: August 3, 2023

SUBJECT: **Project Name: Dunkin Donuts**; Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit), Property Located at 2151 East Gonzales Road; APN: 213-0-090-015

Summary

On July 6, 2023, the Planning Commission (the "Commission") considered PZ No. 22-550-01 (Major Modification to Special Use Permit)[1] and made a Motion of Intent to Deny the Project as they could not make all of the Findings required to grant the Major Modification in accordance with Oxnard City Code Section 16-531, and they continued the hearing to August 3, 2023, to ratify the action by approving a Resolution of Denial (Attachment A). The motion carried 4:1:2:0:0[2].

Staff has prepared the Resolution of Denial for the proposed Project (Attachment B).

Appeal Process

In accordance with Section 16-545 of the City Code, the Planning Commission's action on PZ 22-550-01 (Major Modification) may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal is not filed within 18 working days of the Planning Commission's decision, the decision of the Planning Commission shall be considered final.

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[1] The proposed project requests a Major Modification to Special Use Permit (SUP) No. 00-05-142 to allow for improvements to an existing 30,467 square-foot CBC Credit Union multi-tenant office building. The proposed project includes the construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-through lane. The project also includes one modification that is being requested to allow for a reduction of the number of on-site required parking spaces from 151 to 129. Filed by property owner, Daniel Bednar, Vice President of Development, of CBC Federal Credit Union.

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

Attachments

A – July 6, 2023 Planning Commission Staff Report

B - Resolution for Denial of PZ 22-550-01

C – Staff Presentation

CITY OF OXNARD CALIFORNIA

PLANNING COMMISSION
STAFF REPORT

TO: Planning Commission

FROM: Jay Dobrowalski, Planning Supervisor
Lisa Gordon, Senior Contract Planner

DATE: July 6, 2023

SUBJECT: **Project Name: Dunkin Donuts;** Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit), Property Located at 2151 East Gonzales Road; APN: 213-0-090-015

1) **Recommendation:** That the Planning Commission:
   a) Adopt an Addendum to Mitigated Negative Declaration No. 01-09; and
   b) Adopt Resolution 2023-XX approving Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit), subject to certain findings and conditions.

2) **Project Description and Applicant:** The applicant requests a Major Modification to Special Use Permit (SUP) No. 00-05-142 to allow for improvements to an existing 30,467 square-foot CBC Credit Union multi-tenant office building. The proposed project includes the construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-through lane with 8-vehicle capacity (stacking for 3 vehicles between the order board and pick-up window and stacking for 5 vehicles behind the order board). In accordance with Oxnard City Code (OCC) Section 16-651(B)(4), one modification is being requested: a reduction of the number of on-site required parking spaces from 151 to 129. Filed by property owner, Daniel Bednar, Vice President of Development, of CBC Federal Credit Union.

3) **Existing & Surrounding Land Uses:** The project site is located at 2151 East Gonzales Road (APN: 213-0-090-115) and is currently developed with an existing multi-tenant office building that includes a ground floor credit union and upper floor general and medical office space with 129 on-site parking spaces (which includes 16 drive-thru spaces divided into two lanes). The site is located within the Business and Research Park (BRP) General Plan land use designation and Business and Research Park (BRP) zone district and is surrounded by a mix of mostly medical office uses and a self-service station/convenience store as shown in the following Table 1:

Table 1 - Existing and Surrounding Land Uses

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Business Research Park (BRP)	Business Research Park (BRP)	Credit Union and mix of general and medical offices
North	Business Research Park (BRP)	Business Research Park (BRP)	Medical offices
South	Business Research Park (BRP)	Business Research Park (BRP)	Medical-Urgent Care
East	Business Research Park (BRP)	Business Research Park (BRP)	Self-Service Station/Convenience store (7-Eleven)
West	Business Research Park (BRP)	Business Research Park (BRP)	Medical offices (Kaiser Permanente)

4) **Background Information:** On May 3, 2001, the Planning Commission approved Special Use Permit No. 00-5-142 and adopted Mitigated Negative Declaration No. 01-09 for the construction of a 30,456 square foot building for bank and office uses located at the northwest corner of Gonzales Road and Outlet Center Drive. To date, there have been no changes to the originally permitted development.

5) **Environmental Determination:** Pursuant to the California Environmental Quality Act (CEQA), the proposed development is subject to review for potential environmental impacts. In accordance with Section 15164(b) of CEQA Guidelines, a lead agency shall prepare an Addendum to a previously certified Environmental Impact Report (EIR) or Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR or ND have occurred. An addendum to Mitigated Negative Declaration No. 01-09 was prepared to analyze potentially significant adverse environmental effects of the proposed project (Attachment C). The addendum provides a comparison of the current proposal and the previously-approved project that was studied in the 2001 Initial Study-Mitigated Negative Declaration (IS-MND) and focuses on new environmental effects, specifically Greenhouse Gas Emissions, which have been added to the CEQA Guidelines since the 2001 MND was adopted. The addendum did not identify any areas of concern as potentially being affected. Therefore, the proposed project would not create new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the 2001 IS-MND.

6) **Analysis:**
   a) ***General Discussion:*** The CBC Federal Credit Union Office Building is a 30,647 square-foot multi-tenant office building that is comprised of a ground floor credit union, and general and medical office space with 129 on-site parking spaces (which includes 16 drive-through spaces in 2-lanes behind the building at the north end of the site). The

proposed project includes the construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-thru lane with 8-vehicle capacity. The proposed hours of operation would be 7 days a week between the hours of 5:00 AM and 9:00 PM.

As discussed below, the project is designed to be consistent with the 2030 General Plan, and the OCC. Pursuant to Section 16-536 of the OCC, the Planning Commission is the decision maker for the requested Special Use Permit.

b) ***General Plan Consistency:*** The City's 2030 General Plan land use designation for the subject site is Business Research Park which allows for professional, administrative, research and limited manufacturing uses along with limited commercial activities intended to support these uses such as fast-food (including drive-thrus). The proposed project is located along Gonzales Road, which is a primary arterial roadway, and includes multiple uses within the subject site. Approval of this Major Modification has been determined to be consistent with the General Plan and the property's land use designation.

Consistency with the 2030 General Plan is defined by the relationship between 2030 General Plan policies and the proposed project. The three consistency classification levels are:

I. Direct Applicability to a Proposed Project or Program (full text of the policy and an explanation).

II. Related or Indirect Applicability to the Proposed Project or Program (policy title and an explanation for each or groups of related or indirectly related policies).

III. No or Distant Applicability to the Proposed Project or Program (all policies not listed as Level I and II are assumed to be consistent).

Table 2 - General Plan Consistency

POLICY	LEVEL	POLICY OR TITLE	EXPLANATION
CD-1.2	II	In-fill development, priority to mixed-use	The project site is within a developed area of the City and qualifies as infill
CD-4.2	II	Commercial Revitalization and Redevelopment	The project encourages upgrading and appropriate reuse of existing commercial areas and

			increases overall jobs and sales within the City.
CD-5.2 SH-6.4	II	Compatible Land Use	The proposed project is consistent with allowable BRP land uses and will be compatible with the existing and adjacent uses as designed and are not anticipated to generate nuisances.
CD-14.1 CD-14.2	II	Development Advisory Committee Functions (DAC)	The Development Advisory Committee (DAC) review process led to changes in the project and/or conditions of approval that meet these Level II policies.
CD-15.6	II	Share of regional taxable sales	The project includes the repurposing of an existing site to allow for new businesses, which will generate retail sales tax revenue to the City.
CD-18.1	II	Attract New Business	The project provides the opportunity to attract a new commercial use that is compatible with the community's business climate and not detrimental to the local economy.
All Others	III	All policies not listed above	No or Distant Applicability to the Proposed Project

c) ***Conformance with Zoning Development Standards:*** The proposed development is located within the Business Research Park (BRP) zone district and is subject to the BRP development standards. In accordance with the City Code, the proposed project may be permitted with an approval of a Major Modification to the existing SUP. The proposed project was evaluated for consistency with the BRP development standards. The majority of the project is located within the existing tenant space and consists of tenant improvement changes only with minimal exterior site changes proposed. The project complies with all applicable development standards of the BRP zone, except for the

required off-street parking in which the applicant is seeking a reduction to the number of on-site parking spaces and is further described below in subsection (d) of this report.

Table 3 - Development Standard Compliance

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Off street parking (16-622)	151 auto spaces	129 auto spaces	Yes, with granting of the requested parking relief

d) ***Site Design, Circulation, and Parking:*** The 2.45-acre site is located on the northwest corner of Gonzales Road and Outlet Center Drive. The project site has two different access points: 1) Gonzales Road via an existing driveway located at the west end of the street frontage and 2) Outlet Center Drive via an existing shared driveway at the northeast corner of the site. The existing driveways will provide access to the site and allow for vehicle circulation around the site and the existing drive-through lanes located behind the building on the north end of the site. In addition to the shared access, the project site shares parking with the adjacent Palms Medical Plaza property located to the north at 1901 Outlet Center Drive (10 shared spaces are located in the Palms Medical Plaza site and 10 shared spaces are located in the CBC Federal Credit Union office building site). A parking study (Attachment D) for a reduction in the number of required on-site parking spaces has been submitted to demonstrate the parking demands for the existing office building that includes the addition of the proposed Dunkin Donuts tenant.

The parking data and breakdown in Table 4 (below) shows that the CBC Federal Credit Union office building contains a total of 30,487 square-feet of building space with 129 on-site parking spaces (which includes 16 drive-thru spaces in two lanes). Approximately 524 square feet of shared lobby space is allocated towards the proposed Dunkin Donuts tenant space.

Table 4 - Summary of Parking Data

TENANT	SIZE	PARKING SUPPLY
Credit Union Corporate Office General Office Medical Office Dunkin Donuts	5,878 SF 16,000 SF 800 SF 6,390 SF 1,419 SF[1] 30,487 SF	129 spaces[2]

[1] Includes 524 square feet of lobby space shared with the Credit Union
[2] Includes 16 spaces in two drive-thru lanes

The existing CBC Federal Credit Union and the Dunkin Donuts would occupy the first-floor space and the remaining floors would be occupied by general and medical office tenants; the parking requirements are based on the following rates:

Table 5 - City Zoning Ordinance Parking Requirements

TENANT	SIZE	ZONING REQUIREMENT	REQUIRED PARKING
Credit Union	5,878 SF	1:250 SF	24 spaces
General Office	16,800 SF	1:250 SF	67 spaces
Medical Office	6,390 SF	1:200 SF	32 spaces
Dunkin Donuts	1,419 SF	1:50 SF	28 spaces
		Total Required Parking:	**151 spaces**

Based on the existing and proposed tenant spaces and land use, the OCC requires 151 spaces for the overall project site. The project site provides 129 on-site parking spaces, and therefore requires relief from the parking requirement. The parking study developed shared parking demand estimates based on hourly parking demand surveys conducted at the site and hourly parking demand rates presented in the Institute of Transportation Engineers (ITE) Parking Generation Manual, 5th Edition. The ITE parking demand rates show that peak parking demand rates would be as follows: 100 spaces on weekdays and 44 spaces on weekends. The shared parking demand estimates using ITE rates and on-site surveys for both weekdays and weekends showed that in a worst-case scenario 93 spaces are forecasted to be used for the office building uses and 40 parking spaces are forecasted to be used on weekends. The on-site parking supply of 129 spaces (which does not include the 10 spaces on the adjacent Palms Medical Plaza site) would meet both the shared weekday and weekend parking demand by providing an adequate supply of reserve parking.

As shown on the project site plan (Attachment B), Dunkin Donuts will use only one of the existing two drive-thru lanes (Dunkin Donuts will use the lane closest to the building). Per OCC Section 16-647, fast-food restaurants require a capacity for three vehicles between the pick-up window and order board and a capacity for five vehicles behind the order board. The proposed project is consistent with the City requirements as it provides stacking for 8 vehicles. Per the queue studies submitted by the applicant, at three different Dunkin Donut locations (1. Downey, CA; 2. Laguna Hills, CA; and 3. Whittier, CA), the maximum queue ranged from 5 to 7 vehicles. Therefore, the proposed

8-vehicle stacking area would accommodate the anticipated queues. In order to address any potential on-site drive-through vehicle queuing issues or in cases where the queuing exceeds the 8-vehicle stacking capacity, a Drive Thru-Queue Management Plan has been prepared (Attachment E). The plan provides passive and active strategies including signage and striping at the drive-thru entrance along with directional signage and the use of handheld mobile devices by Dunkin Donut staff to take customer orders.

Bicycle Parking
Pursuant to OCC Section 16-623, the Project site is required to provide five bicycle parking spaces. The Project site has an existing bicycle parking rack for three bicycle parking spaces located at the front entrance of the office building. Thus, the project is subject to a condition of approval to require the installation of additional bicycle racks for a total of five on-site bicycle parking spaces.

Traffic Engineer Review
The City Traffic Engineer has reviewed the project plans and has recommended the following special conditions be added to the project:

- *Developer shall incorporate details on the engineering plans showing directional signs and pavement markings that will assist and direct motorists through both drive-through lanes.*
- *Show the car queuing design for the drive-through lanes in the engineering improvement plans for the Traffic Division to review.*

The City finds that the proposed project, as conditioned, and in the context of documentation provided and reviewed, includes adequate on-site parking during both peak weekday and weekend forecasted parking demand and forecasted drive-through vehicle queuing.

e) ***Building Design:*** The majority of the project scope is located within the existing CBC Federal Credit Union tenant space and consists of tenant improvement changes only with minimal exterior changes proposed on the north building elevation adjacent to the existing drive-thru lane. Exterior changes include the installation of a new free-standing menu/order board, new mechanical grilles on the façade of the building, and a new pick-up window. All proposed material will be painted to match the existing building or be similar in design.

7) **Development Advisory Committee:** On March 9, 2022, the Development Advisory Committee (DAC) reviewed the project and provided comments to the applicant team. Subsequent to the DAC review, the applicant continually worked with members of the DAC to further revise the project plans while DAC members drafted project conditions. The DAC recommended conditions of approval are included in the attached resolution.

8) **Community Workshop and Public Input:** The project is not located within a General Plan

identified neighborhood. Therefore, the project was not presented during a Community Workshop.

Consistent with public noticing requirements, this Planning Commission hearing was advertised in the newspaper, with an on-site posting, and by mail to property owners within 300 feet of the subject property.

To date, Staff has received one comment letter regarding the proposed project. The letter (from Nelson Comis Kettle & Kinney, LLP representing the Palms Medical Plaza Owners' Association, dated March 7, 2023) includes concerns regarding potential impacts to parking, traffic, and pedestrian circulation. The project is consistent with parking, traffic, and circulation requirements (see above Section 6.d), and the information in the letter does not change staff recommendation.

9) **Appeal Procedure:** In accordance with OCC Section 16-545, the Planning Commission's action may be appealed to the City Council within 18 days after the decision date. Appeal forms may be obtained from the City Clerk and must be submitted with the appropriate fees before the end of the appeal period. If an appeal to the City Council is not filed within 18 days of the Planning Commission decision, the decision of the Planning Commission shall be considered final.

Attachments:

A. Maps (Vicinity, General Plan, Zoning, Aerial)
B. Reduced Project Plans
C. Addendum No. 1 to Mitigated Negative Declaration No. 01-09
D. Parking Study (Dated April 20, 2023)
E. Drive Through Queue Management Plan (Dated October 8, 2022)
F. Draft Planning Commission Resolution Approving Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit)
G. Letter from Palms Medical Plaza Owners' Association (Dated March 7, 2023)
H. Staff Presentation

Vicinity Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

January 25, 2023

PZ 22-550-01
Location: 2151 E Gonzales Rd
APN: 2130090015
Dunkin Donuts

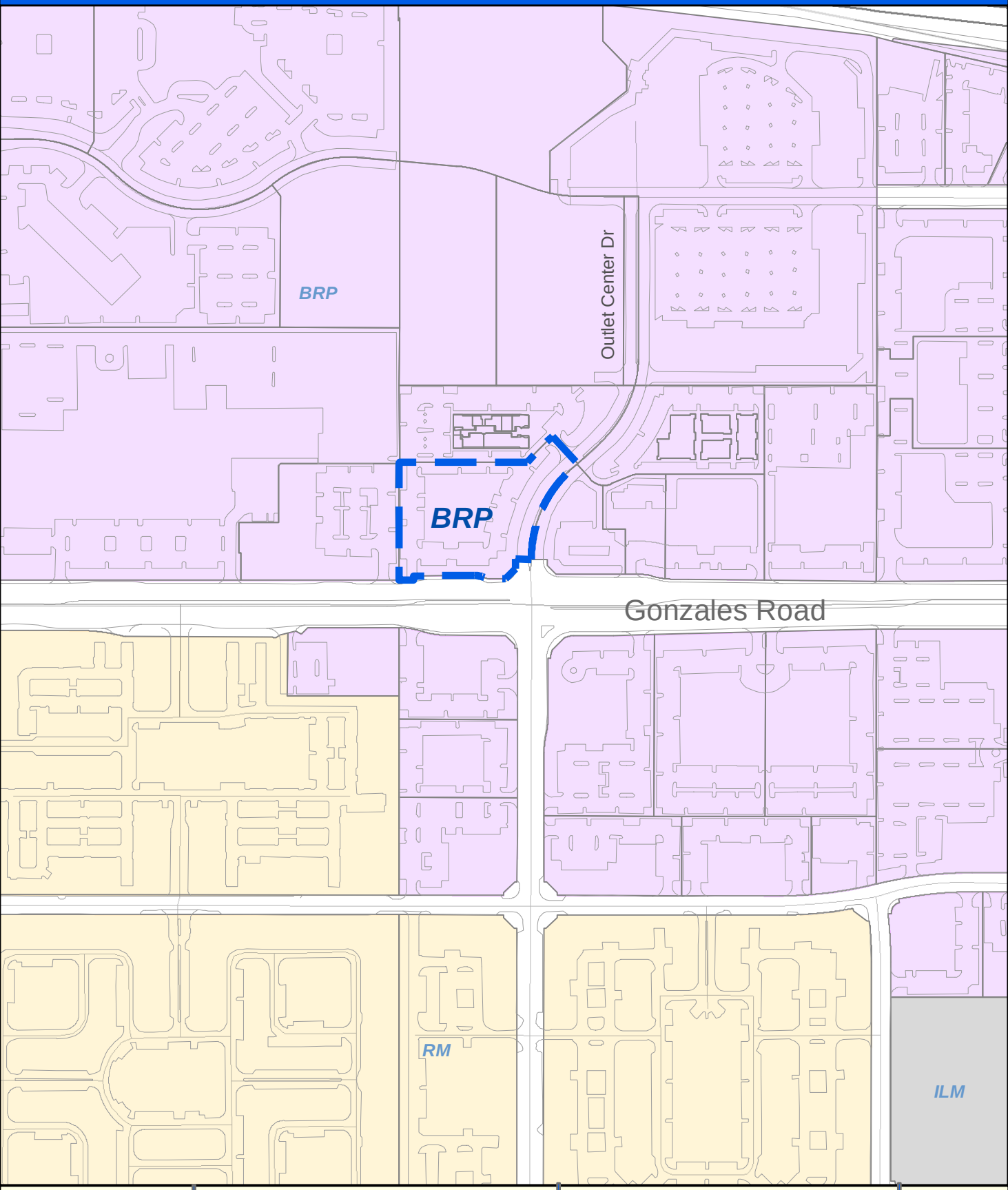
Vicinity Map

0 0.5 1 1.5 2 Miles

N

1:70,000

2030 General Plan Land Use Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

January 25, 2023

PZ 22-550-01
Location: 2151 E Gonzales Rd
APN: 2130090015
Dunkin Donuts

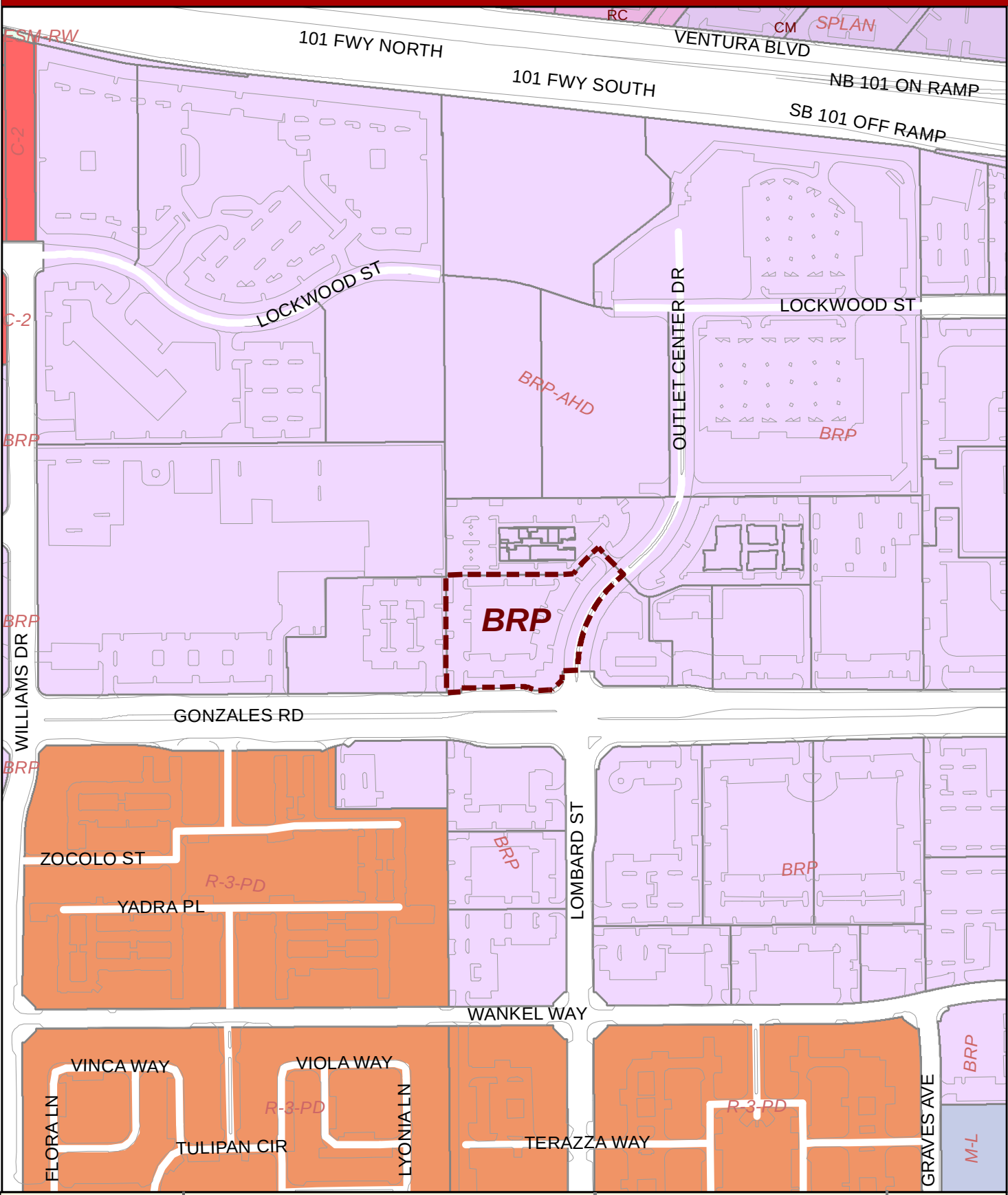
0 100 200 400 Feet

2030 General Plan Land Use Map

N W E S

1:4,000

Zoning/Specific Plan Map



CITY OF OXNARD CALIFORNIA

Oxnard Planning

January 25, 2023

PZ 22-550-01
Location: 2151 E Gonzales Rd
APN: 2130090015
Dunkin Donuts

0 62.5 125 250 375 500 Feet

Zoning/Specific Plan Map

N W E S

1:4,000

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

January 25, 2023

PZ 22-550-01
Location: 2151 E Gonzales Rd
APN: 2130090015
Dunkin Donuts

0 25 50 100 150 200 Feet

Aerial Map

N W E S

CBC FEDERAL CREDIT UNION

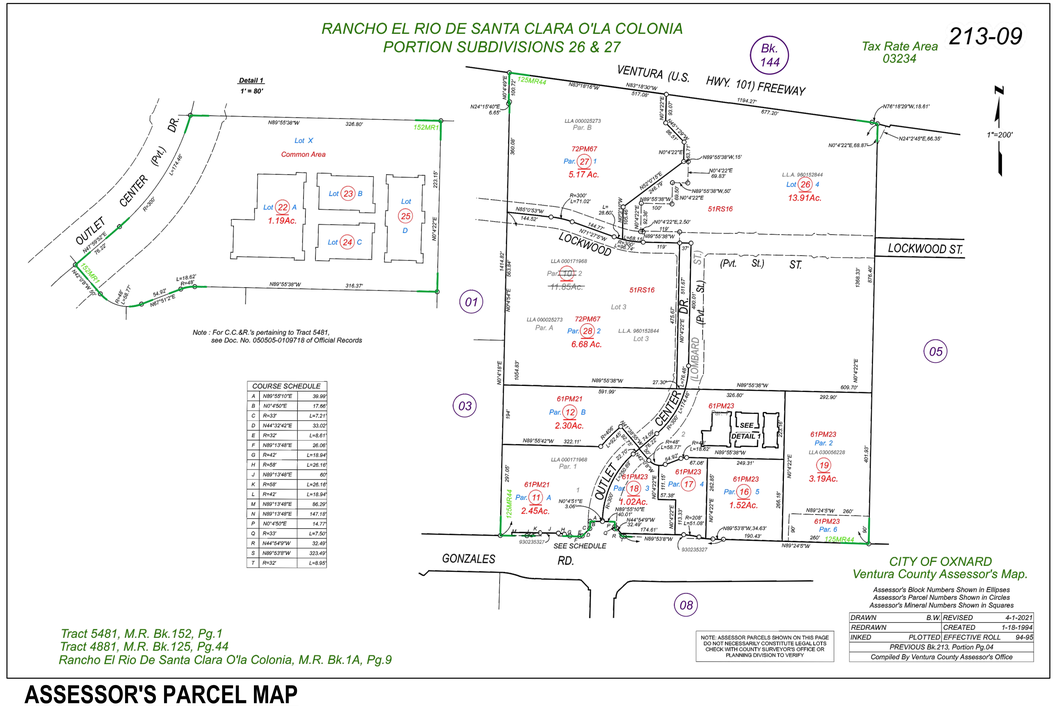
2151 EAST GONZALES ROAD OXNARD, CA 93036

DISCRETIONARY PERMIT SUBMITTAL - PLANNING SUBMISSION PACKAGE

TABLE OF CONTENTS

		ISSUED FOR: PLANNING SUBMISSION
SHEET #	**SHEET NAME**	**DATE:** 12.15.2021
CS-1	COVER SHEET	●
SP-01	COLORED SITE PLAN	●
SP-02	SITE PLAN	●
FP-01	FLOOR PLAN	●
EL-1	COLORED BUILDING ELEVATIONS	●
EL-2	NORTH COLORED BUILDING ELEVATION	●
F-1	EXTERIOR FINISH BOARD	●
L-1	LANDSCAPE PLAN	●
L-2	LANDSCAPE PLAN	●
P-1	KEYED PHOTO PLAN & AREA PHOTOS	●

ARTISTIC RENDERING OF DRIVE-THRU AREA



ASSESSOR'S PARCEL MAP

GERALD R. KARLE ARCHITECT

Pittsburgh
1601 Marys Ave., Suite 2G-B • Pittsburgh, PA 15215
412 • 904 • 1553

PRELIMINARY
DEC 15, 2021
NOT FOR CONSTRUCTION USE

Planning Submittal

ADDENDUMS

No.	Date	Name

MOMENTUM

Project

cbc federal CREDIT UNION Make it easy.

CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title

COVER SHEET

Date
2021.12.02

Project Number
20063

Drawn By

Sheet Number
CS-1

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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December 02, 2021 - 4:29pm

GERALD R. KARLE ARCHITECT

Pittsburgh
1601 Marys Ave., Suite 2G-8 • Pittsburgh, PA 15215
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PRELIMINARY
DEC. 15, 2021
NOT FOR CONSTRUCTION USE

Planning Submittal

ADDENDUMS

No.	Date	Name

MOMENTUM

Project

cbc federal CREDIT UNION Make it easy.

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2151 E GONZALES RD.
OXNARD, CA 93036

Title
COLORED SITE PLAN

Date
2021.12.15

Project Number
20063

Drawn By

Sheet Number
SP-01

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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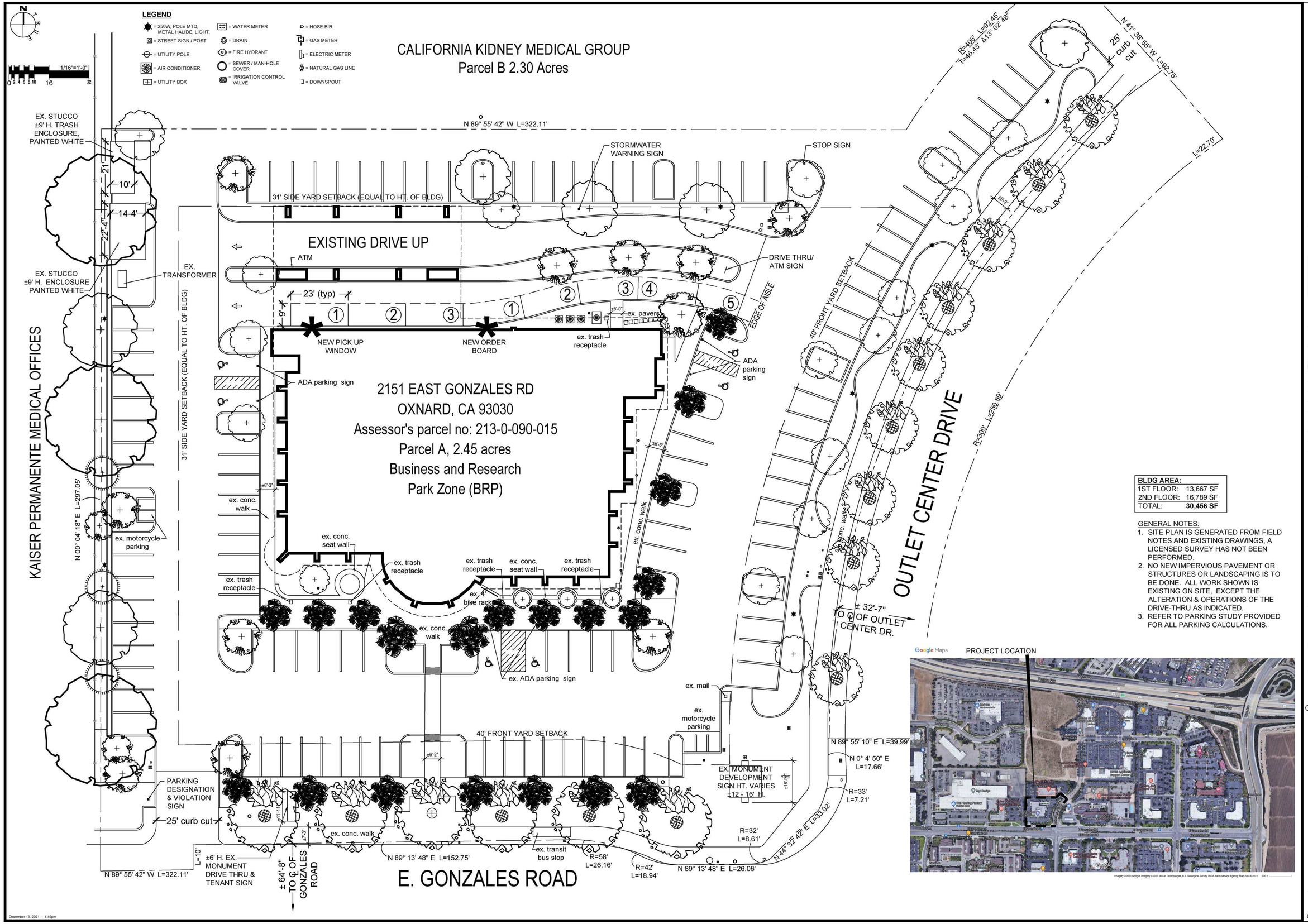
CALIFORNIA KIDNEY MEDICAL GROUP
Parcel B 2.30 Acres

LEGEND

- = 250W, POLE MTD, METAL HALIDE, LIGHT.
- = STREET SIGN / POST
- = UTILITY POLE
- = AIR CONDITIONER
- = UTILITY BOX
- = WATER METER
- = DRAIN
- = FIRE HYDRANT
- = SEWER / MAN-HOLE COVER
- = IRRIGATION CONTROL VALVE
- = HOSE BIB
- = GAS METER
- = ELECTRIC METER
- = NATURAL GAS LINE
- = DOWNSPOUT



BLDG AREA:	
1ST FLOOR:	13,667 SF
2ND FLOOR:	16,789 SF
TOTAL:	**30,456 SF**

GENERAL NOTES:

1. SITE PLAN IS GENERATED FROM FIELD NOTES AND EXISTING DRAWINGS, A LICENSED SURVEY HAS NOT BEEN PERFORMED.
2. NO NEW IMPERVIOUS PAVEMENT OR STRUCTURES OR LANDSCAPING IS TO BE DONE. ALL WORK SHOWN IS EXISTING ON SITE, EXCEPT THE ALTERATION & OPERATIONS OF THE DRIVE-THRU AS INDICATED.
3. REFER TO PARKING STUDY PROVIDED FOR ALL PARKING CALCULATIONS.

December 13, 2021 - 4:49pm

GERALD R. KARLE ARCHITECT

Pittsburgh
1601 Marys Ave., Suite 2G-8 • Pittsburgh, PA 15215
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PRELIMINARY
DEC. 15, 2021
NOT FOR CONSTRUCTION USE

Planning Submittal

ADDENDUMS

No.	Date	Name

MOMENTUM

Project

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CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title
SITE PLAN

Date
2021.12.15

Project Number
20063

Drawn By
LKA

Sheet Number
SP-02

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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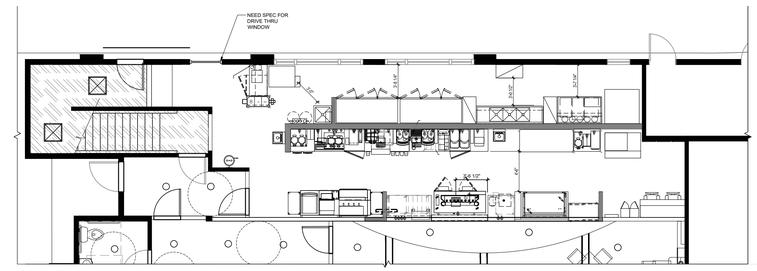
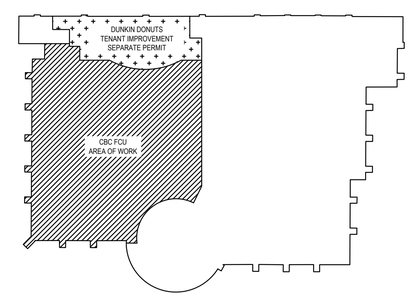
PROPOSED COLOR FLOOR PLAN
1/8" = 1'-0"



PROPOSED DUNKIN DONUTS FLOOR PLAN
3/16" = 1'-0"



Key Plan
1/32" = 1'-0"

GERALD R. KARLE ARCHITECT

Pittsburgh
1601 Marys Ave., Suite 2G-8 • Pittsburgh, PA 15215
412 • 904 • 1553

PRELIMINARY
Dec 03, 2021
NOT FOR CONSTRUCTION USE

Planning Submittal

ADDENDUMS

No.	Date	Name

MOMENTUM

Project

CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title
FLOOR PLANS

Date
2021.12.02

Project Number
20063

Drawn By

Sheet Number
FP-1

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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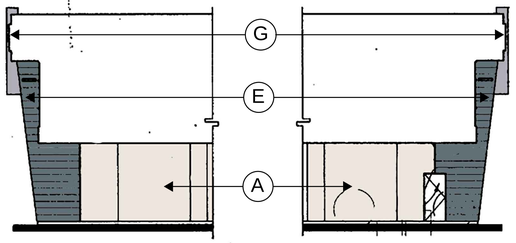
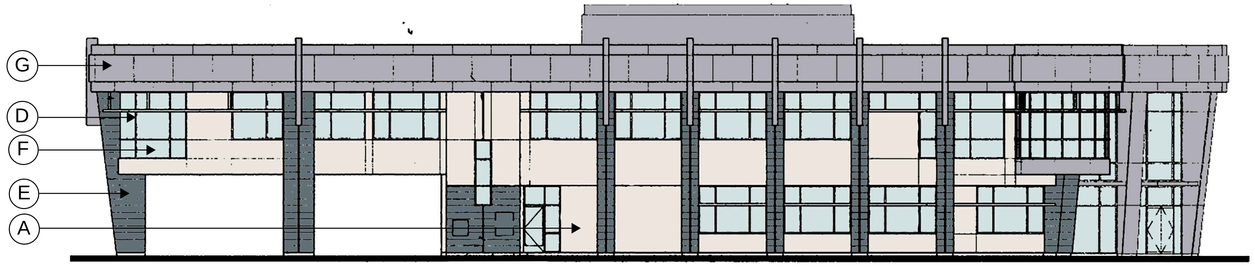


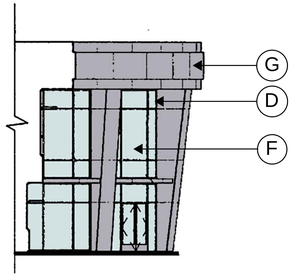
A PARTIAL NORTH @ REMOTE ATM ENCL.

B PARTIAL SOUTH @ REMOTE ATM ENCL.

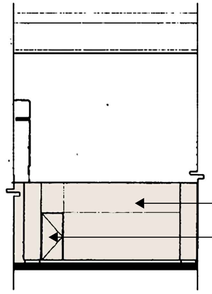
SOUTH

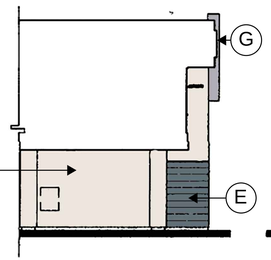


WEST



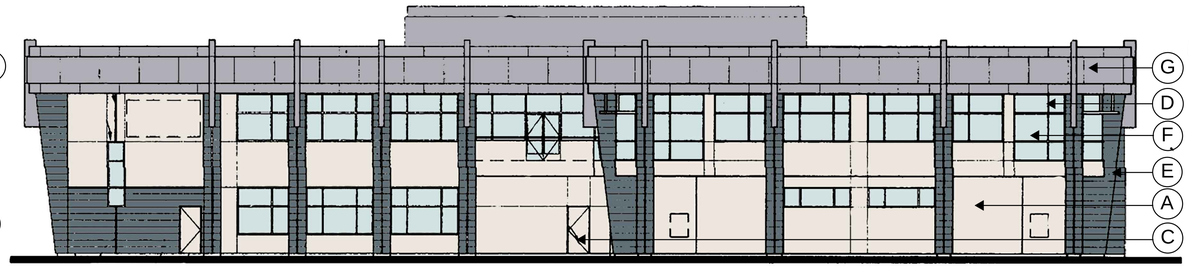
C PARTIAL WEST @ ENTRY





D PARTIAL NORTH @ ELEC. RM/ DRIVE-THRU

E PARTIAL NORTH @ STAIR #1/ DRIVE-THRU



NORTH

COLOR SCHEDULE

A. SMOOTH FINISHED PLASTER WALLS & SOFFITS:
DUNN-EDWARDS SPD 36 'SWISS COFFEE'

B. SMOOTH FINISHED PLASTER: MECHANICAL SCREEN WALL:
DUNN-EDWARDS DE 1088 LI 'LAVA FLOW'

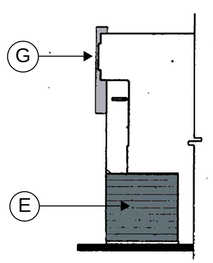
C. FLUSH METAL MAN DOORS:
DUNN-EDWARDS SPD 36 'SWISS COFFEE'

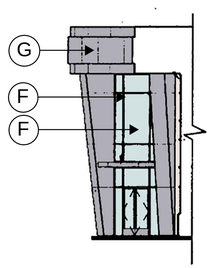
D. ALUMINUM WINDOW SYSTEMS & REGLETS:
CLEAR ANODIZED ALUMINUM

E. NATURAL STONE VENEER AT WALLS & COLUMNS:
INTERTILE GR34F 'VERDE LAVRAS'

F. EXTERIOR WINDOW GLAZING:
LOF EVERGREEN

G. ALUMINUM, KYNAR FINISHED FASCIAS, SOFFITS, LIGHT SHELVES, & FINS:
PAINT TYPE: CENAMELIZE
PAINT COLOR: #495 SILVER





F PARTIAL SOUTH @ STAIR #1/ DRIVE-THRU

G PARTIAL EAST @ ENTRY

EAST

December 03, 2021 - 11:30am

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PRELIMINARY
Dec 15 2021
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Planning Submittal

ADDENDUMS

No.	Date	Name

MOMENTUM

Project

CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title
EXISTING COLORED ELEVATIONS

Date
2021.12.02

Project Number
20063

Drawn By

Sheet Number
EL-1

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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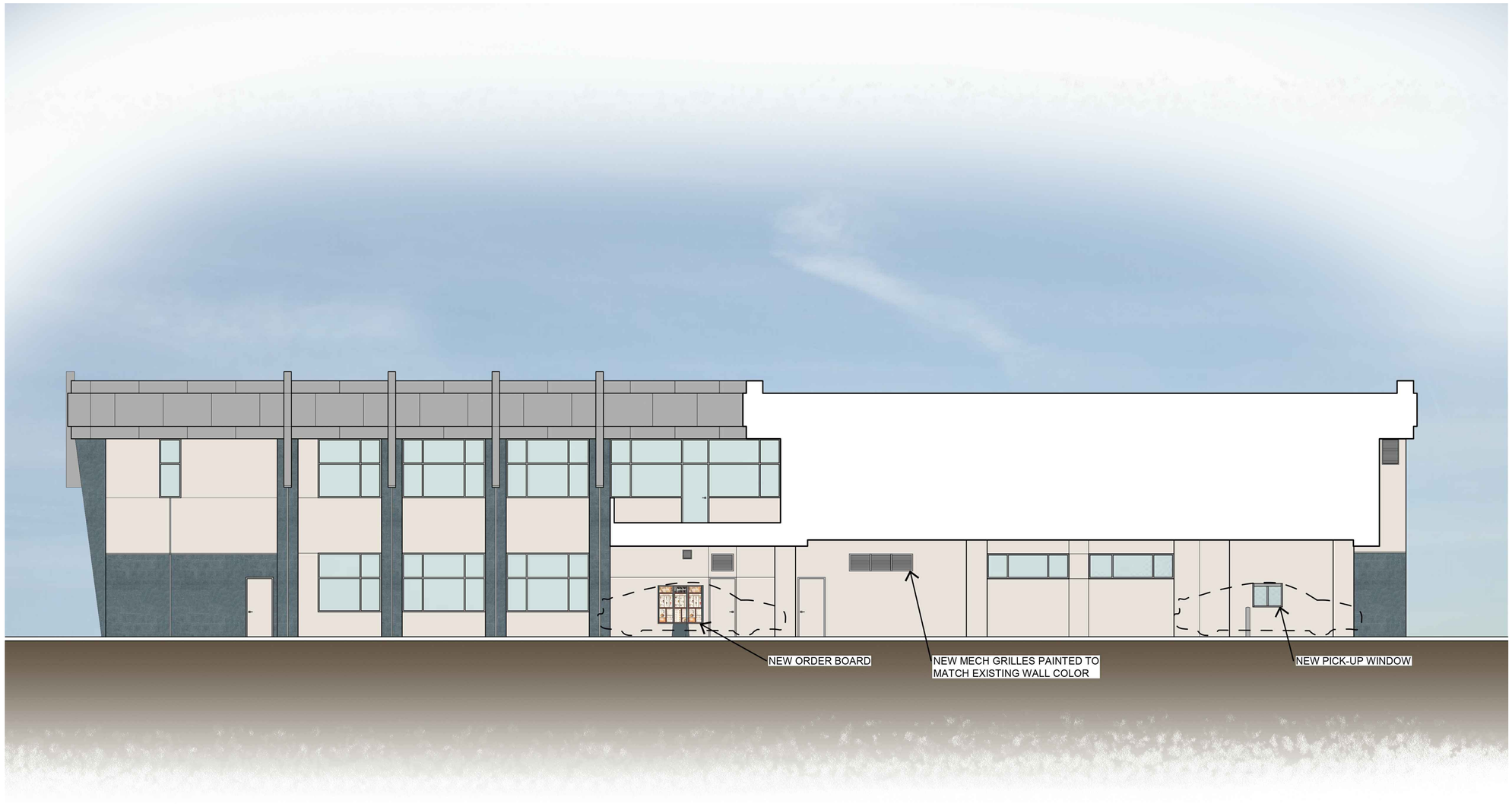

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ADDENDUMS

No.	Date	Name

MOMENTUM

Project

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CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title
NORTH COLORED ELEVATIONS

Date
2021.12.02

Project Number
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Sheet Number
EL-2

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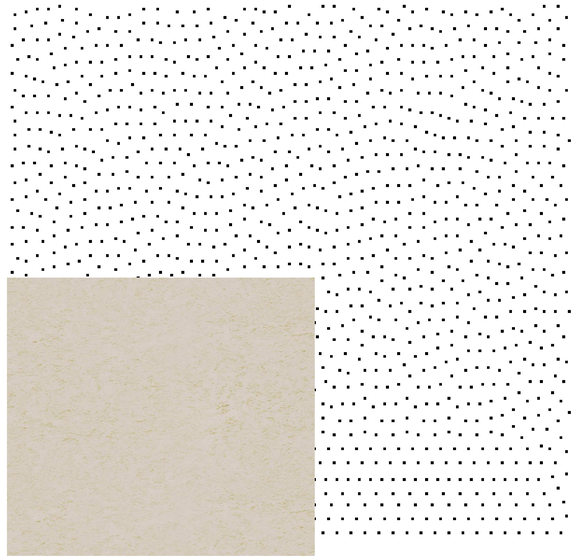
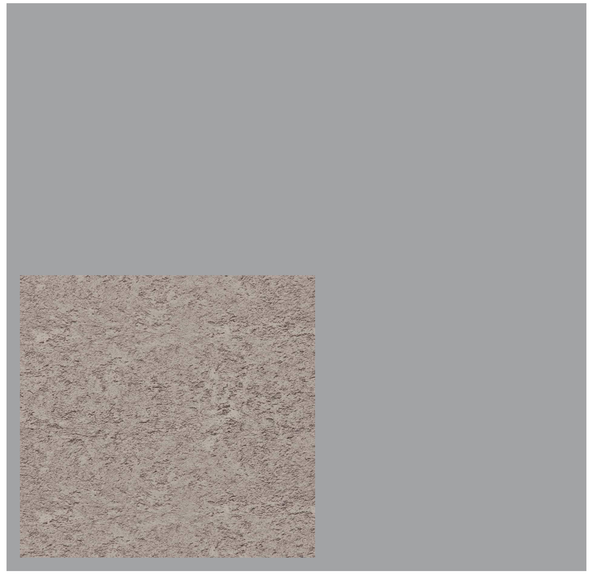


(A) Dunn-Edwards SP8 36 'Swiss Coffee"

(C) Dunn-Edwards SP8 36 'Swiss Coffee"



(B) Dunn-Edwards DE 1088 L1 "Lava Flow"

(D) Clear Anodized Aluminum

(E) Intertile GR39F "Verde Lavras"

(F) LOF EverGreen Reflective low E Glass

(G) Aluminum
Paint Type: Cenamelize
Paint Color: #495 Silver

GERALD R.
KARLE
ARCHITECT

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ADDENDUMS

No.	Date	Name

MOMENTUM

Project

CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title
EXTERIOR FINISHES

Date
2021.12.02

Project Number
20063

Drawn By

Sheet Number
F-1

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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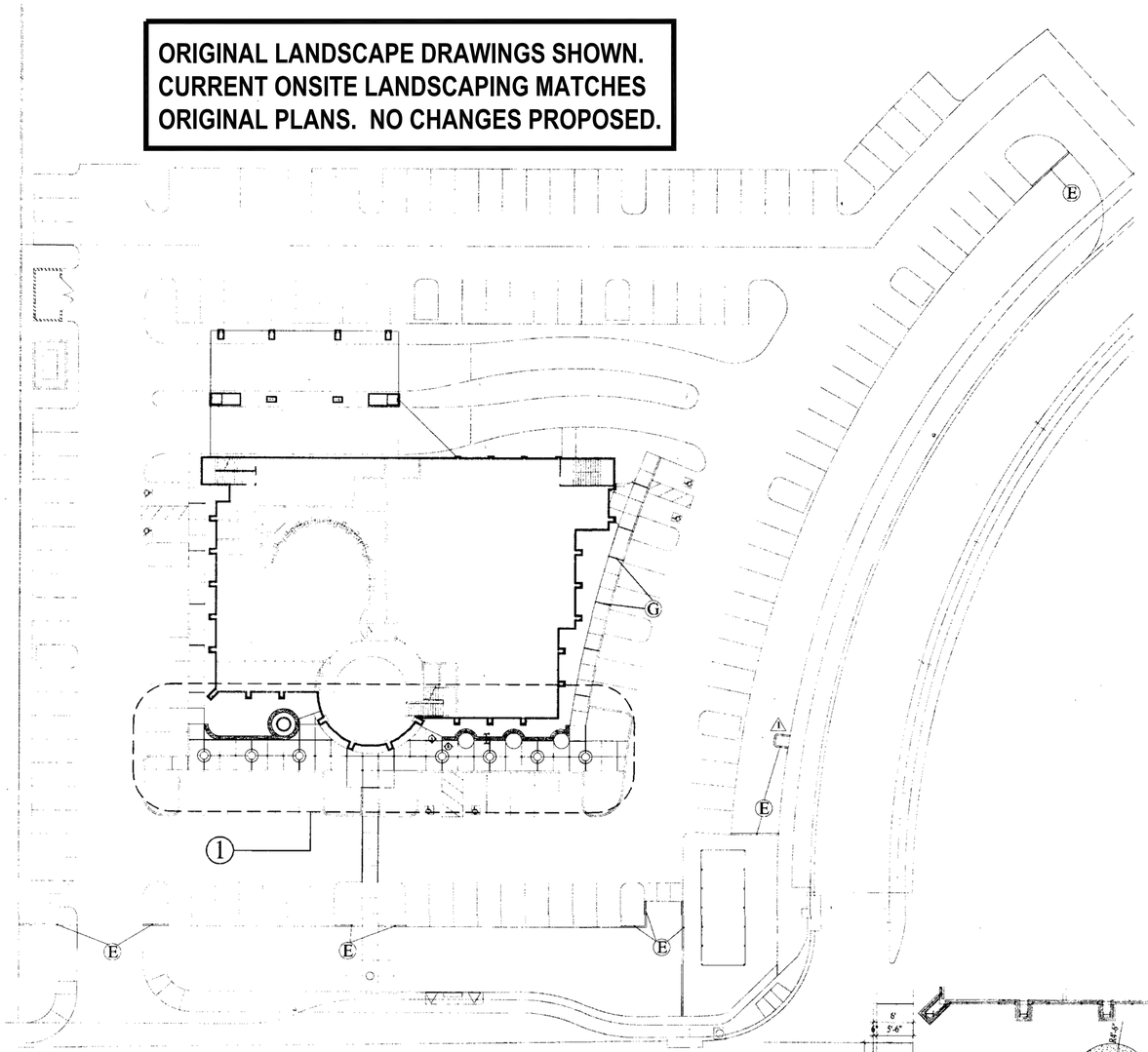
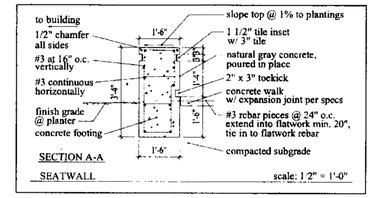
December 03, 2021 - 11:30am

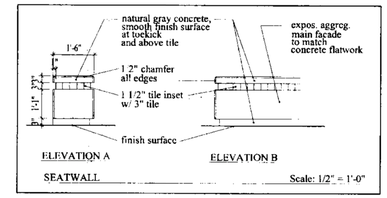
ORIGINAL LANDSCAPE DRAWINGS SHOWN. CURRENT ONSITE LANDSCAPING MATCHES ORIGINAL PLANS. NO CHANGES PROPOSED.

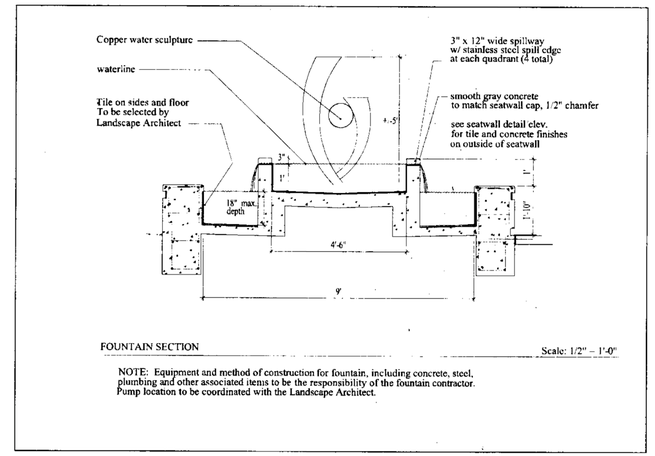


SITE PLAN

SCALE: 1"=20'-0"



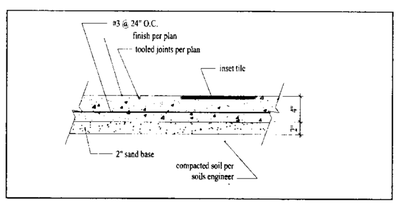




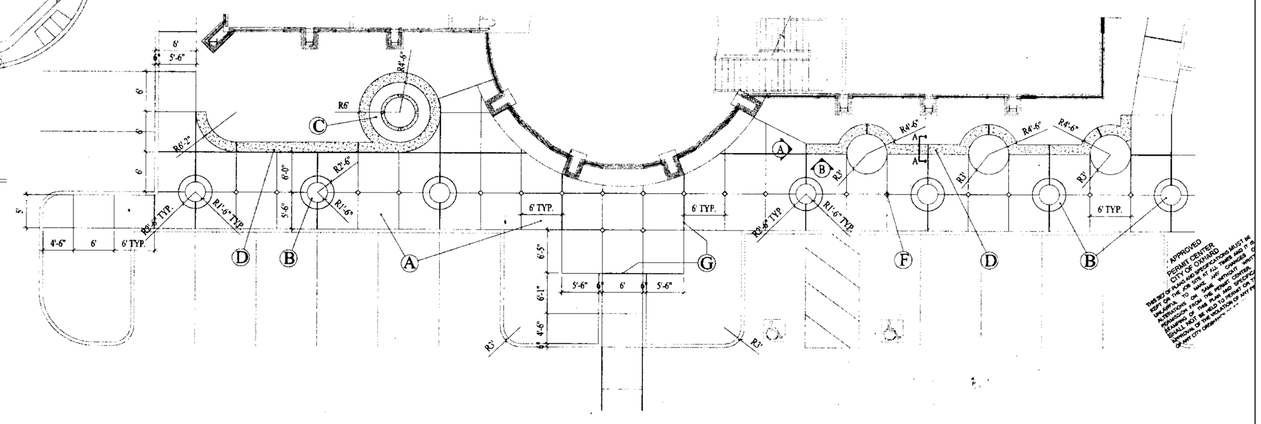
NOTE: Equipment and method of construction for fountain, including concrete, steel, plumbing and other associated items to be the responsibility of the fountain contractor. Pump location to be coordinated with the Landscape Architect.

CONSTRUCTION LEGEND

A. Natural gray concrete paving w/ exposed aggregate finish and tooled joints @ 6' o.c.
B. 3' diameter circular planters w/ 12" band (steel trowel finish).
C. Fountain/Water Sculpture w/ integral pump. Selected by Owner.
D. Poured in place concrete seatwalls.
E. 6" x 6" Concrete Mowstrip.
F. 6" sq. inset granite tiles to match arch.
G. Cold joints at 18' o.c. typical.



CONCRETE PAVING SECTION — not to scale



1 MAIN ENTRANCE PLAN VIEW

SCALE: 1"=10'-0"

Philip S. Miller and Associates
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6203 Calle Bodega Camarillo, California 93012 (805) 383-7591

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ADDENDUMS

No.	Date	Name

MOMENTUM

Project

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CBC FEDERAL CREIT UNION
2151 E GONZALES RD.
OXNARD, CA 93036

Title

LANDSCAPE PLAN

Date
2021.12.02

Project Number
20063

Drawn By

Sheet Number
L-1

ARCHITECTURE • INTERIOR DESIGN
LANDSCAPE ARCHITECTURE • SPACE PLANNING

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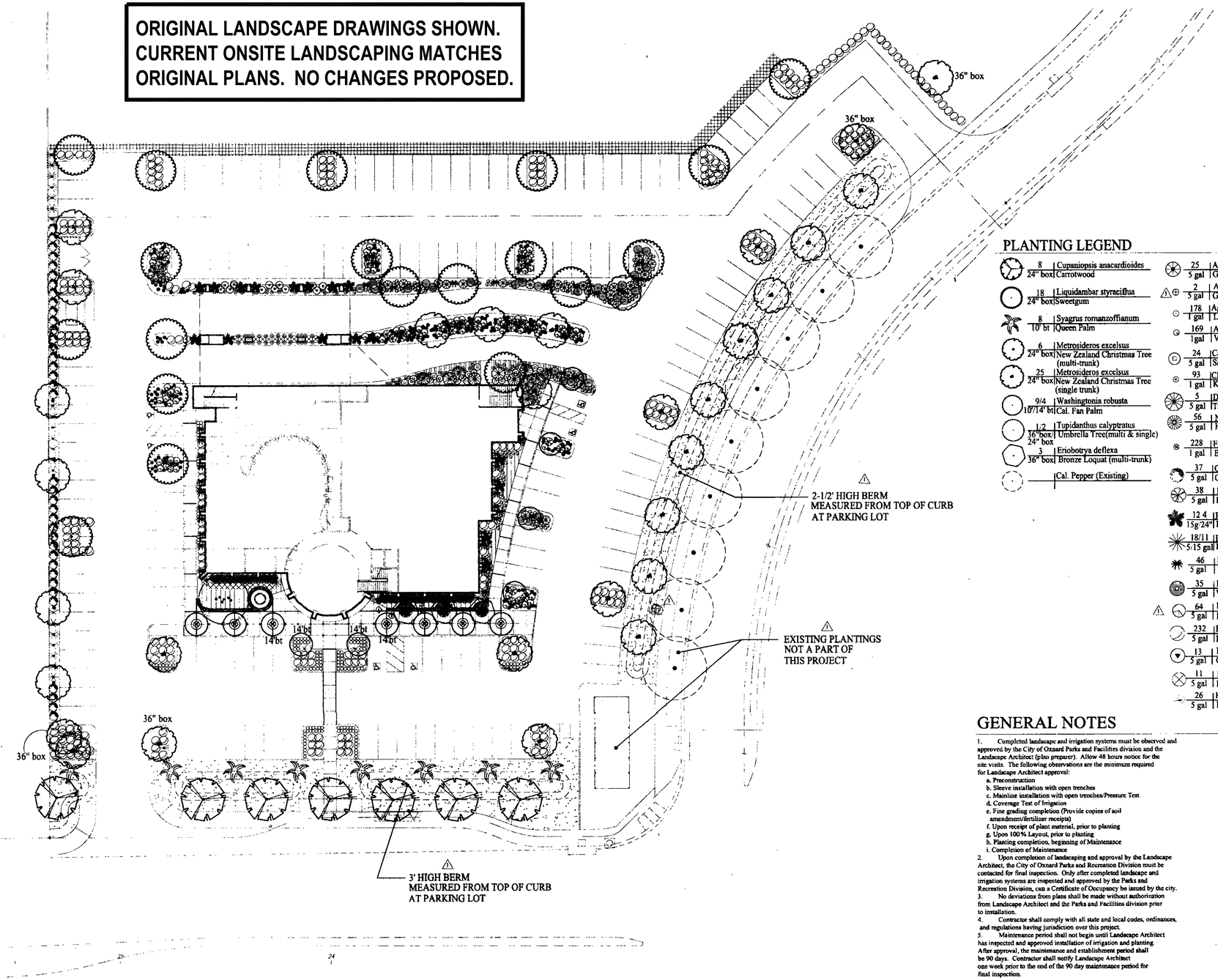
ORIGINAL LANDSCAPE DRAWINGS SHOWN. CURRENT ONSITE LANDSCAPING MATCHES ORIGINAL PLANS. NO CHANGES PROPOSED.



PLANTING LEGEND

Qty	Size	Botanical name	Common name
8	24" box	Cupaniopsis anacardioides	Carrotwood
18	24" box	Liquidambar styraciflua	Sweetgum
8	10' bt	Syagrus romanzoffianum	Queen Palm
6	24" box	Metrosideros excelsus	New Zealand Christmas Tree (multi-trunk)
25	24" box	Metrosideros excelsus	New Zealand Christmas Tree (single trunk)
9/4	10'/14' bt	Washingtonia robusta	Cal. Fan Palm
1/2	36" box/ 24" box	Tupidanthus calyptratus	Umbrella Tree(multi & single)
3	36" box	Eriobotrya deflexa	Bronze Loquat (multi-trunk)
			Cal. Pepper (Existing)
25	5 gal	Abelia g. 'Ed Goucher'	Glossy Abelia
2	5 gal	Agapanthus africanus	Giant Blue Lily of the Nile
178	1 gal	Agapanthus 'Queen Anne'	Lily of the Nile
169	1gal	Agapanthus 'Variegata'	Variegated Lily of the Nile
24	5 gal	Camellia sasanqua 'Apple Blossom'	Sasanqua Camellia
93	1 gal	Clivia miniata	Kaffir Lily
5	5 gal	Dicksonia antarctica	Tasmanian Treefern
56	5 gal	Nandina domestica	Heavenly Bamboo
228	1 gal	Festuca cinerarea 'Azurit'	Blue Fescue
37	5 gal	Grevillea noelli	Grevillea
38	5 gal	Nerium oleander 'Petite Pink'	Petite Pink Oleander
12 4	15g/24"	Phoenix roebelinii	Pygmy Date Palm(multi-trunk)
18/11	5/15 gal	Phormium 'Radiance'	Flax (plant 15 gals in front)
46	5 gal	Phormium c. 'Dusky Chief'	Flax
35	5 gal	Pittosporum t. 'CremedeMenthe'	Varieg. Tobira
64	5 gal	Raphiolepis indica 'Ballerina"	Indian Hawthorn
232	5 gal	Raphiolepis i. 'Clara'	Indian Hawthorn
13	5 gal	Mahonia aquifolium	Oregon Grape Holly
11	5 gal	Phormium colensoi	Flax
26	5 gal	Helictotrichon sempervirens	Blue oat grass
12" o.c.	flats	Fragaria chiloense	Ornamental Strawberry (Against building, finger planters at building, and shaded drive thru areas)
12" o.c.	flats	Vinca major	Periwinkle
			Sodded Turf
			Tall Fescue
12" o.c.	flats	Rosmarinus o. 'Lockwood de Forrest'	Prostrate Rosemary (Long,thin planters north of building at drive thru in sun)
12" o.c.	flats	Pelargonium peltatum 'Balcan Pink'	Ivy Geranium
2'o.c.	1 gal	Raphiolepis i. 'Ballerina	Indian Hawthorn
6"o.c.	flats	Festuca ovina	Green Fescue
12" o.c.	flats	Hedera variegata	Variegated Ivy (Perimeter finger planters, under sign and west P.L.)

Plans APPROVED 6-19-01 L. Thompson

GENERAL NOTES

1. Completed landscape and irrigation systems must be observed and approved by the City of Oxnard Parks and Facilities division and the Landscape Architect (plan preparer). Allow 48 hours notice for the site visits. The following observations are the minimum required for Landscape Architect approval:
   a. Preconstruction
   b. Sleeve installation with open trenches
   c. Mainline installation with open trenches/Pressure Test
   d. Coverage Test of Irrigation
   e. Fine grading completion (Provide copies of soil amendment/fertilizer receipts)
   f. Upon receipt of plant material, prior to planting
   g. Upon 100% Layout, prior to planting
   h. Planting completion, beginning of Maintenance
   i. Completion of Maintenance
2. Upon completion of landscaping and approval by the Landscape Architect, the City of Oxnard Parks and Recreation Division must be contacted for final inspection. Only after completed landscape and irrigation systems are inspected and approved by the Parks and Recreation Division, can a Certificate of Occupancy be issued by the city.
3. No deviations from plans shall be made without authorization from Landscape Architect and the Parks and Facilities division prior to installation.
4. Contractor shall comply with all state and local codes, ordinances, and regulations having jurisdiction over this project.
5. Maintenance period shall not begin until Landscape Architect has inspected and approved installation of irrigation and planting. After approval, the maintenance and establishment period shall be 90 days. Contractor shall notify Landscape Architect one week prior to the end of the 90 day maintenance period for final inspection.

PLANTING NOTES

1. The work to be performed under this contract shall include furnishing all labor, materials, tools, machinery and Equipment necessary to completely install plants, turf, mowstrips, etc. as shown on the plans.
2. Landscape contractor and all of his subcontractors shall comply with all state and local codes, ordinances and regulations.
3. Landscape contractor and all of his subcontractors shall store all garbage generated from site construction out of site from street and completely remove all garbage generated from construction upon completion and prior to beginning of maintenance period.
4. PLANTS - All plant material shall be well established, vigorous, of normal growth habit and free of disease and or insect infestation. Plants shall have normal, healthy root systems filling their container, but without being rootbound. Plants that do not comply with these conditions shall be removed from the site and replaced at no cost to the owner.
5. In the case of a discrepancy, the number of plants actually shown on the plansball take precedent over the plant count shown on the callout. Landscape Contractor shall be responsible for supplying plants actually shown on plan without additional cost to the Owner.
6. SOIL AMENDMENT - A nitrolyzed organic soil amendment shall be rototilled into the top six inches of soil after Finish grade has been established. For turf and shrub areas with slopes less than 2:1, rototill at the following rates per 1000 square feet. For SLOPES of 2:1 or greater, broadcast and scarify into the top 2" if topsoil.

   GENERAL SOIL PREPARATION:
   4 cy nitrogen stabilized redwood, fir or cedar shavings (MINIMUM)
   25 lbs. soil sulphur
   150 lbs. 5-3-1 Gro-Power Fertilizer
   25 lbs. cy agri. Gypsum

   BACKFILL MIX: To be incorporated into plant holes at time of planting.

Non Acidic Plants	Acidic Plants (such as ferns, azaleas, camellias)
4 parts nitrolyzed amendment	2 part peatmoss
6 parts Native Soil	1 part sharp sand
Gro-power 5-3-1	Turf Supreme
iron sulphate	Sequestrine Fe 330 Iron Chelate
Agri. Gypsum	

   (All fertilizers and soil additives to be incorporated per the recommendations of the [illegible])

   APPROVED PLANTING CENTER OXNARD CITY ORDINANCE NO. 2811 THE USE OF ALL TREES AND PLANTS IN THE CITY OF OXNARD SHALL BE IN ACCORDANCE WITH THE LATEST EDITION OF THE "SUGGESTED PLANTING LIST" AS ADOPTED BY THE OXNARD CITY COUNCIL. THE USE OF ANY PLANT NOT ON THE LIST SHALL BE SUBJECT TO THE APPROVAL OF THE DIRECTOR OF PARKS AND RECREATION.
7. Trunk Guard required on all trees in turf areas. Manufactured by Deep Root Corp. or equal. Size and Installation per manufacturer specifications and details.
8. MULCH - Topdress all shrub areas with 2" layer of shredded mulch.
9. Thirty days after installation, fertilize landscape areas with Best Fert. Co. 16-6-8 applied at the rate recommended by manufacturer or as specified in soil analysis. Fertilizer applications to continue thereafter at rate recommended by manufacturer.
10. Contractor to contact the Parks and Facilities Division for inspection and approval of all trees prior to planting. Allow 48 hours notice. (805) 385-7950.

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ADDENDUMS

No.	Date	Name

MOMENTUM

Project

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OXNARD, CA 93036

Title

LANDSCAPE PLAN

Date
2021.12.02

Project Number
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Sheet Number
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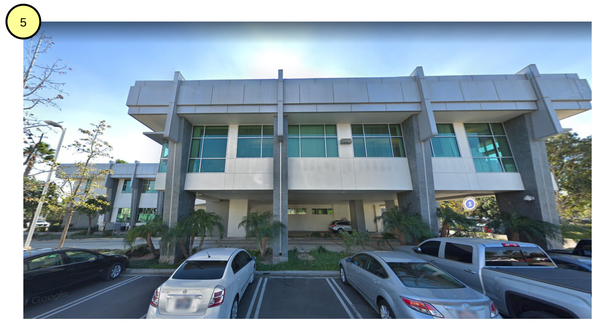

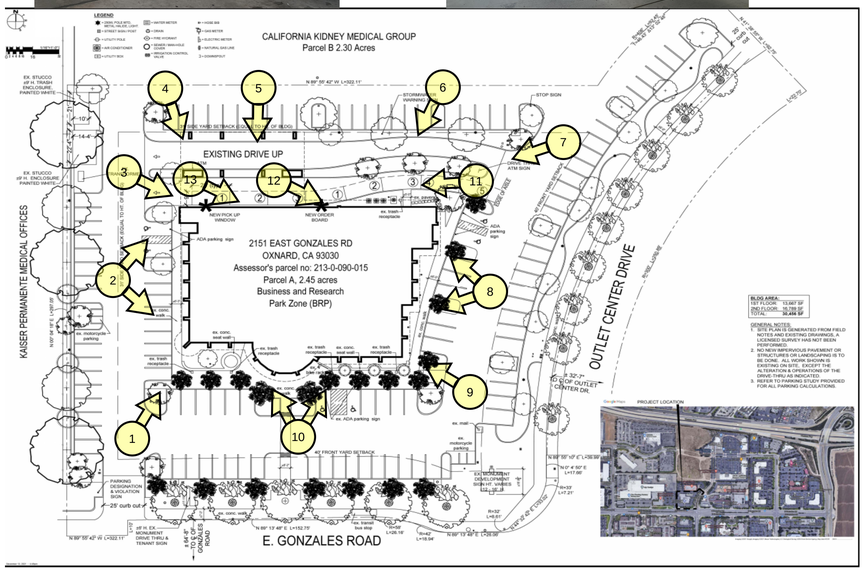

KEYED PHOTO PLAN

0'-7/16"

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MOMENTUM

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Title

KEYED PHOTO PLAN & AREA PHOTOGRAPHS

Date
2021.12.02

Project Number
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Drawn By

Sheet Number
P-1

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Addendum No. 1
To Mitigated Negative Declaration No. 01-09
For The CBC Federal Credit Union Project

Prepared By:

Greg Martin, Contract Planner
City of Oxnard, Planning Division
214 South C Street
Oxnard, California
93030

SUMMARY

This document is Addendum No. 1 to the CBC Federal Credit Union (FCU) Final Initial Study-Mitigated Negative Declaration (IS-MND) adopted on May 3, 2001. This addendum concludes that there are no additional possible significant adverse environmental effects associated with the proposed amendment to the Special Use Permit (PZ No. 00-5-142) for the project. The proposed amendment would allow the conversion of a portion of an existing tenant space currently occupied by the CBC Federal Credit Union (FCU) to be replaced with an 1,419 square foot Dunkin Donuts fast food restaurant. The Dunkin Donuts would operate seven days a week between the hours of 5:00 AM and 9:00 PM, with eight employees over two shift periods (four employees per shift). The Dunkin Donuts would convert and use one of the two existing drive through lanes currently used by CBC FCU to accommodate up to eight vehicles (stacking for three vehicles between the order board and pick-up window and stacking for five vehicles leading to the order board). The project requires a reduction of the number of on-site required parking spaces from 151 to 129.

Background

The Oxnard Planning Commission approved a Final IS-MND (No. 01-09), Special Use Permit (PZ No. 00-5-142), and Tentative Parcel Map (PZ 01-5-1), to subdivide the lot into two parcels for the CBC Federal Credit Union on May 3, 2001. At the time both parcels were vacant and unimproved. As of 2022, all construction has been completed on both parcels, with the buildings

now occupied by the CBC FCU and office uses, including medical offices.
The proposed amendment to the Special Use Permit is the first amendment that has been proposed since approval of the original development in 2001.

A parking study (which also analyzes drive through queuing and on-site circulation) for the proposed amendment was completed by Associated Transportation Engineers (ATE) in April 2023. A preliminary Drive Thru Queue Management Plan prepared in October 2022 further analyzed the drive through queuing for the proposed Dunkin Donuts. An air quality and GHG (greenhouse gas) report for the proposed amendment was completed by MRS Environmental in May 2022. These studies are attached to this addendum.

Project Environmental Review

Section 15164(b) of the State California Environmental Quality Act (CEQA) Guidelines states that an addendum to an adopted Negative Declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent Environmental Impact Report (EIR) or Negative Declaration have occurred. Three tests determine if a subsequent EIR is required (Section 15162(a)). They are:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;

3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:

    a. The project will have one or more significant effects not discussed in the previous EIR or Negative Declaration;

    b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;

    c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative, or

    d. Mitigation measures or alternatives which are considerably different from those

> analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

In the first test, the proposed amendment to the Special Use Permit would replace a portion of the ground floor commercial use (the current CBC Federal Credit Union) with a new commercial use (the proposed Dunkin Donuts). The proposed amendment would therefore not create a substantial change to the land use type of the project site. Both commercial uses (the credit union and the proposed Dunkin Donuts) include drive throughs. The proposed Dunkin Donuts would use one of the existing drive through lanes already on the site that is currently used by the credit union. The hours of operation of the businesses at the project site would change under the proposed project. According to the 2023 ATE Parking Study, the hours of use of the various businesses at the project site will be the following:

- CBC Federal Credit Union branch: Monday through Friday between 9:30 AM and 6:00 PM and Saturday between 10:00 AM and 1:00 PM

- CBC corporate offices: Monday through Friday between 8:30 AM and 6:00 PM

- Grossman Imaging Center medical office: Monday through Friday between 7:00 AM and 8:30 PM and Saturday between the hours of 8:00 AM and 5:00 PM

- Wojkowski & McNulty Law Office: Monday through Friday between 9:00 AM and 5:00 PM

- Dunkin Donuts: Sunday through Saturday between 5:00 AM and 9:00 PM

It is assumed the times listed above reflect the current operating hours of the existing businesses on the project site. As shown in the bulleted list above, on weekdays the Dunkin Donuts would open for businesses two hours earlier and close three hours later than any of the other businesses currently on the project site, and on weekends it would open three hours earlier and close four hours later than the other businesses. However, there is nothing about these increased hours of operation that would create new significant environmental effects or a substantial increase in the severity of previously identified significant effects compared to those analyzed in the previous Mitigated Negative Declaration. The land use type would remain the same and immediately surrounding uses would remain commercial uses that would not be sensitive receptors to any time-of-day-sensitive environmental effects such as noise or light and glare. The proposed amendment would not constitute a substantial change in the project as originally proposed that would require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Potential environmental effects of the proposed amendment that would differ from those of the original project are associated with the potential increase in traffic using the proposed Dunkin Donuts drive through compared to the traffic generated by the existing credit union drive through. These impacts include air quality, greenhouse gas (GHG) emissions, and traffic.

The Air Quality section of the 2001 CBC Federal Credit Union Final IS-MND determined that short term air quality impacts associated with construction of the project could be reduced to a less than significant level through implementation of standard dust suppression measures required as part of the conditions of approval for the 2001 CBC Federal Credit Union project. It also found that project operation could result in a cumulatively considerable net increase of criteria pollutants for which the project region is in nonattainment under an applicable federal or state ambient air quality standard, but this potential impact could be reduced to a less than significant level with incorporation of Mitigation Measure C-1, which required the developer to mitigate air quality emissions exceeding the City's threshold of significance of 25 pounds per day (ppd) through a contribution to the City's Transportation Demand Management (TDM) Program. The required contribution for the original project under Mitigation Measure C-1 was $72,178.

The Air Quality and GHG Report produced by MRS Environmental in May 2022 (MRS Report) estimated operational emissions under three scenarios: existing credit union facility; proposed credit union plus Dunkin Donuts facility; and Dunkin Donuts only operations. It found that under all three scenarios operational emissions would be below the VCAPCD daily operational thresholds for reactive organic gases (ROG) and oxides of nitrogen (NOx) of 25 ppd. The proposed amendment would therefore not trigger Mitigation Measure C-1 from the Final IS-MND or require any further mitigation to reduce potential operational air quality impacts.

As stated in the MRS Report, construction activities associated with the addition of the Dunkin Donuts facility would be limited to installation of a sewer line/new water service, repair of the asphalt parking area after the sewer line installation and re-striping of the repaired parking lot area. Construction equipment would be limited to the use of a single backhoe and on-site trucking of excavated materials. Excavated material would be retained on site and re-used for fill except for the amount displaced by pipeline bedding gravel. As with the originally proposed project, standard dust suppression measures will be required.

The proposed amendment would therefore not create any new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to air quality.

The 2001 CBC Federal Credit Union Final IS-MND did not have a GHG section because analysis of GHG emissions and their potential contribution to climate change impacts was not required under CEQA at the time. GHG emission estimates included in the CalEEMod output produced for the May 2022 MRS Report show that annual operational greenhouse gas emissions (measured in CO_2e [carbon dioxide equivalent]) are estimated to increase from approximately 574 tons per year under the "Existing Facility" scenario to 717 tons per year under the "Existing Plus Dunkin Donuts" scenario, an increase of 143 tons per year, or 25%.

Neither the City of Oxnard nor the Ventura County Air Pollution Control District (VCAPCD) have established quantitative significance thresholds for evaluating GHG emissions in CEQA analyses. VCAPCD recommends using the California Air Pollution Control Officers Association *CEQA and Climate Change: Addressing Climate Change through California Environmental Quality Act* white paper and other resources when developing GHG evaluations (VCAPCD 2003). The *CEQA and Climate Change* paper provides a common platform of information and

tools to support local governments and was prepared as a resource, not as a guidance document. However, CEQA Guidelines section 15064.4 expressly provides that a "lead agency shall have discretion to determine, in the context of a particular project," whether to "use a model or methodology to quantify greenhouse gas emissions resulting from a project, and which model or methodology to use." A lead agency also has discretion under the CEQA Guidelines to "rely on a qualitative analysis or [quantitative] performance based standards." In light of the lack of a specific GHG threshold from VCAPCD, it is appropriate to refer to guidance from other agencies when discussing GHG emissions. Thus, for the purposes of this analysis, the bright-line threshold developed by the South Coast Air Quality Management District (SCAQMD) of 3,000 MT (metric tons) of CO_2e per year for development projects is used to determine the significance of GHG emissions.

The estimated annual overall operational emissions from CalEEMod of 574 tons/year for the Existing Facility scenario, the 717 tons/year for the Existing Plus Dunkin Donuts scenario, and the increase from Existing Facility to Existing Plus Dunkin Donuts of approximately 143 tons/year, would all be far below the SCAQMD threshold of 3,000 MT CO_2e per year. The CalEEMod output shows that overall construction emissions from the Existing Plus Dunkin Donuts scenario would be approximately 12 tons/year, again far below the 3,000 MT CO_2e per year threshold, even when combined with operational emissions. There are no construction emissions under the Existing Facility scenario because that facility is already built. For the Existing Plus Dunkin Donuts scenario, construction emissions plus operational emissions would equal 729 tons/year (717 tons/year operational plus 12 tons/year construction).

The proposed amendment would therefore not create any new significant environmental effects or a substantial increase in the severity of previously identified significant effects related to GHG emissions.

The Transportation/Traffic section of the 2001 CBC Federal Credit Union Final IS-MND estimated that the original project would generate approximately 1,770 average daily vehicle trips (ADT) but that this amount of traffic would be "insignificant given that such levels are expected in this area by the City's 2020 General Plan." It found that potential cumulative traffic impacts would be addressed by payment of applicable City and County traffic fees at the time of building permit issuance as required under an agreement between the City of Oxnard and the County of Ventura. This is still the case. It also found that vehicular access (including emergency access) to the project site would be adequate because the site would be accessible from both Gonzales Road and Outlet Center Drive, and ingress and egress would be designed to meet City engineering standards. It also found that the project would not conflict with any policies supporting alternative transportation; and that the project met Oxnard City Code parking standards.

CEQA Guidelines Section 15064.3, which describes specific considerations for evaluating a project's transportation impacts under CEQA, was recently added to the State CEQA Guidelines. Section 15064.3(b) establishes vehicle miles traveled (VMT) as the most appropriate measure of transportation impacts, shifting away from the use of level of service (LOS) analysis that evaluates a project's impacts on traffic conditions at nearby roadways and intersections. Section 15064.3(c) states that a lead agency shall be governed by the provisions of Section 15064.3 by July 1, 2020. The CalEEMod output in the May 2022 MRS Report shows an estimated annual

operational VMT of 1,221,440 for the Existing Facility scenario and 1,561,527 for the Existing Plus Dunkin Donuts scenario, an increase of 340,087 VMT, or approximately 28 percent. While the City of Oxnard has not yet established VMT-based criteria for measuring transportation impacts, the proposed amendment would involve infill development that would provide commercial services within an existing urban area. Infill development generally reduces VMT compared to greenfield development (new development on lands not previously planned for development). While the proposed amendment may lead to an approximately 28 percent increase in VMT associated with the site compared to existing conditions (according to the CalEEMod output), the infill nature of this development may reduce VMT compared to locating the proposed Dunkin Donuts in a non-infill location. The proposed amendment would therefore not create a substantial increase in VMT or conflict or be inconsistent with CEQA Guidelines section 15064.3(b).

The 2022 Dunkin Drive Thru Queue Management Plan found that vehicle queues of seven vehicles or fewer during most time periods are expected at the Dunkin Donuts drive through; the proposed 8-vehicle drive-through stacking area would accommodate these queues. It also found that if these queues extend to nine or 10 vehicles, they would block the parking field located east of the office building, requiring vehicles to navigate around the queue. Per a condition of approval, the project is required to implement and maintain a Final Drive Through Queue Management Plan to minimize any potential impacts to on-site circulation. Thus, the queues would not affect the operation of the project driveway entrance or Outlet Center Drive, or interfere with bicycle or pedestrian travel. The proposed amendment would allow a new commercial use within an existing commercial building and would not create any physical impact that would interfere with alternative transportation.

While the 2001 Final IS-MND analyzed parking as an environmental impact, parking is no longer considered an environmental impact under CEQA. The following analysis is therefore presented in the interest of comparing the impacts of the original project to those of the proposed amendment, even though they are no longer considered an environmental impact under CEQA.

As shown in Table 2 of the 2023 ATE Parking Study, using City of Oxnard Zoning Ordinance standards, the CBC Federal Credit Union Office Building with the proposed Dunkin Donuts tenant would require 151 parking spaces. As also stated in the ATE Study, the existing office building only provides 129 on-site parking spaces including 16 drive through spaces. While this indicates a shortfall of 32 parking spaces pursuant to the City's Zoning Ordinance requirements, these requirements do not account for potential shared parking due to the varying peak parking demands of the tenants within the office building (the donut shop is most active in the early morning, while the bank is most active during the afternoon hours). As shown in Table 3 of the ATE Study, using Institute of Transportation Engineers (ITE) parking demand rates, shared parking demand for the CBC Federal Credit Union Office Building (including the proposed Dunkin Donuts) would be 100 peak weekday parking spaces and 44 peak weekend spaces. Based on the on-site parking surveys conducted as part of the Parking Study, peak weekday shared parking demand would be 92 spaces and 42 peak weekend spaces. Estimated parking demand could therefore be accommodated by the existing 129 on-site parking spaces.

Therefore, the proposed amendment would not create new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the 2001 Final

IS-MND.

In the second test, staff determined that circumstances surrounding the project have not substantially changed with regard to issues, facts, and mitigations included in the 2001 Final IS-MND. The project buildout has not changed from that evaluated by the Final IS-MND, nor have the environmental conditions surrounding the project site changed. The area is still commercial in nature, as analyzed in the Final IS-MND. As already explained, the proposed amendment would not change the land use type of the project site.

In the third test, staff determined that no new information of substantial importance that was not known or could not have been known at the time of the 2001 Final IS-MND adoption shows that the project will have significant effects not previously discussed, that significant effects previously examined will be substantially more severe than previously estimated, that mitigation measures previously found infeasible would now be feasible and would substantially reduce effects of the project, and/or that different mitigation measures would substantially reduce effects.

The Final IS-MND with comments and responses and record of project approval may be examined at the City of Oxnard, Planning Division, 214 South C Street, Oxnard, California 93030. Please call (805) 385-7858 to arrange a time to review the file.

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South Coast Air Quality Management District (SCAQMD). 2010. "Greenhouse Gas CEQA Significance Threshold Stakeholder Working Group Meeting #15." September 28, 2010.

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Joe Pearson II, AICP — Planning and Environmental Services Manager

Date

Aerial Map

CITY OF OXNARD CALIFORNIA

Oxnard Planning

January 25, 2023

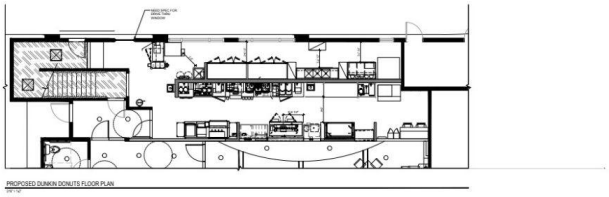
PZ 22-550-01
Location: 2151 E Gonzales Rd
APN: 2130090015
Dunkin Donuts

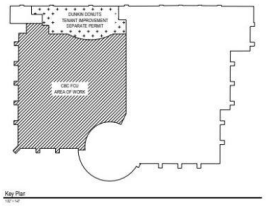
0 25 50 100 150 200 Feet

Aerial Map

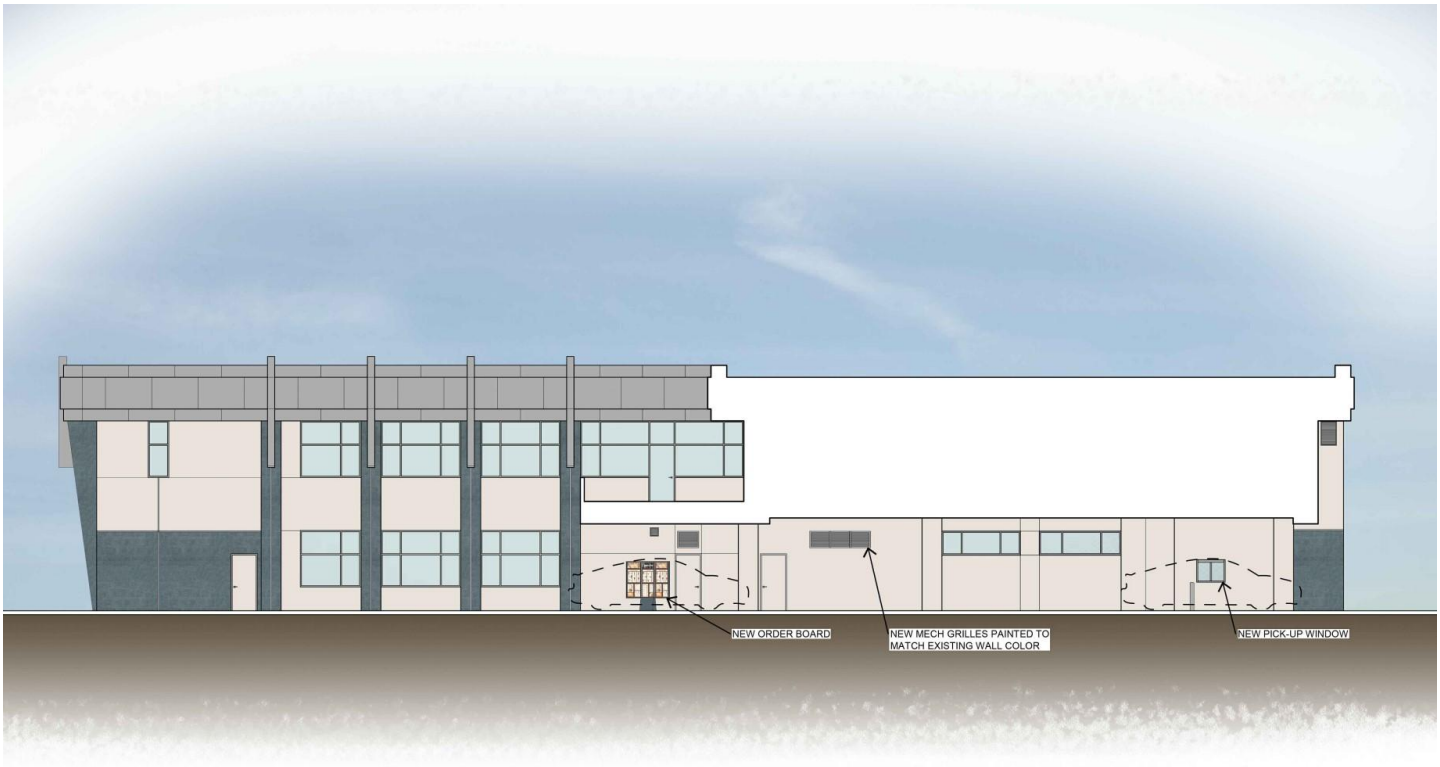
N W E S

Project Site





Proposed development within existing building



Proposed changes to exterior of existing building

ASSOCIATED TRANSPORTATION ENGINEERS

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PARKING STUDY FOR THE CBC FEDERAL CREDIT UNION OFFICE BUILDING - CITY OF OXNARD, CALIFORNIA

Associated Transportation Engineers (ATE) has prepared the following parking study for the CBC Federal Credit Union Office Building (the "Project"), located at 2151 East Gonzales Road in the City of Oxnard.

The purpose of the parking analysis is to determine the parking demands for the office building including the addition of a Dunkin Donuts tenant in the CBC Federal Credit Union Office Building. The sufficiency of the proposed parking supply with the future tenant is evaluated based on the City of Oxnard's Zoning Ordinance requirements as well a shared parking demand analysis using empirical parking demand data and on-site parking occupancy surveys.

PROJECT DESCRIPTION

The CBC Federal Credit Union Office Building is a multi-tenant office building that has approximately 30,487 square-feet of credit union, general office, and medical office space with 129 on-site parking spaces, including 16 drive-through spaces in 2-lanes. The parking supply was confirmed by an on-site parking inventory count. Adjacent to the CBC Federal Credit Union Office Building is the Palms Medical Plaza. The two office buildings have an access easement and formal shared parking agreements. The two office buildings will share 20 parking spaces (10 spaces on the CBC Federal Credit Union parcel and 10 spaces on the Palms Medical Plaza parcel). An 895 square-foot Dunkin Donuts with a drive-through is proposed as a new tenant. The Dunkin Donuts will operate 7 days a week between the hours of 5:00 AM and 9:00 PM with 8 employees 8 over two shift periods (4 employees per shift). The Dunkin Donuts would use one of the two existing drive through lanes currently used by CBC Federal Credit Union customers. Figure 1 (attached) illustrates the Project site plan.

BUILDING AREA AND PARKING SUPPLY

Figure 2 (attached) is an aerial photograph showing the existing parking areas provided in CBC Federal Credit Union Office Building site. The building land uses, occupied areas, and parking supplies are summarized in Table 1.

Table 1
CBC Federal Credit Union Office Building
Summary of Building Space and Parking

Total Building Space	Size	Parking Supply
Credit Union	5,878 SF	129 Spaces[(b)]
Corporate Office	16,000 SF	
General Office	800 SF	
Medical Office	6,390 SF	
Dunkin Donuts	1,419 SF[(a)]	
	30,487 SF	

(a) Includes 524 square-feet of lobby space shared with the Credit Union.
(b) Includes 16 spaces in two drive-through lanes.

The data presented in Table 1 show that the CBC Federal Credit Union Office Building contains a total of 30,487 square-feet of building space with 129 on-site parking spaces, including 16 drive-through spaces in two lane. The CBC Federal Credit Union office will share 20 parking spaces with the Palms Medical Plaza (10 spaces on the CBC Federal Credit Union parcel and 10 spaces on the Palms Medical Plaza parcel).

City staff has requested that the entire 1,700 square feet of credit union lobby space be assigned to the fast food/coffee shop area per the City of Oxnard Zoning Ordinance, however realistically only a portion of the lobby should be considered "fast food/ coffee shop" and calculated at the higher parking rate for the following reasons provided by the applicant.

- Dunkin Donuts would never have sufficient customers to fill the entirety of the 1,700 square foot lobby and using the 524 square feet is more appropriate.

- Dunkin Donuts has provided customer transaction information which stated that the stores averages 3,000 customers per week:

  - 75% of them occur before 10:00 AM, 60% are drive through customers/40% are walk-in customers.

  This calculates out to 429 transactions per day, with 321 (75%) before 10:00 AM, or ~64 per hour (40% walk in customers = 26 walk-in transactions per hour).

- The seating area identified as "Shared Credit Union & Dunkin Donut Lobby" (524 square feet) has seating for 24 people. Assuming only a percentage of the 26 walk-in customers per hour use the seating provided, and assuming that they stay for less than an

hour on average, there should be enough seating available for the highest rates of Dunkin Donuts walk-in customers.

Since there is no evidence that Dunkin Donuts walk-in customers would ever be so numerous as to fill the entire 1,700 square foot lobby, limiting the "Shared Credit Union & Dunkin Donut Lobby" to the 524 square feet identified on the submitted floorplan in the parking study would be the appropriate approach.

CITY OF OXNARD ZONING ORDINANCE PARKING REQUIREMENTS

The City's Zoning Ordinance parking requirements were calculated for the various tenants of the CBC Federal Credit Union Office Building assuming 100 percent occupancy. The analysis assumes that CBC Federal Credit Union and Dunkin Donuts would occupy the first-floor space and that the remaining floors would be occupied by general office and medical office tenants. The parking space requirement for the various tenants are as follows:

- Banks - 1 space per 250 SF of gross floor area.
- Office - 1 space per 250 SF of gross floor area
- Medical Office – 1 space per 200 SF of gross floor area
- Fast Food Restaurant - 1 space per 50 SF of gross floor area. *A stacking credit in the drive through lane may count toward the required parking at a basis of one vehicle per each 23 linear feet of striped stacking not to exceed 30% of the total requirement or no more than 20 spaces.*

Table 2 presents the City Zoning Ordinance parking requirements based on these rates.

Table 2
City Zoning Ordinance Parking Requirements

Tenant	Land Use	Size	Zoning Requirement	Required Parking
CBC Federal Credit Union	Bank/Credit Union	5,878 SF	1 space/250 SF	24 Spaces
Dunkin Donuts	Fast-Food	1,419 SF[(a)]	1 space/50 SF	28 Spaces
Office	General Office	16,800 SF	1 space/250 SF	67 Spaces
Medical Office	Medical Office	6,390 SF	1 space/200 SF	32 Spaces
			Total Parking Required:	**151 Spaces**

(a) Includes 524 square-feet of lobby space shared with the Credit Union

As shown in Table 2, the City of Oxnard Zoning Ordinance requires 151 spaces for the CBC Federal Credit Union Office Building with the bank, general office, medical office, and Dunkin Donut uses. The Project site provides 129 on-site parking spaces, thus a modification to the City's parking requirements will be required.

ITE PEAK PARKING DEMAND

ITE peak parking demands were calculated for the various tenants of the CBC Federal Credit Union Office Building assuming 100 percent occupancy. The parking demand analysis assumes that CBC Federal Credit Union and Dunkin Donuts would occupy the first-floor space and that the remaining floors would be occupied by general office and medical office tenants. The estimated weekday and weekend peak parking demands for the various tenants are as follows:

Weekday Parking Demand Rates

- Bank - 3.72 vehicles per 1,000 SF of gross floor area.
- General Office Building - 2.39 vehicles per 1,000 SF of gross floor area.
- Corporate Office Building - 2.32 vehicles per 1,000 SF of gross floor area.
- Medical Office Building - 3.23 vehicles per 1,000 SF of gross floor area.
- Coffee/Donut Shop with Drive Through Window - 12.52 vehicles per 1,000 SF of gross floor area.

Weekend Parking Demand Rates

- Bank - 3.05 vehicles per 1,000 SF of gross floor area.
- General Office Building - 0.28 vehicles per 1,000 SF of gross floor area.
- Corporate Office Building - 0.28 vehicles per 1,000 SF of gross floor area.
- Medical Office Building - 0.56 vehicles per 1,000 SF of gross floor area.
- Coffee/Donut Shop with Drive Through Window - 11.85 vehicles per 1,000 SF of gross floor area.

Tables 3 and 4 presents the weekday and weekend peak parking demands based on these rates.

Table 3
Weekday Peak Parking Demand - ITE Rates

Tenant	Land Use	Size	ITE Rates	Parking Demand
CBC Federal Credit Union	Bank/Credit Union	5,878 SF	3.72 spaces/1,000 SF	22 Spaces
Dunkin Donuts	Fast-Food	1,419 SF[(a)]	12.52 spaces/1,000 SF	18 Spaces
Office	Corporate Office	16,000 SF	2.32 spaces/1,000 SF	37 Spaces
Office	Geneal Office	800 SF	2.39 spaces/1,000 SF	2 Spaces
Medical Office	Medical Office	6,390 SF	3.23 spaces/1,000 SF	21 Spaces
			Total Parking Required:	**100 Spaces**

(a) Includes 524 square-feet of lobby space shared with the Credit Union

As shown in Table 3, the peak parking demand is 100 spaces for the CBC Federal Credit Union Office Building with the bank, general office, medical office, and Dunkin Donut uses. The on-site parking supply of 129 parking spaces would accommodate the weekday peak demand and provide a parking surplus of 29 spaces.

Table 4
Weekend Peak Parking Demand - ITE Rates

Tenant	Land Use	Size	ITE Rates	Parking Demand
CBC Federal Credit Union	Bank/Credit Union	5,878 SF	3.05 spaces/1,000 SF	18 Spaces
Dunkin Donuts	Fast-Food	1,419 SF[(a)]	11.85 spaces/1,000 SF	17 Spaces
Office	Corporate Office	16,000 SF	0.28 spaces/1,000 SF	4 Spaces
Office	General Office	800 SF	0.28 spaces/1,000 SF	1 Spaces
Medical Office	Medical Office	6,390 SF	0.56 spaces/1,000 SF	4 Spaces
			Total Parking Required:	**44 Spaces**

(a) Includes 524 square-feet of lobby space shared with the Credit Union

As shown in Table 4, the peak parking demand is 44 spaces for the CBC Federal Credit Union Office Building with the bank, general office, medical office, and Dunkin Donut uses. The on-site parking supply of 129 parking spaces would accommodate the weekend peak demand and provide a parking surplus of 85 spaces.

It should be noted that the peak parking demand inaccurately assumes that all the tenants peak parking demand occurs at the same time which is unlikely to occur. The following shared parking demand analysis addresses the varying hourly peak parking demands of the tenants within the office building (donut shop is most active in the early morning, the office space is most active in the mid-morning and the drive-in bank would be busiest in the afternoon hours).

SHARED PARKING DEMAND ESTIMATES - ITE RATES

It is noted that the City's Zoning Ordinance parking requirement for the CBC Federal Credit Union Office Building does not account for the "shared parking" due to the varying peak parking demands of the tenants within the office building (donut shop is most active in the early morning, the office space is most active in the mid-morning and the drive-in bank would be busiest in the afternoon hours). The CBC Federal Credit Union branch will be open Monday through Friday between the hours of 9:30 AM and 6:00 PM and Saturday between the hours of 10:00 AM and 1:00 PM. The CBC Federal Credit Union corporate office will be open Monday through Friday between the hours of 8:30 AM and 6:00 PM. The Grossman Imaging Center medial office will be open Monday through Friday between the hours of 7:00 AM and 8:30 PM and Saturday between the hours of 8:00 AM and 5:00 PM. The Wojkowski & McNulty Law Office will be open Monday through Friday between the hours of 9:00 AM and 5:00 PM. Dunkin Donuts will be open Sunday through Saturday between the hours of 5:00 AM and 9:00 PM.

Shared parking demand estimates were therefore developed for the Project based on empirical parking demand rates and hourly parking demands presented in the Institute of Transportation Engineers (ITE), Parking Generation, 5th Edition. The following weekday and weekend parking demand rates were used for the analysis.

Weekday Parking Demand Rates

- Bank - 3.72 vehicles per 1,000 SF of gross floor area.
- General Office Building - 2.39 vehicles per 1,000 SF of gross floor area.
- Corporate Office Building - 2.32 vehicles per 1,000 SF of gross floor area.
- Medical Office Building - 3.23 vehicles per 1,000 SF of gross floor area.
- Coffee/Donut Shop with Drive Through Window - 12.52 vehicles per 1,000 SF of gross floor area.

Weekend Parking Demand Rates

- Bank - 3.05 vehicles per 1,000 SF of gross floor area.
- General Office Building - 0.28 vehicles per 1,000 Sf of gross floor area.
- Corporate Office Building - 0.28 vehicles per 1,000 SF of gross floor area.
- Medical Office Building - 0.56 vehicles per 1,000 SF of gross floor area.
- Coffee/Donut Shop with Drive Through Window - 11.85 vehicles per 1,000 SF of gross floor area.

The shared parking analysis was completed assuming 100 percent occupancy of the office buildings and the Dunkin Donuts. The weekday and weekend shared parking demand estimates for the office building with the future Dunkin Donuts tenant are shown in Tables 5 and 6. Worksheets showing the weekday and weekend hourly parking demand calculations for the individual tenants within the office building are attached for reference.

Table 5
CBC Federal Credit Union Office Building Estimated Weekday Shared Parking Demands

Time of Day	Shared Parking Demand	Parking Provided	Reserve Parking
5:00 AM	4 Spaces	129 Spaces	121 Spaces
6:00 AM	9 Spaces	129 Spaces	120 Spaces
7:00 AM	24 Spaces	129 Spaces	105 Spaces
8:00 AM	56 Spaces	129 Spaces	73 Spaces
9:00 AM	84 Spaces	129 Spaces	45 Spaces
10:00 AM	90 Spaces	129 Spaces	39 Spaces
11:00 AM	93 Spaces	129 Spaces	36 Spaces
12:00 PM	75 Spaces	129 Spaces	54 Spaces
1:00 PM	79 Spaces	129 Spaces	50 Spaces
2:00 PM	81 Spaces	129 Spaces	48 Spaces
3:00 PM	83 Spaces	129 Spaces	46 Spaces
4:00 PM	78 Spaces	129 Spaces	51 Spaces
5:00 PM	59 Spaces	129 Spaces	70 Spaces
6:00 PM	30 Spaces	129 Spaces	99 Spaces
7:00 PM	19 Spaces	129 Spaces	110 Spaces
8:00 PM	17 Spaces	129 Spaces	112 Spaces
9:00 PM	17 Spaces	129 Spaces	112 Spaces

The data presented in Table 5 show that a shared peak parking demand of 93 parking spaces is forecast for the office building uses between the hours of 11:00 AM - 12:00 Noon. The on-site parking supply of 129 parking spaces would accommodate the peak demand and provide a parking surplus of 36 spaces.

Table 6
CBC Federal Credit Union Office Building Estimated Weekend Shared Parking Demands

Time of Day	Shared Parking Demand	Parking Provided	Reserve Parking
5:00 AM	4 Spaces	129 Spaces	125 Spaces
6:00 AM	9 Spaces	129 Spaces	120 Spaces
7:00 AM	13 Spaces	129 Spaces	116 Spaces
8:00 AM	26 Spaces	129 Spaces	103 Spaces
9:00 AM	33 Spaces	129 Spaces	96 Spaces
10:00 AM	35 Spaces	129 Spaces	94 Spaces
11:00 AM	40 Spaces	129 Spaces	89 Spaces
12:00 PM	29 Spaces	129 Spaces	100 Spaces
1:00 PM	31 Spaces	129 Spaces	98 Spaces
2:00 PM	32 Spaces	129 Spaces	97 Spaces
3:00 PM	33 Spaces	129 Spaces	96 Spaces
4:00 PM	30 Spaces	129 Spaces	99 Spaces
5:00 PM	28 Spaces	129 Spaces	101 Spaces
6:00 PM	13 Spaces	129 Spaces	116 Spaces
7:00 PM	8 Spaces	129 Spaces	121 Spaces
8:00 PM	6 Spaces	129 Spaces	123 Spaces
9:00 PM	6 Spaces	129 Spaces	123 Spaces

The data presented in Table 6 show that a shared weekend peak parking demand of 40 parking spaces is forecast for the office building tenants between the hours of 11:00 AM - 12:00 Noon. The on-site parking supply of 129 parking spaces would accommodate the peak demand and provide a parking surplus of 89 spaces.

The shared parking analysis assumed no internal interaction between the tenants of the CBC Federal Credit Union Office Building and the adjacent Palms Medical Plaza office building, which is a worst-case analysis.

SHARED PARKING DEMAND ESTIMATES - ON-SITE PARKING SURVEYS

Shared parking demand estimates were also developed for the Project based on the existing hourly parking demand surveys conducted at the site and hourly parking demand rates presented in the Institute of Transportation Engineers (ITE), Parking Generation, 5th Edition for the Dunkin Donuts. ATE collected parking demand data for the CBC Federal Credit Union building on a weekday and a Saturday between the hours of 5:00 AM to 9:00 PM (Survey data attached for reference). The shared parking analysis was completed assuming 100 percent occupancy of the office building space including the Dunkin Donuts. The weekday and weekend shared parking demand estimates for the office building with the future Dunkin Donuts tenant are shown in Tables 7 and 8.

Table 7
CBC Federal Credit Union Office Building Estimated Weekday Shared Parking Demands

Time of Day	Parking Demand			Parking	
	Existing	Dunkin Donut	Shared	Provided	Reserve
5:00 AM	2 Spaces	4 Spaces	6 Spaces	129 Spaces	123 Spaces
6:00 AM	2 Spaces	9 Spaces	11 Spaces	129 Spaces	118 Spaces
7:00 AM	11 Spaces	12 Spaces	23 Spaces	129 Spaces	106 Spaces
8:00 AM	35 Spaces	18 Spaces	53 Spaces	129 Spaces	76 Spaces
9:00 AM	57 Spaces	14 Spaces	71 Spaces	129 Spaces	58 Spaces
10:00 AM	80 Spaces	12 Spaces	92 Spaces	129 Spaces	37 Spaces
11:00 AM	76 Spaces	16 Spaces	92 Spaces	129 Spaces	37 Spaces
12:00 PM	82 Spaces	8 Spaces	90 Spaces	129 Spaces	39 Spaces
1:00 PM	79 Spaces	8 Spaces	87 Spaces	129 Spaces	42 Spaces
2:00 PM	79 Spaces	4 Spaces	83 Spaces	129 Spaces	46 Spaces
3:00 PM	72 Spaces	6 Spaces	78 Spaces	129 Spaces	51 Spaces
4:00 PM	73 Spaces	6 Spaces	79 Spaces	129 Spaces	50 Spaces
5:00 PM	38 Spaces	10 Spaces	48 Spaces	129 Spaces	81 Spaces
6:00 PM	21 Spaces	4 Spaces	25 Spaces	129 Spaces	104 Spaces
7:00 PM	9 Spaces	6 Spaces	15 Spaces	129 Spaces	114 Spaces
8:00 PM	5 Spaces	6 Spaces	11 Spaces	129 Spaces	118 Spaces
9:00 PM	3 Spaces	6 Spaces	9 Spaces	129 Spaces	120 Spaces

The data presented in Table 7 show that a shared peak parking demand of 92 parking spaces is forecast for the office building tenants between the hours of 10:00 AM - 11:00 AM and 11:00 Noon - 1:00 PM. The on-site parking supply of 129 parking spaces would accommodate the peak demand and provide a parking surplus of 37 spaces.

Table 8
CBC Federal Credit Union Office Building Estimated Weekend Shared Parking Demands

Time of Day	Parking Demand			Parking	
	Existing	Dunkin Donuts	Shared	Provided	Reserve
5:00 AM	2 Spaces	4 Spaces	6 Spaces	129 Spaces	123 Spaces
6:00 AM	2 Spaces	9 Spaces	11 Spaces	129 Spaces	118 Spaces
7:00 AM	5 Spaces	11 Spaces	16 Spaces	129 Spaces	113 Spaces
8:00 AM	7 Spaces	17 Spaces	24 Spaces	129 Spaces	105 Spaces
9:00 AM	9 Spaces	13 Spaces	22 Spaces	129 Spaces	107 Spaces
10:00 AM	28 Spaces	11 Spaces	39 Spaces	129 Spaces	90 Spaces
11:00 AM	27 Spaces	15 Spaces	42 Spaces	129 Spaces	87 Spaces
12:00 PM	26 Spaces	7 Spaces	33 Spaces	129 Spaces	96 Spaces
1:00 PM	24 Spaces	7 Spaces	31 Spaces	129 Spaces	98 Spaces
2:00 PM	7 Spaces	6 Spaces	13 Spaces	129 Spaces	116 Spaces
3:00 PM	6 Spaces	6 Spaces	12 Spaces	129 Spaces	117 Spaces
4:00 PM	7 Spaces	6 Spaces	14 Spaces	129 Spaces	115 Spaces
5:00 PM	4 Spaces	10 Spaces	14 Spaces	129 Spaces	115 Spaces
6:00 PM	2 Spaces	6 Spaces	8 Spaces	129 Spaces	121 Spaces
7:00 PM	2 Spaces	6 Spaces	8 Spaces	129 Spaces	121 Spaces
8:00 PM	2 Spaces	6 Spaces	8 Spaces	129 Spaces	121 Spaces
9:00 PM	2 Spaces	6 Spaces	8 Spaces	129 Spaces	121 Spaces

The data presented in Table 8 show that a shared weekend peak parking demand of 42 parking spaces is forecast for the office building tenants between the hours of 11:00 AM - 12:00 Noon. The on-site parking supply of 129 parking spaces would accommodate the peak demand and provide a parking surplus of 87 spaces.

The shared parking analysis assumed no internal interaction between the tenants of the CBC Federal Credit Union Office Building and the adjacent Palms Medical Plaza office building, which is a worst-case analysis.

DRIVE THROUGH QUEUE AND ON-SITE CIRCULATION

As illustrated on the Project site plan (see Figure 1) the drive-through lane for the Dunkin Donuts provides storage for 8 vehicles. Queue studies conducted by Linscott, Law, and Greenspan (LLG) at three other Dunkin Donuts locations in Downey, CA, Laguna Hills, CA and Whittier, CA determined that the maximum queues ranged from 5 to 7 vehicles which occurred in the weekday morning hours. Based on the LLG queue studies, the maximum queue would be 7 vehicles or less during most time periods and the 8-vehicle stacking area proposed at the Project would accommodate the queues.

Based on ATE's experience with a popular national coffee shop (Starbucks), the typical average maximum queue is 10 to 12 vehicles which is more than the 8-vehicle queue proposed for the Dunkin Donuts drive through. A queue of 9 or 10 vehicles on the Project site would extend into parking field located east of the office building. Other vehicles would be required to

navigate around the standing vehicle to proceed through the drive aisle or enter the bank drive through lane. There are other pathways for drivers to utilize while circulating on-site. The queues would not affect the operation of the Project driveway entrance or Outlet Center Drive. However, to address potential on-site drive through vehicle queuing issues, the operator of the proposed Dunkin Donuts has prepared a "Drive Thru-Queue Management Plan" (attached). The "Drive Thru-Queue Management Plan" will provide passive and active strategies to address drive through vehicle queues that effect on-site circulation if they occur. Passive strategies include signing and striping. Active strategies include the use of handheld mobile devices by Dunkin Donuts staff to take customer orders. The implementation of mobile ordering by Dunkin Donuts customers. Dunkin Donuts management will also study trends and staffing to effectively manage the drive through vehicle queues.

SUMMARY

The City of Oxnard Zoning Ordinance requires 151 spaces for the CBC Federal Credit Union Office Building with the proposed Dunkin Donuts tenant. The CBC Federal Credit Union Office Building provides 129 on-site parking spaces including 16 drive through spaces. Adjacent to the CBC Federal Credit Union Office Building is the Palms Medical Plaza. The two office buildings have an access easement and formal shared parking agreements. The two office buildings will share 20 parking spaces (10 spaces on the CBC Federal Credit Union parcel and 10 spaces on the Palms Medical Plaza parcel).

The Zoning Ordinance requirement does not account for the shared parking due to the varying peak parking demands of the tenants within the CBC Federal Credit Union Office Building (the donut shop is most active in the early morning, while the bank is most active during the afternoon hours). The peak weekday shared parking demand forecast for the CBC Federal Credit Union Office Building based on the ITE rates is 93 parking spaces. The on-site parking supply of 129 on-site parking spaces would meet the shared weekday parking demand and provide a reserve parking supply of 36 spaces. The peak weekend shared parking demand forecast for the CBC Federal Credit Union Office Building based on the ITE rates is 40 parking spaces. The on-site parking supply of 129 on-site parking spaces would meet the shared weekend parking demand. And provide a reserve parking supply of 89 spaces.

The peak weekday shared parking demand forecast for the CBC Federal Credit Union Office Building based on the on-site parking surveys is 92 parking spaces. The on-site parking supply of 129 on-site parking spaces would meet the shared weekday parking demand and provide reserve parking supply of 37 spaces. The peak weekend shared parking demand forecast for the CBC Federal Credit Union Office Building based on the on-site surveys is 27 parking spaces. The on-site parking supply of 129 on-site parking spaces would meet the shared weekend parking demand. And provide a reserve parking supply of 87 spaces.

Based on LLG queue studies at similar Dunking Donuts in Southern California, queues of 7 vehicles or less during most time periods are expected. The 8-vehicle drive-through stacking area proposed would accommodate the Dunkin Donuts queues. If the vehicle queues extend to 9 or 10 vehicles, they would block the parking field located east of the office building requiring vehicles to navigate around the queue. There are other pathways for drivers to utilize while circulating on-site. The queues would not affect the operation of the Project driveway entrance or Outlet Center Drive. To address potential on-site drive through vehicle queuing issues, the

operator of the proposed Dunkin Donuts has prepared a "Drive Thru-Queue Management Plan". The plan will provide passive and active strategies to address drive through vehicle queues that effect on-site circulation if they occur.

Associated Transportation Engineers

By: Scott A. Schell
Principal Transportation Planner

SAS/DFN

attachments: Figure 1 - Project Site Plan
Figure 2 - Aerial Photo
Shared Weekday Parking Spreadsheet
Shared Weekend Parking Spreadsheet
Weekday Parking Survey Data
Saturday Parking Survey Data
Dunkin Donuts Drive Thru Queue Management Plan

2151 East Gonzales Road Oxnard, CA 93036

Dunkin' Drive Thru Queue Management Plan

Aharon Aminpour, Proprietor

Madison Food Management, LLC

6404 Wilshire Blvd. #840

(323) 655-4444 // aharon@mfmdd.com

October 8, 2022

2151 East Gonzales Road Oxnard, CA

Dunkin' Drive Thru Queue Management Plan

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I. EXECUTIVE SUMMARY

This plan sets out a strategy for Dunkin' operations to ensure that the drive thru lane at the proposed Dunkin' shop ("the Project") located at 5821 2151 East Gonzales Road in Oxnard, CA will not block the parking drive aisle along the East side of the project due to occasions when the drive thru lane queue exceeds its 8 vehicle capacity.

By implementing a combination of striping and operational staff action, Dunkin' will ensure that the drive thru will not interfere with drive aisle traffic.

Figure 1 – Stacking Plan

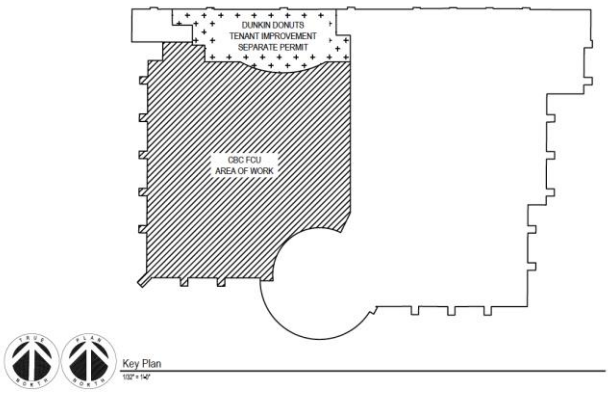

Figure 2 – Key Plan

II. BACKGROUND

A. Project Description

The existing site is located at 2151 East Gonzales Road in Oxnard, CA. The Project proposes renovation of an existing CBC Federal Credit Union branch to include a portion of area approximately 895 square feet in size dedicated to a Dunkin' food and coffee shop with a drive thru. The Project is estimated to be in operation in 2023. Figure 1 shows the building site and Project stacking plan and Figure 2 shows the location of Dunkin' within the existing office building footprint.

Vehicular access to the project will primarily be provided via an existing driveway from East Gonzales Road with additional access via Outlet Center Drive. Access from Gonzales Road is right-in/right out only while access from Outlet Center Drive is provided to traffic traveling in either direction. Neither driveway is at risk of ever being blocked by drive thru traffic due to their substantial distance from the drive thru stacking area (see Figure 3) If the drive thru stacking were to ever exceed 8 vehicles it could interfere with traffic in the parking lot drive aisle located to the East of the office building, however this would not delay other drivers as they would be able to navigate to other pathways provided for circulating on site.

B. Purpose of the Plan

The purpose of the drive thru management plan is to provide the store operations a procedure to ensure that the drive thru queue will not back into the parking lot drive aisle located on the East side of the existing office building (see Figure 3).

C. Issue

Dunkin' peak demand in the drive thru lane occurs during the morning commute between 7:00 A.M and 9:00 A.M. The drive thru lane is designed to accommodate 8 vehicles stacking based on information provided in the Associated Transportation Engineers Parking Study dated April 29, 2022. Should, at any time, the length of the stacking lane exceeds 8 vehicles, this plan will be triggered by Dunkin' operations staff.

III. ACTION PLAN

A. Operations

A.1. Employees Deployed to Monitor/Direct Traffic/Take Orders on Handheld devices

Should the drive thru lane reach 8 cars queue, 1 store employee with an orange construction vest and communication device is deployed to the area to monitor, direct and take orders.

Action A. The employee will take orders via a handheld mobile device from cars 2 through 5 in the order queue to increase the flow of the drive thru lane. Taking orders at the car will remove the stop at the order board, speeding up the overall queue.

Action B. If the queue should extend past the 8 car queue within the drive thru lane, signage will direct patrons to use mobile order on their phone, park and pick up their order in the store. Employees will monitor these vehicles extending past the 8 car queue to ensure they are using the mobile order app and proceeding to the “Mobile Order Park and Pick-Up” designated parking. Site signage will direct these vehicles to the dedicated "park and pick-up" parking stalls. These parking stalls will be identified as such and indicate that they are for short term parking only.

Note: Per Dunkin’ Franchisee/Corporate documentation, The Dunkin’ Mobile app is used for approximately 20% of all transactions. Of those transactions, 100% of patrons “Park and Pick Up”. There is currently no option to use the Mobile App and pickup via the Drive Thru.

A.2. Store Management Actions

Action C. Managers will study store’s trends and staff accordingly.

Action D. Operations will implement additional staff training to encourage mobile ordering

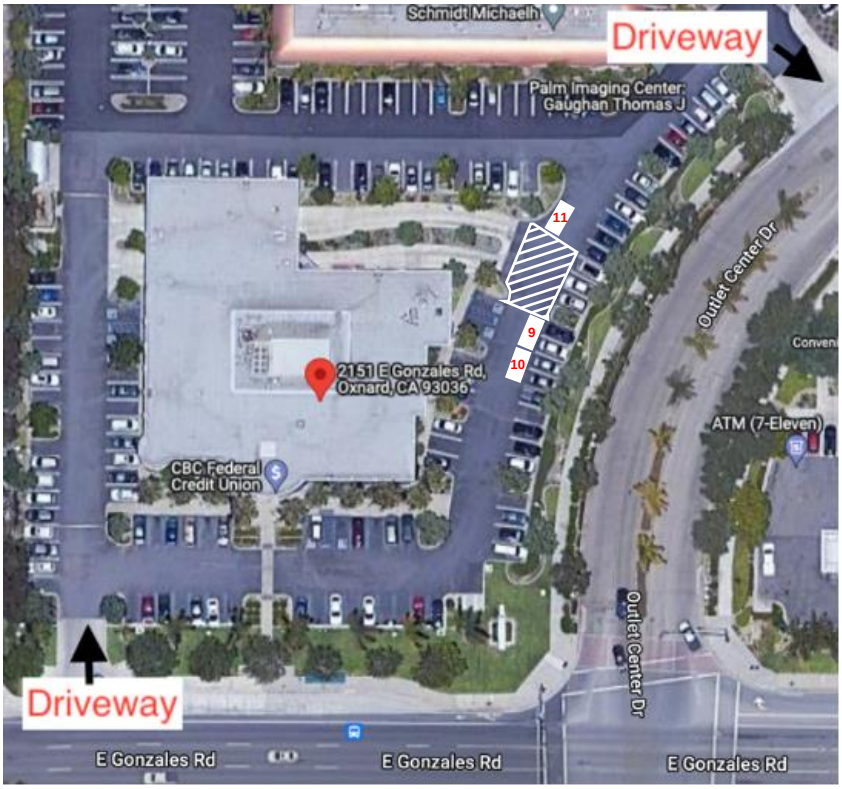

Figure 3 – Vicinity Plan and Driveway Locations

B. Striping and Signage Measures to Communicate with Customers

B.1. Striping to warn patrons not to block drive aisle.

Striping will be implemented to advise customers not to block the drive aisle.

B.2. Site Signage to direct patrons to use Mobile App.

Signage will be installed to direct customers to use Dunkin' Mobile App.
Signage will be installed to direct customers where to find "Park and Pick Up" parking.

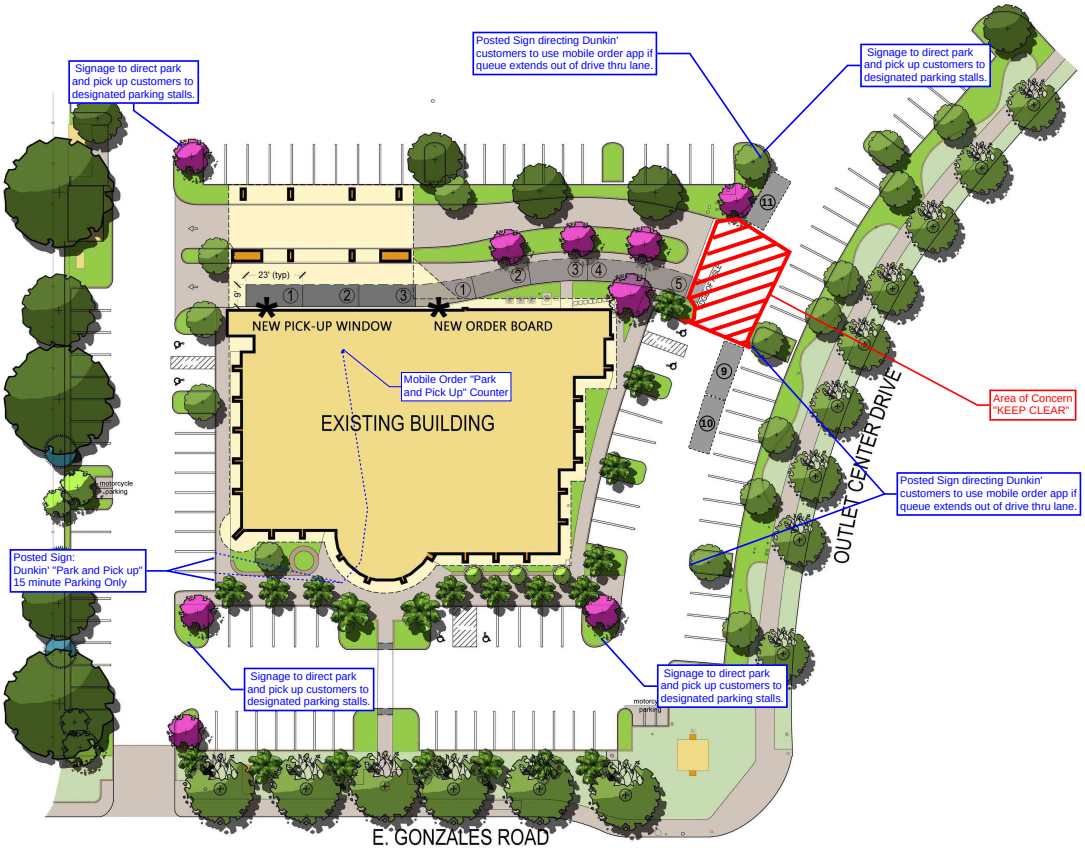

Figure 3 – Area of Concern and Striping

Respectfully submitted:

Aharon Aminpour, Proprietor

Madison Food Management, LLC
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(323) 655-4444 // aharon@mfmdd.com

RESOLUTION NO. 2023 - XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD APPROVING PLANNING AND ZONING PERMIT NO. 22-550-01 (MAJOR MODIFICATION TO SPECIAL USE PERMIT) TO ALLOW FOR THE RENOVATION AND TENANT IMPROVEMENT OF AN EXISTING 30,467 SQUARE FOOT MULTI-TENANT OFFICE BUILDING AND THE CONVERSION OF A 1,419 SQUARE-FOOT DONUT/COFFEE SHOP AND THE CONVERSION OF AN EXISTING DRIVE-THROUGH WITH 8-VEHICLE CAPACITY ON A 2.45 ACRE LOT AND RELATED IMPROVEMENTS INCLUDING A MODIFICATION IN THE REDUCTION ON THE NUMBER OF ON-SITE REQUIRED PARKING SPACES FROM 151 TO 129 AND CERTIFYING ADDENDUM NO. 1 TO MITIGATED NEGATIVE DECLARATION NO. 01-09, LOCATED AT 2151 EAST GONZALES ROAD (APN: 213-0-090-115) SUBJECT TO CERTAIN FINDINGS AND CONDITIONS. FILED BY DANIEL BEDNAR, VP OF DEVELOPMENT OF CBC FEDERAL CREDIT UNION, 2151 E. GONZALES ROAD, OXNARD, CALIFORNIA 93036, (PROPERTY OWNER).

WHEREAS, on February 17, 2022, Daniel Bednar ("**Property Owner**") submitted a request to approve Planning and Zoning Permit No. 22–550-01 (Major Modification to Special Use Permit) to permit the renovation and tenant improvement of an existing 30,467 square-foot CBC Credit Union multi-tenant office building. The proposed project includes the construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-thru lane with 8-vehicle capacity (stacking for 3 vehicles between the order board and pick-up window and stacking for 5 vehicles behind the order board). In accordance with Section 16-651(B)(4) of the Oxnard City Code (OCC), one modification is being requested: a) a reduction on the number of on-site required parking spaces from 151 to 129, located at 2151 East Gonzales Road (APNs: 213-0-090-115) (the **"Project"**); and

WHEREAS, on July 6, 2023, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, in accordance with Sections 16-536, 16-561 and 16-651 of the Oxnard City Code (OCC); and

WHEREAS, Sections 16-536, 16-561 and 16-651 of the OCC authorize the Planning Commission to approve a Special Use Permit; and

WHEREAS, the Planning Commission finds, after due study, deliberation and public hearing, that the project meets the criteria set out in Sections 16-536 and 16-651 of the OCC; and

WHEREAS, the Project has been reviewed by the Development Advisory Committee (DAC) and the DAC has prepared conditions of approval that are incorporated within the recommended permits; and

WHEREAS, the Planning Commission finds that the Project conforms to the City of Oxnard 2030 General Plan elements thereof and the Oxnard City Code for the reasons

set forth in the Planning Commission Staff Report; and

WHEREAS, Addendum No. 1 to the approved Mitigated Negative Declaration (MND) No. 01-09 has been prepared to evaluate potential environmental impacts of the proposed Project. The Addendum to the Final MND was prepared pursuant to the requirements of the California Environmental Quality Act (CEQA, Public resources Code § 21000, et seq.), the regulations promulgated thereunder (14 California Code of Regulations, §15000, et seq., CEQA Guidelines), and the City's Environmental Review Guidelines. The City of Oxnard is the Lead Agency. The Addendum is appropriate pursuant to CEQA Guidelines § 15164 since only minor changes and additions to the MND are necessary to address the Project changes and no circumstances exist calling for the preparation of a subsequent negative declaration pursuant to CEQA Guidelines § 15162 and 15163.

WHEREAS, the addendum provides a comparison of the current proposal and the approved project that was studied in the 2001 MND and focuses on new environmental effects, specifically Greenhouse Gas Emissions, which have been added to the CEQA Guidelines since the 2001 MND was adopted.

WHEREAS, the Planning Commission has held a public hearing at which it received and considered oral and written testimony on the Addendum to the previously adopted Mitigated Negative Declaration No. 01-09 (MND) for the proposed project, the Addendum and MND documents are incorporated by reference in this resolution; and

WHEREAS, the Planning Commission has held a duly noticed public hearing and received and reviewed written and oral comments related to the Project; and

WHEREAS, the Planning Commission finds after due study and deliberation that the applicant agrees with the necessity of and accepts all elements, requirements, and conditions of this Resolution as being a reasonable manner of preserving, protecting, providing for, and fostering the health, safety, and welfare of the citizenry in general and the persons who work, visit or live in this development in particular.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments thereto, the Planning Commission finds:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   As described in the Staff Report, a portion of the existing ground floor credit union and multi-tenant office building (2151 East Gonzales Road) would be converted to allow for the construction of a donut/coffee shop with a drive-through. The Project has a zoning designation of Business Research Park (BRP) which is consistent with the 2030 General Plan land use designation of Business Research Park. As discussed

in detail in the Planning Commission Staff Report Sections 6) b, c, d, and e, the Project, as designed and conditioned, meets all applicable development standards. Therefore, the proposed project is in compliance with the 2030 General Plan and other adopted policies of the City of Oxnard and meets this Finding.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed modification to a Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   As described in the Staff Report, pursuant to the 2030 General Plan land use designation "Business Research Park" and the "Business Research Park" zoning district, the proposed use of the project site as a drive-through donut/coffee shop, is an allowed use, subject to a Modification to the existing Special Use Permit. The surrounding uses are characterized by commercial uses, which are predominantly medical offices and facilities, and a self-service station and convenience store. Construction activities, anticipated uses, and development design will be subject to standard construction requirements of the Building, Fire, and Traffic Codes. Therefore, the proposed use and improvements, as conditioned, will not adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.

3. **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).**

   As described in the Staff Report, the project as designed and conditioned meets the development standards of the Business Research Park (BRP) zone as described above in Finding Section 1(1). The project consists of mostly interior tenant improvements and conversion of existing floor area with no expansion to the existing building and physical change to the exterior. While there is shared access with the property to the north at 1901 Outlet Center Drive, there is no formal shared parking agreement and reduction in the required on-site parking is being requested. As detailed in the Staff report and attached parking study, the provided parking and drive-thru queuing is sufficient for the proposed donut/coffee shop, and thus the site is sufficient to accommodate the required parking. As such, the subject site is adequate in terms of size and as developed the development meets or exceeds City's design standards.

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.**

   As described in the Staff Report, the existing development on the project site includes a multi-tenant commercial office building. The project site includes two existing driveways for access from Gonzales Road and Outlet Center Drive that will be used for the proposed project. The existing driveway access would provide adequate access to the site and would allow for adequate circulation around the site. The project site

has shared access with the adjacent property located to the north. The City finds that the proposed project, as conditioned, and in the context of the documentation provided (parking study and drive-through management plan) and reviewed demonstrate that there is sufficient vehicle queue and parking capacity. The project has been conditioned and has provided a Drive-Thru Queue Management Plan that identifies how the internal circulation of the site shall be managed, back-ups are avoided, and conflicting turning movements are to be avoided with the introduction of the new donut/coffee shop business operations. Therefore, the site has sufficient access to streets and highways that are adequate in size and existing intersections adjacent to the project site will operate at acceptable levels of service.

5. **The site that is subject to the Special Use Permit shall be provided with adequate sewerage, water, fire protection and storm drainage facilities.**

   As described in the Staff Report, the existing development on the project site includes a multi-tenant commercial office building. The proposed project includes the renovation and tenant improvement of the existing office building. The proposed project includes the construction and conversion of 1,419 square feet of existing tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-thru lane. The proposed Project improvements have been found to be consistent with anticipated development for this site. Furthermore, the Project will be served by existing City of Oxnard water and sewer mains and adequate Fire Protection will be provided as determined by the Development Advisory Committee. In accordance with the Stormwater Quality Conditions of this Resolution, the Project's design will comply with stormwater control measures as required by the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit. The Project is consistent with the level of development identified under the General Plan and Oxnard City Code, and therefore are within the anticipated level of development. The project is not anticipated to result in any significant impacts to utilities and public services. Therefore, the site for the proposed use will be provided with adequate sewage, water, fire protection and storm drainage facilities.

SECTION 2. In accordance with Section 15164(b) of the California Environmental Quality Act (CEQA) Guidelines a lead agency shall prepare an Addendum to a previously certified EIR or Negative Declaration if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred. An addendum to Mitigated Negative Declaration No. 01-09 was prepared to analyze potentially significant adverse environmental effects of the proposed project. The addendum provides a comparison of the current proposal and the approved project that was studied in the 2001 MND and focuses on new environmental effects, specifically Greenhouse Gas Emissions, which have been added to the CEQA Guidelines since the 2001 MND was adopted. The addendum did not identify any areas of concern as potentially being affected. Therefore, the Planning Commission has determined that the proposed project would not create new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the 2001 Final IS-MND

SECTION 3. Based on the findings set forth herein and the Staff Report and all attachments

thereto, the Planning Commission hereby approves Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit), subject to the attached conditions of approval.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

CONDITIONS OF APPROVAL

Note: The abbreviations below identify the City department or division responsible for determining compliance with these standard conditions. The first department or division listed has responsibility for compliance at plan check, the second during inspection and the third at final inspection, prior to issuance of a certificate of occupancy, or at a later date, as specified in the condition. If more than one department or division is listed, the first will check the plans or inspect the project before the second confirms compliance with the condition. The italicized code at the end of each condition provides internal information on the source of each condition: Some are standard permit conditions (e.g. *G-1*) while some are taken from environmental documents (e.g. *MND-S2*).

DEPARTMENTS AND DIVISIONS			
CA	City Attorney	PL	Planning
DS	Dev Services/Eng Dev/Inspectors	TR	Traffic
PD	Police	B	Building Plan Checker
SC	Source Control	FD	Fire
PK	Landscape Design	CE	Code Enforcement

GENERAL PROJECT CONDITIONS

1. This permit is granted for the property described in the application on file with the Planning Division, and may not be transferred from one property to another. (PL, *G-1*).

2. This permit is granted for the plans dated July 6, 2023, ("the plans") on file with the Planning Division. The Project shall conform to the plans, except as otherwise specified in these conditions, or unless a Minor Modification to the plans is approved by the Planning and Environmental Services Manager ("Planning Manager") or a Major Modification to the plans is approved by the Planning Commission. A Minor Modification may be granted for minimal changes or increases in the extent of use or size of structures or of the design, materials or colors of structures or masonry walls. A Major Modification shall be required for substantial changes or increases in such items (PL, *G-2*).

3. All required off-site and on-site improvements for the project, including structures, paving, and landscaping, shall be completed prior to occupancy unless the Development Services Manager allows Developer to provide security, or an executed agreement approved by the City Attorney to ensure completion of such improvements. (DS, G-4)

4. By commencing any activity related to the Project or using any structure authorized by this permit, Applicant accepts all of the conditions and obligations imposed by this permit

and waives any challenge to the validity of the conditions and obligations stated therein (CA, *G-5*).

5. Applicant agrees, as a condition of adoption of this resolution, at Applicant's own expense, to indemnify, defend and hold harmless the City and its agents, officers and employees from and against any claim, action or proceeding to attack, review, set aside, void or annul the approval of the resolution or any condition attached thereto or any proceedings, acts or determinations taken, done or made prior to the approval of such resolution that were part of the approval process (CA, *G-6*).

6. Any covenants, conditions, and restrictions (CC&Rs) applicable to the Project property shall be consistent with the terms of this permit and the City Code. If there is a conflict between the CC&Rs and the City Code or this permit, the City Code or this permit shall prevail (CA, *G-7*).

7. Applicant shall complete the "Notice of Land Use Restrictions and Conditions" form, using the form provided by the City, for recording with the Ventura County Recorder. Before the City issues building permits, Applicant shall submit the original completed, signed and notarized document, together with the required fees to the Planning Manager (PL, *G-8*).

8. 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).

9. Before placing or constructing any signs on the Project property, Applicant shall obtain a sign permit from the City. Except as provided in the sign permit, Applicant may not change any signs on the Project property (PL/B, *G-10*).

10. Developer shall obtain a building permit for any new construction or modifications to structures, including interior modifications, authorized by this permit. (B, G-11)

11. Developer shall not permit any combustible refuse or other flammable materials to be burned on the project property. (FD, G-12)

12. Developer shall not permit any materials classified as flammable, combustible, radioactive, carcinogenic or otherwise potentially hazardous to human health to be handled, stored or used on the project property, except as provided in a permit issued by the Fire Chief. (FD, G-13)

13. If Developer, owner or tenant fails to comply with any of the conditions of this permit, the Developer, owner or tenant shall be subject to a civil fine pursuant to the City Code. (CA, G-14)

14. Prior to issuance of building permits, Developer shall correct all violations of the City Code existing on the project property for which the Code Compliance Division has open cases. (PL, G-15).

PLANNING DIVISION CONDITIONS

15. Developer shall mitigate air quality emissions associated with development of the subject site through a contribution to the City's Transportation Demand Management (TDM) program. Such fee shall be calculated at the time of building permit issuance in accordance with the Ventura County Air Quality Assessment Guidelines, as amended. Such fee shall be collected in full prior to building permit issuance. (MND, C-9)

16. Developer shall remove any and all graffiti from the project premises within 24 hours of its appearance. The surface of such affected areas shall be matched to blend in with the underlying colors and/or design, and shall not look like a paint patch.

17. Before the City issues building permits, Developer shall provide a Graffiti Deterrent Plan, subject to the approval of the Planning Manager. Such plan shall include such elements as clear film on windows and/or mirrors, as well as washable paint and sealers on the building and perimeter walls. (PL)

18. Applicant shall screen, to the satisfaction of the Planning Manager, any HVAC equipment visible from the public right-of-way. Screening plants shall be consistent with other species on the property and a minimum size of five gallons. (PL)

19. Prior to building permit issuance, the developer shall provide a public improvement plan which identifies, and includes, city fiber optic network infrastructure. This connection shall be established by installing fiber optic conduit to the project's frontage according to city specifications. The fiber optic network infrastructure must be included in the project's master utility plans and installed prior to the granting of a certificate of occupancy.

20. Where pedestrian walkways cross drive-through lanes, signage shall be provided to alert vehicles of the pedestrian crossing. Signage shall include the language, "Pedestrian Crossing", or other language approved by the Community Development Director. Each sign shall not exceed 5 feet in height or a sign area of two (2) square feet, and shall not include any advertising or business identification.

21. Design measures to avoid vehicle and pedestrian/bicycle conflicts shall be maintained. Direct pedestrian entry through the front of the building shall be maintained from streets and sidewalks to the building entrance. Well-articulated pedestrian routes and zones shall be maintained on the site, linking building entrances and parking areas. Drive-through lanes should be maintained to minimize conflicts with pedestrian walkways, bicycle routes, and paths of travel. Drive-through lanes that obstruct a pedestrian pathway between parking areas or sidewalks and entries into the building shall maintain a pedestrian crossing that is delineated by landscaping, striping, curbing, and raised or decorative paving to separate pedestrian and vehicular access and circulation to the satisfaction of the Community Development Director.

22. The location of drive-through facilities in relation to the building, including the location of the pick-up windows, stacking lane, and vehicle access, shall be oriented in a manner such that headlight glare is not directed towards oncoming traffic on public streets, or is to be

screened with landscaping, berms, walls or other means to the satisfaction of the Community Development Director.

23. The drive-through may operate 24 hours per day but the speaker box shall be equipped with an automatic volume control. The design of the drive-up audio system shall control and minimize the volume of the system to comply with the City's Noise Regulations in order to control unnecessary, excessive and annoying noises which could be detrimental to the public health and welfare to the satisfaction of the Community Development Director.

24. Prior to the issuance of a Building Permit, the Applicant/Operator is to submit a final Drive-Thru Queue Management Plan that identifies how the internal circulation of the site shall be managed, back-ups are avoided, and conflicting turning movements are to be avoided with the introduction of the new drive-through use. The plan should describe solutions that are available through personnel, technology and/or temporary and permanent barriers as described in the plan dated October 8, 2022. For instance, the Applicant may propose using roving staff with mobile ordering devices when the drive-through exceeds the designed capacity. Prior to the issuance of a Certificate of Occupancy, the Community Development and Public Works Departments shall approve the final Drive-Thru Queue Management Plan.

25. After implementation of the Drive-Thru Queue Management Plan, and upon the determination of the Community Development or Public Works Departments that the plan created for the drive-through use is not functioning effectively, or upon any future modification or expansion, the plan shall be comprehensively re-evaluated by the Community Development and Public Works Departments. This re-evaluation work effort shall be accompanied by a filing fee determined by the Community Development Director and Public Works Director to address staff review time by Community Development and Public Works staff.

26. All dining establishments with cooking operations shall implement best management practices to minimize the potential release of food processing facility odors and smoke outside the building as could be detected at the property line. Such best practices could include changing operating practices, improving maintenance of cooking equipment, installing odor control equipment, and/or upgrading venting systems to control unnecessary, excessive and annoying odors or smoke which in the judgment of the City of Oxnard or the Ventura County Air Pollution Control District is determined to be a public nuisance or to be detrimental to the public health and welfare.

27. No alcohol use of any type is approved as a part of this action. A separate alcohol use request must receive a Special Use Permit approved by the City and Alcohol Beverage Control prior to inauguration of the use.

28. Developer shall repair and/or replace any existing broken or damaged sidewalk, curb gutter or asphalt paving adjacent to property due to the construction of the Project, as directed by the City Inspector. (DS)

29. Developer shall construct a waste enclosure, with a roof and level concrete pad for the storage of the required containers out of view of the public street. Developer shall provide

a concrete apron in front of the enclosure to facilitate proper servicing. Enclosure gates must be constructed to allow eight (8) feet of clear space to allow passage of the City issued containers. (DS)

30. Prior to issuance of demolition permits for any structure on the site, Developer shall provide evidence of notifying the Air Pollution Control District of such demolition. Demolition and/or renovation activities shall be conducted in compliance with APCD regularities regarding Asbestos (Rule 63.7).

31. During construction, Developer shall post and maintain onsite signs, in highly visible areas, restricting all vehicular traffic to 15 miles per hour or less.

32. During periods of high winds (i.e. wind speed sufficient to cause fugitive dust to impact adjacent properties), Developer shall cease all clearing, grading, earth moving, and excavation operations to prevent fugitive dust from being a nuisance or creating a hazard, either onsite or offsite.

33. Prior to grading permit approval, Developer shall include on the grading plans a reproduction of all conditions of this permit pertaining to dust control requirements. (PL)

34. In the event that any historic or prehistoric cultural resources are discovered, work in the vicinity of the find shall be halted immediately. A City approved archeologist shall be retained to evaluate the discovery and determine the necessary mitigations for successful compliance with all applicable regulations. Developer or its successor in interest shall be responsible for paying all salaries, fees and the cost of any future mitigation resulting from the survey.

35. A master sign program for the center, including drive-through signage, must be approved and associated drive-through signage must be installed prior to the issuance of a certificate of occupancy for the project site. The drive-through signage (i.e. directional signage and menu boards) must be installed and maintained in compliance with the approved master sign program (i.e. the location, dimensions, color, letter style, letter height, and sign type of all signs to be installed in conjunction with the drive-through use) for as long as the drive-through will be in operation. The master sign program is to be reviewed and approved by the Director.

36. Plans submitted by Developer with building permit applications shall show on the building elevation sheets all exterior building materials and colors, including product and finish manufacturer name, color name and number, and surface finish type (such as: stucco with sand finish, plaster with smooth finish) to be used in construction. (PL/B, PL-1)

37. Any application for a Minor Modification to the project shall be accompanied by four copies of plans reflecting the requested modification, together with applicable processing fees. (PL, *PL-2*)

38. Before the City issues building permits, Developer shall include a reproduction of all conditions of this permit as adopted by Resolution of the Community Development

Director in all sets of construction documents and specifications for the project. (PL, *PL-3*)

39. Before the City issues building permits, Developer shall provide to the Planning Manager color photographic reductions (8 1/2" by 11") of full-size colored elevations and any other colored exhibit approved by the Community Development Director. Developer may retain the full-size colored elevations after the reductions are so provided. (PL, *PL-4*)

40. Developer acknowledges that because of population limitations placed on the City by the Air Quality Management Program, approval of this permit does not guarantee that the City will issue building permits. The City's issuance of building permits may be delayed as a result of implementation of an air quality plan. (PL, *PL-5*)

41. Developer may not modify any use approved by this permit unless the Planning Division Manager determines that Developer has provided the parking required by the City Code for the modified use. (PL, *PL-7*)

42. Project on-site lighting shall be of a type and in a location that does not constitute a hazard to vehicular traffic, either on private property or on adjoining streets. To prevent damage from vehicles, standards in parking areas shall be mounted on reinforced concrete pedestals or otherwise protected. Developer shall recess or conceal under-canopy lighting elements so as not to be directly visible from a public street. Developer shall submit a lighting plan showing standard heights and light materials for design review and approval of the Planning Division Manager. (PL/B, PL-8)

43. In order to minimize light and glare on the project property, all parking lot and exterior structure light fixtures shall be high cut-off type that divert lighting downward onto the property and shall not cast light on any adjacent property or roadway. (PL, PL-9)

44. During construction, Developer shall water the area to be graded or excavated prior to commencement of grading or excavation operations. Such application of water shall be at least twice per day and shall penetrate sufficiently to minimize fugitive dust during grading activities. (B/DS, PL-11)

45. During construction, Developer shall control dust by the following activities:
    a. All trucks hauling graded or excavated material offsite shall be required to cover their loads as required by California Vehicle Code section 23114, with special attention to sub sections 23114(b)(2)(F), (e)(2) and (e)(4) as amended, regarding the prevention of such material spilling onto public streets and roads.

    b. All graded and excavated material, exposed soils areas, and active portions of the construction site, including unpaved onsite roadways, shall be treated to prevent fugitive dust. Treatment shall include, but not necessarily be limited to, periodic watering, application of environmentally-safe soil stabilization materials, and/or roll-compaction as appropriate. Watering shall be done as often as necessary and reclaimed water shall be used whenever possible. (B/DS, PL-12)

46. Developer shall provide for dust control at all times during project property preparation

and construction activities. (B/DS, PL-13)

47. Developer agrees to participate in a water conservation program that includes refitting water fixtures existing on the project property with water conserving devices within residences or businesses in the City's water service area, if such a program is in effect when building permits are issued for this project. Among the requirements of such a program might be refitting existing toilets, faucets, shower heads, landscaping irrigation or other fixtures and items that consume water within the structure. (PL, PL-14)

48. Because of water limitations placed upon the City by its water providers, approval of this permit does not guarantee that the City will issue building permits. Issuance of building permits may be delayed as a result of implementation of a water conservation or allocation plan. (PL, PL-15)

49. Prior to issuance of building permits, Developer shall pay a document imaging fee for the planning files in an amount calculated by planning staff at the time of building permit review based on fees then in effect. (PL/B, PL-16).

50. Developer shall recess or screen roof heating and cooling systems and other exterior mechanical equipment from adjoining property and public streets, as required by this permit. Plumbing vents, ducts and other appurtenances protruding from the roof of structures shall be placed so that they will not be visible from the front of the property or other major public vantage points. Developer shall include a note on the construction plumbing drawings of exterior elevations to indicate to contractors that roof features shall be grouped and located in the described manner. Roof vents shall be shown on construction drawings and painted to match roof material color. (PL/B, PL-41)

51. Developer shall install all roof and building drainpipes and downspouts inside building elements. These items shall not be visible on any exterior building elevations. (PL, PL-42)

52. For any exterior utility meter panels, Developer shall paint such panels to match the structure upon which it is located. Such panels shall be located to take advantage of screening (e.g. landscaping or other building elements) from public right-of-ways, to the maximum extent feasible. (PL, PL-43)

53. Developer shall stripe loading zones placed partly or wholly within a structure for loading and unloading activities only and post to prohibit storage or other non-loading activity within the loading zone. (PL/B, PL-49)

54. Pursuant to the City Zoning Code Section 16-140, the proposed order board and other related structures shall be located no less than 5 feet from the side property line.

55. Pursuant to the City Zoning Code Section 7-185 (Exterior Sound Standards), the order boards or other project related items shall not exceed the maximum allowable exterior noise levels for commercial (60 dBA) areas, pursuant to OCC Section 7-185.

56. Pursuant to the City Zoning Code Section 16-623 (Schedule of Bicycle Parking

Requirements), Developer shall install additional bicycle racks for a total of five spaces on the project site located near the front entrance of the CBC Federal Credit Union building. The design and location of the bicycle racks shall be submitted for review and approval by the Planning Manager in consultation with the City Traffic Engineer.

POLICE DEPARTMENT CONDITIONS

57. A condition of approval requires compliance with the Outdoor Lighting Code & Guideline
    a. Outdoor lighting shall comply with Title 24, Part 6, of the California Code of Regulations: California's Energy Efficiency Standards for Residential and Nonresidential Buildings.
    b. Unless approved as a specific exception to this guideline, all outdoor lighting shall be flat lens, full cut-off fixtures with the light source fully shielded with the exceptions:
        i. Luminaires with a maximum output of 260 lumens per fixture, regardless of number of bulbs (equal to one 20-watt incandescent light), may be left unshielded provided the fixture has an opaque top to keep light from shining directly up.
        ii. Luminaires with a maximum output of 1,000 lumens per fixture, regardless of number of bulbs (equal to on 60-watt incandescent light) may be partially shielded provided the bulb is not visible, and the fixture has an opaque to keep light from shining directly up.
    c. Oxnard City Code 16-320: Lighting within physical limits of the area required to be lighted shall not exceed seven foot-candles, nor be less than one food-candle at any point. A light source shall not shine upon, or illuminate directly any surface other than the area required to be lighted. No lighting shall be of a type or in a location that constitutes a hazard to vehicular traffic, either on private property or on the abutting streets. The height of light standards shall not exceed 26 feet. To prevent damage from automobiles, standards shall be mounted on reinforced concrete pedestals or otherwise protected.

58. Exterior lighting of the site including parking areas shall be between 1 and 7-foot candles and shall be in harmony with existing adjacent lighting scheme.

59. All exterior lighting shall operate from dusk to dawn.

60. All exterior LED lighting shall be of a similar nature and spectrum (3,000K to 20,000K Correlated Color Temperature).

61. Lighting instruments shall be full cut-off and installed so that light does not directly illuminate property outside the project site. Instruments shall not create glare for motorists or pedestrians.

62. Outdoor lighting instruments shall not be placed in close proximity of parking lot trees. In the event outdoor lighting instruments and trees are in close proximity an additional sheet will be required illustrating light and tree placement showing trees with a 20-year maturity.

63. Port Cocheres shall be illuminated between 15 and 30 foot-candles with a gradual drop off transition to adjacent parking/walking areas having illumination of 4 to 7 foot-candles.

64. Drive through aisles may be illuminated between 7 and 20 foot-candles with a gradual drop off transition to adjacent parking/walking areas having illumination of 4 to 7 foot-candles.

Security Camera Systems – Businesses

65. Security cameras shall be installed and operated 24 hours a day to monitor the business. The camera system shall comply with these minimum standards:
    a) Cameras and supporting equipment shall supply digital color images under normal lighting conditions. Greyscale images are expected for infra-red lighting.
    b) Cameras shall be made by a reputable manufacturer and maintained to current industry standards.
    c) Cameras shall have low light capability and able to identify persons conducting transactions or entering the business.
    d) The video system shall utilize a Digital Video Recorder (DVR). VHS and other formats are prohibited.
    e) The video system shall allow recording, live viewing and playback of recorded video for a period of a period of at least 30 days.
    f) Recorded images shall bear a date and time stamp that cannot be altered.
    g) Camera installations shall cover areas open to the general public and where cash or other assets are maintained.
    h) Cameras in domed casings are highly encouraged as their area of focus is not easily determined by a casual observer.
    i) A camera shall be installed at to monitor all persons entering the premises from each exterior doorway. The camera shall be mounted 7-feet above the floor and shall be adjusted to capture images of the head and shoulders of all who enter.

Alarms

66. Any intrusion alarm system installed at the site shall utilize technology to differentiate between human and non-human motion. The alarm system shall be compliant with Oxnard City Code 11-95 through 11-100.

DEVELOPMENT SERVICES DIVISION CONDITIONS

67. Developer shall pay plan check and processing fees in effect at the time of construction plan submittal and shall pay development fees, encroachment permit fees, and other applicable fees in effect at permit issuance. (DS-1)

68. Developer shall install on site and off site electric, cable, telephone and similar utility service laterals underground in accordance with City ordinances in effect at the time City issues a building permit. Services shall be installed underground to the nearest suitable riser pole as determined by the appropriate utility service provider. (DS-12)

69. Developer shall remove graffiti from the project, including graffiti on offsite public infrastructure under construction by Developer, within 24 hours of its appearance. If Developer fails to remove graffiti in accordance with this condition, the City may at the discretion of the City Engineer issue a stop work order until such time as the graffiti is removed. (DS-20)

70. The conditions of this resolution shall prevail over all omissions, conflicting notations, specifications, dimensions, typical sections, and the like, that may or may not be shown on the improvement plans. (DS-21)

71. Developer shall pay the cost of all inspections of on site and off site improvements. (DS-22)

72. Developer shall be responsible for all project related actions of Developer's employees, contractors, subcontractors, and agents until City accepts the improvements. (DS-23)

73. Developer shall install City approved backflow prevention devices for water connections if so ordered by the City Engineer. (DS-45)

74. Developer shall install bike racks in accordance with City standards at locations approved by City Traffic Engineer. (TR-73)

75. Developer shall construct a new water meter and new sewer lateral to serve the restaurant. (DS).

76. The new sewer lateral serving the food preparation area must be connected to a grease interceptor. After the grease interceptor, the new sewer lateral may join the existing primary sewer lateral that serves the existing building. (DS)

77. Developer shall verify that the existing primary sewer lateral is adequate to serve the existing building with the additional restaurant component. If proven insufficient, the existing primary lateral must be upgraded to current standards. (DS)

78. The project shall comply with the latest California Building Code disabled access requirements for Americans with Disabilities Act (ADA). (DS)

79. The improvement plans shall show the exhaust hood from the kitchen will not interfere with or affect the second floor and exterior walkway outside of the building. The design is subject to the review and approval of the City Building Official. (DS)

80. Developer shall construct an additional trash enclosure to supplement the existing, meeting City standards to store trash, recycle, and organics. Storing multiple bins in each compartment and shuffling them around is not an acceptable design. The design of the trash enclosure shall accommodate all of the required bins without the need to shuffle them. All site refuse bins shall be stored in an approved enclosure. No objects other than refuse bins may be stored in the enclosure without the written permission of the Environmental Resources Division. (DS)

81. The trash enclosure shall be constructed with a reinforced concrete apron along the entire length of the trash enclosure opening that extends a minimum of 15-feet from the face of the enclosure. The floor and a loading/service pad of the trash enclosure to be substantially level (2% max slope). (DS)

82. Developer shall execute a shared-use agreement prior to building permit issuance if the trash enclosure serves other establishments aside from the project. (DS)

83. Developer shall construct a trash enclosure with a solid non-combustible roof (8-foot minimum clearance and matching existing design) that prevents stormwater from entering the refuse bins. Developer shall construct all other components of the trash enclosure in accordance with the approved City Standard Plan on file with the Building and Engineering Division. Developer shall finish the trash enclosure to match the major design elements of the main structure subject to approval by the Planning Division. The location and configuration of the enclosure shall be approved by the Environmental Resources Division. (DS)

84. The project shall install a grease interceptor unless directed otherwise by the City of Oxnard Public Works Department. If a grease interceptor is installed, a hose bib shall be installed outside of the trash enclosure, and a traffic-rated drain shall be installed inside the enclosure to capture all enclosure wash water. This drain shall connect to the onsite grease interceptor. (DS)

85. If the proposed site improvements result in the alteration of 5,000 square feet or more of impervious area, the project will be required to provide stormwater mitigations as a redevelopment project. Developer shall design project to minimize degradation of stormwater quality by complying with the applicable sections of the Los Angeles Regional Water Quality Control Board's municipal separate storm sewer system ("MS4") permit (Order R4-2010-0108 including all revisions) for a redevelopment project. Developer shall submit stormwater quality calculations and associated construction plans demonstrating compliance with the MS4 permit. Calculations shall generally be organized to follow the steps outlined in Chapter 2 of the 2011 Technical Guidance Manual for Stormwater Control Measures. (DS)

86. Prior to issuance of grading, building or demolition permit and prior to commencement of any clearing, grading or excavation, Developer shall prepare a Local Stormwater Pollution Prevention Plan ("Local SWPPP".) The Local SWPPP shall be developed and implemented in accordance with the requirements of the Ventura Countywide MS4 Permit. The Local SWPPP shall be approved by the City Engineer prior to issuance of a site improvement/grading permit. Developer shall keep the Local SWPPP updated to reflect current site conditions and a copy of the Local SWPPP shall be kept onsite and available for City or designated representative to review upon request. (DS)

87. As directed by the Public Works Stormwater Division, Developer shall install two connected pipe screen full capture trash devices from United Stormwater to the catch

basins S17-304 and S17-301 on the corner of Gonzales Road and Outlet Center Drive. (DS)

TRAFFIC DIVISION CONDITIONS

88. Developer shall incorporate details on the engineering plans showing directional signs and pavement markings that will assist and direct motorists through both drive-through lanes. (TR)

89. Show the car queuing design for the drive-through lanes in the engineering improvement plans for the Traffic Division to review. (TR)

90. Developer shall comply and implement the recommendations described in the parking prepared for the CBC Federal Credit Union Office Building project by Associated Transportation Engineers (ATE) dated January 4, 2023. (TR)

ENVIRONMENTAL RESOURCES DIVISION

91. This property is required to comply with state mandated diversion laws (AB 939, AB 341, AB 1826, SB 1383, AB 827) and must make provisions to manage three material streams (recycling, organics, trash) in any waste enclosure(s) constructed.

92. To ensure that solid waste generated by the project is diverted from the landfill and reduced, reused or recycled, Developer shall complete and submit a "Environmental Resources Division Construction and Demolition Waste Management Plan" ("C&D Plan") to the City for review and approval. The C&D Plan shall provide that at least 65% of the waste generated on the project be diverted from the landfill. The C&D Plan shall include the entire project area, even if tenants are pursuing or will pursue independent programs. The C&D Plan shall be submitted to and approved by the Environmental Resources Division prior to issuance of a building permit. The C&D Plan shall include the following information: material type to be recycled, reused, salvaged or disposed; estimated quantities to be processed; management method used; destination of material including the hauler name and facility location. Developer shall use the appropriate C&D Plan form as defined by the Environmental Resources Division.

93. Developer shall follow the approved "Environmental Resources Division Construction and Demolition Waste Management Plan" and provide for the collection, recycling, and/or reuse of materials (i.e., concrete, wood, metal, cardboard, green waste, etc.) and document results during construction and/or demolition of the proposed project. After completion of project activity, Developer shall complete and submit the "Environmental Resources Division Construction and Demolition Waste Management Report" ("C&D Report") and provide legible copies of weight tickets, receipts, or invoices for materials sent to disposal or reuse/recycling facilities. For other discarded or salvaged materials, Developer shall provide documentation, on the disposal facility's letterhead, identifying where the materials were taken, type of materials, and tons or cubic yards disposed, recycled or reused, and the project generating the discarded materials. Developer shall submit and obtain approval of the C&D Report prior to issuance of a certificate of occupancy.

94. Developer shall arrange for materials collection during construction, demolition, and occupancy with the City's Environmental Resources Division or Developer shall arrange for self-hauling.

95. 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, AB 827); how restaurant staff will participate in the program; and how customers will be 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.

96. Per AB 827, public areas that provide waste collection to customers must have an equitable distribution of containers for recycling, organics and trash that are easily accessible. This requirement does not apply to restrooms.

97. This property is required to adhere to applicable solid waste management ordinances, including future ordinance creation and/or revisions.

98. Any landscaping maintenance resulting in organic material needing disposal, if performed in-house or via third party, must not be placed in the trash. All organic materials are required to be diverted from landfill disposal. Any third-party contract/service agreement must stipulate this requirement and be verified through the Environmental Resources Division.

99. Developer shall dispose of sewage and solid waste from the project by City's wastewater and solid waste systems in a matter approved by the City Engineer.

100. Any new or renovated waste enclosure must be made of CMU Walls with a roof. The enclosure must be fully enclosed with a metal mesh between the CMU Walls and the roof.

FIRE DEPARTMENT CONDITIONS

101. Before the City issues building permits, Developer shall obtain the Fire Chief's approval of a plan to ensure fire equipment access and the availability of water for fire combat operations to all areas of the project property. The Fire Chief shall determine whether or not the plan provides adequate fire protection. (FD/DS, F-3)

102. All structures on the project property shall conform to the minimum standards prescribed in Title 19 of the California Code of Regulations. (FD, F-5)

103. The project shall meet the minimum requirements of the "Fire Protection Planning Guide" published by the Fire Department. (FD, F-6)

104. At all times during construction, Developer shall maintain paved surfaces capable of handling loads of 76,000 pounds which will provide access for firefighting apparatus to all parts of the project property. (FD/DS, F-7)

105. Developer shall identify all hydrants and fire protection equipment on the project property as required by the Fire Chief. (FD, F-8)

106. Developer shall provide central station monitoring of the fire sprinkler system and all control valves. (FD, F-10)

107. The turning radius of all project property driveways and turnaround areas used for emergency access shall be approved by the City Traffic Engineering Department. (FD, F-11)

108. Developer shall provide automatic fire sprinklers as required by the City Code and shall contact the Fire Chief to ascertain the location of all connections. (FD, F-12)

109. Developer shall install in each structure in the project an alarm system with a central station monitor that will automatically notify the Fire Department in the event of a fire in the structure. The alarm system shall include a UL or State Fire Marshal approved device, which shall not exceed design specifications, that reports the location of the fire and provides floor by floor water flow monitoring and allows the central station monitor to inform the Fire Department. (FD, F-13)

110. All signalized intersections shall be equipped with pre-emption equipment. (FD/TR, F15)

111. Developer shall comply with Certified Unified Program Agency (CUPA) requirements regarding the storage, handling and generation of hazardous materials or waste. Prior to the issuance of building permits, Developer shall contact the CUPA division of the Fire Department to ensure that such requirements are followed. (FD, F-16)

112. All landscape on project property will coordinate with the fire protection features, to prevent access problems to fire protection features.

113. Fire hydrants shall be operational and accessible at all times. No parking, storage or staging of equipment/supplies shall be located within 15 feet on either side of fire hydrants. Prior to final inspection, blue reflective hydrant location markers shall be placed on the access roads in accordance with Fire Department standards.

114. Fire sprinkler coverage is required for:
    a. Patios, overhangs or any other projections that are 48” or more from the structure.
    b. Open areas beneath stairs that serve a habitable space or when that area is accessible for storage or has mechanical equipment.
    c. The protection of the forced air unit when located in the attic or other areas that are normally inaccessible.

115. Before the city issues a certificate of occupancy, the developer shall install Knox key vaults at a location to be determined by the Fire Department.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 6th day of July 2023.

_____

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 6th day of July 2023, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____

Joe Pearson II, Secretary

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March 7, 2023

VIA U.S. MAIL AND EMAIL (planning@oxnard.org)

City of Oxnard Planning Commission
214 South C Street
Oxnard, CA 93030

Re: Project Name: Dunkin Donuts Major Modification
Planning and Zoning Permit No. 22-550-1 (Major Modification to SUP No. 00-05-142)
Property Located at 2151 E. Gonzalez Rd. (APN 213-0-090-115)

Dear Honorable Members of the Oxnard Planning Commission,

This firm represents Palms Medical Plaza Owners' Association ("Palms Association"), which is comprised of the owners of the medical office units located within the Palms Medical Plaza building located at 1901 Outlet Center Drive, Oxnard, California. This property is located immediately adjacent and to the north of the CBC Federal Credit Union property that is the subject of the above-referenced Major Modification application.

Palms Association and its members are very concerned about the potential impacts of the proposed project upon the existing uses and activities conducted at the Palms Medical Plaza property and therefore respectfully request that the Planning Commission deny the application.

The Palms Medical Plaza property and the CBC Federal Credit Union property share an entrance off of Outlet Center Drive. As depicted in the enclosed aerial photo of the properties, the traffic circulation for the proposed project would result in vehicles entering through this shared entrance from Outlet Center Drive and then travelling through the parking lot past the main entrance to the Palms Medical Plaza building towards the drive-thru.

The conversion of the existing banking drive-thru to a Dunkin Donuts drive-thru would result in a very substantial increase in the amount of traffic travelling this course. It is not difficult to imagine a line of cars backed up through the parking lot on many mornings and at other times of the day. And when there is not a lineup of cars, it is similarly not difficult to imagine cars travelling at excessive speeds towards the drive-thru entrance without being completely mindful of pedestrians walking through the parking lot.

The increased traffic through what is already a very tight traffic and parking situation presents significant safety concerns. Many of the patients who visit the Palms Medical Plaza property for medical treatments are elderly,

and many patients enter the building using walkers or are in wheelchairs. The increased traffic near the entrance to the medical building would present a serious hazard to these individuals and to others walking through the parking lot to and from the building entrance.

It is important to note that the Palms Medical Plaza property has an easement for parking purposes over the portion of the parking lot located in the northeast corner of the CBC Federal Credit Union property. A copy of the recorded Easement Agreement is enclosed for your reference, with the location of the dedicated parking spaces being shown on Exhibit "C" of the document. These spaces are located immediately adjacent to the shared entrance off of Outlet Center Drive and are also among the spaces located closest to the Palms Medical Plaza building entrance. The use of these spaces will be particularly impacted by the increased traffic circulation resulting from the proposed project, which would significantly undermine the existing easement rights.

For these reasons, Palms Association and its members are strongly opposed to the proposed project. The subject property is not an appropriate location for the project given the associated safety concerns and its impacts upon the long-established medical uses at the Palms Medical Plaza property.

We greatly appreciate your consideration of these concerns as you review this project.

Very truly yours,

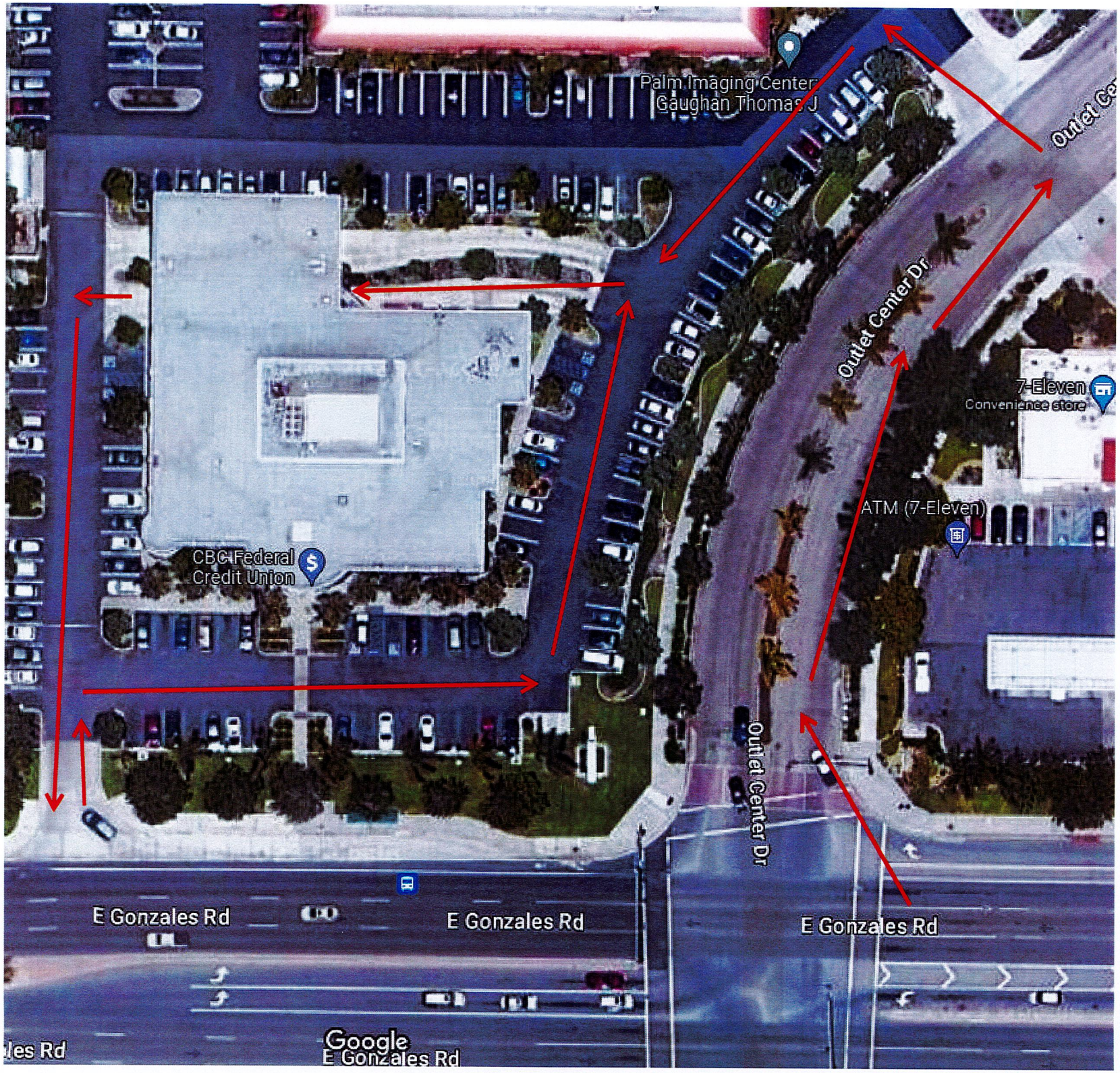
NELSON COMIS KETTLE & KINNEY LLP

Stuart G. Nielson

Enclosures
cc: Palms Medical Plaza Owners' Association

ATTACHMENT A

AERIAL PHOTO DEPICTING TRAFFIC CIRCULATION OF PROPOSED PROJECT


Palm Imaging Center
Gaughan Thomas J
Outlet Ce
Outlet Center Dr
7-Eleven
Convenience store
ATM (7-Eleven)
CBC Federal
Credit Union
Outlet Center Dr
E Gonzales Rd
E Gonzales Rd
E Gonzales Rd
les Rd
Google
E Gonzales Rd

ATTACHMENT B

COPY OF EASEMENT AGREEMENT FOR PARKING ON SUBJECT PROPERTY

COMMONWEALTH LAND TITLE CO.

RECORDING REQUESTED BY AND
WHEN RECORDED RETURN TO:

THOMAS E. NEUHAUS
Attorney at Law
P.O. Box 5504
Oxnard, CA 93031-5504
415004a-8

20040210-0031730
Pages: 10 Fees: $34.00
02/10/2004 08:00:00 AM
T20040011715 PJ
Ventura County Recorder
Philip J. Schmit

EASEMENT AGREEMENT

This Easement Agreement ("Agreement") is made and entered into as of this 2nd day of January, 2004, by an between CBC FEDERAL CREDIT UNION ("Grantor") and ONTARIO GATEWAY BUSINESS CENTER, LLC, a California Limited Liability Company ("Grantee").

Section 1. Recitals.

A. This Agreement is made in connection with a Real Property Purchase Agreement between Grantor, as Seller, and Grantee, as Buyer, by the terms of which Grantor has agreed to sell to Grantee, and Grantee has agreed to purchase from Grantor, the parcel of real property described in Exhibit "A" hereto. Pursuant to said Purchase Agreement Grantee is the owner of that certain parcel of real property located in the City of Oxnard, County of Ventura, more particularly described in Exhibit "A" attached hereto ("Dominant Estate").

B. Grantor is the owner of that certain parcel of real property located in the City of Oxnard, County of Ventura, and more particularly described in Exhibit "B" attached hereto ("Servient Estate"), commonly known as 2151 Gonzales Road, Oxnard, California.

C. In connection with the sale by Grantor to Grantee of the Dominant Estate, Grantor desires to grant to Grantee, and Grantee desires to acquire from Grantor, a non-exclusive easement on a portion of the Servient Estate for parking purposes, as provided herein.

Section 2. Grant of Easement.

A. Grantor hereby grants to Grantee a nonexclusive, permanent and perpetual (subject to Section 7 below) easement for the use of the specific portion of the Servient Estate as described and depicted in Section 3 and in Exhibit "C" hereto, solely for the purpose of parking and related purposes in accordance with the terms of this Agreement, and for no other purpose or use whatsoever. Notwithstanding the foregoing, Grantee's rights shall include reasonable ingress and egress as necessary for the use and enjoyment of the parking easement granted in this Agreement.

B. Grantee has approved the parking lot design and configuration as existing on the Servient Estate on the date of this Agreement, including that

portion constituting the easement granted herein, and accepts same in "as is" condition.

C. In consideration of being granted the Easement described herein, Grantee also is granting to Grantor a parking easement on the parcel of real property purchased by Grantee from Grantor and described in Exhibit "A" hereof, which easement is more completely described in a separate written Easement Agreement of even date herewith.

D. In consideration of being granted the Easement described herein, Grantee covenants and agrees that the proposed parking lot design and configuration for the Dominant Estate, as specified in that certain Easement Agreement of even date herewith by which ONTARIO GATEWAY BUSINESS CENTER, LLC, (as the owner of the Dominant Estate as described herein) is granting to CBCFCU (as the owner of the Servient Estate as described herein) an easement for parking purposes on the parcel described in Exhibit "A" hereto, shall not be changed by Grantee, or his successors, without the prior, express, written consent of Grantor, and in the event of any change by Grantee in the design or configuration of the proposed parking lot for the Dominant Estate without the prior written consent of Grantor, this Easement Agreement, and the grant of easement herein, may be revoked and rescinded by Grantor. In the event of such revocation and rescission Grantor shall record a Notice of Revocation of Easement referencing this right of revocation and rescission.

E. This grant of Easement to Grantee shall entitle Grantee, its employees, tenants, and invitees, to make use of the Easement for non-exclusive parking purposes granted and as described herein.

F. The Easement granted in this Agreement is appurtenant to the Dominant Estate and includes incidental rights reasonably necessary for the use and enjoyment of such easement, provided that Grantee must use reasonable care in exercising all rights under this Agreement and may not unreasonably increase the burden on the Servient Estate. Grantee's rights include reasonable ingress and egress from the Easement Area to and from the Dominant Estate.

Section 3. Description of Parking Easement. The non-exclusive Easement for parking purposes granted by Grantor to Grantee shall be located at the North East corner of the existing parking lot on the parcel described in Exhibit "B" hereto (the Servient Estate). Said easement shall be eighteen (18) feet wide starting at the North East corner of the existing parking area on the Servient Estate and running North Westerly for said 18 feet, and extending sixty-six (66) feet in length South Westerly along the curve of the existing parking lot, as shown in Exhibit "C" hereto (consisting of 10 existing parking spaces).

Section 4. Maintenance and Taxes. Grantor shall, at Grantor's sole cost and expense, maintain, operate and repair, in good condition and free of debris and weeds (including but not limited to, the appurtenant landscaping installed by Grantor and maintenance of such landscaping), the Easement area and all improvements located thereon, provided, however, that any extraordinary cost, fee, fine or other expense incurred as a result of Grantee's use of the Easement

area shall be paid by Grantee promptly upon Grantor submitting to Grantee an itemized statement for such extraordinary cost, fee or expense. Grantor shall pay all real property taxes and assessments relating to the Easement area and any improvements thereon.

Section 5. Reserved Rights. Grantor reserves to itself, and its personal representatives, assigns and successors, all rights accruing from its ownership of the Servient Estate and the Easement area, including the right to convey the Servient Estate, subject to this Easement Agreement, the right to use the remainder of the Servient Estate for any purpose whatsoever, subject to Grantee's rights hereunder, and the right to make use of all parking on the Servient Estate, subject to Grantee's rights under this non-exclusive easement.

Section 6. No Fee for Use of Easement. Except for any extraordinary cost, fee, fine or other expense as provided in Section 4, Grantee shall not pay to Grantor, during the term of this Agreement, any annual fee or other fee or amount for the use and maintenance of the easement granted herein.

Section 7. Reversion. In the event that Grantee should cease using the Easement area for parking as described herein, Grantee's rights in the Easement area pursuant to this Agreement, or conveyed to the Grantee by any separate instrument or agreement, including any incidental rights in the Servient Estate associated therewith, shall immediately revert to Grantor and Grantee shall execute such deeds or other documents as Grantor may reasonably request to confirm such reversion. In addition, should Grantee breach the provisions of section 2 B hereof by altering the design or configuration of the proposed parking area on the Dominant Estate, the Easement granted herein shall revert to Grantor as provided herein.

Section 8. Indemnity and Insurance.

A. Grantee shall indemnify, defend and hold Grantor, its agents, contractors, shareholders, members, Directors, employees, successors and assigns, free and harmless from and against any and all liabilities, penalties, costs, losses, damages, claims, demands, suits, or judgments, of any kind or nature, including, without limitation, all reasonable attorneys fees incurred by Grantor and arising from, or in any way connected with, any such liability, penalty, cost, loss, damage, claim, demand, suit, or judgment, resulting from any act, omission, condition or other matter related to, or occurring on or about, the Servient Estate and in any way related to use of the Easement granted herein by Grantee, or its agents, employees, contractors, partners, tenants, vendors, or invitees, unless due to the negligence of Grantor or any breach of the terms of this Easement Agreement by Grantor.

B. Grantee shall, at Grantee's sole expense, maintain broad form commercial general liability insurance written on an "occurrence" policy form, covering bodily injury, property damage, and personal injury, arising out of or

relating (directly or indirectly) to Grantee's use, occupancy, and operation of the Easement Area or the rights granted to Grantee herein, with policy limits of not less than two million ($2,000,000.00) dollars. Grantor shall be named by endorsement as an additional insured, as its interest may appear, under such general liability policy. Grantee shall provide a certificate of insurance to Grantor evidencing compliance with the foregoing insurance requirements and providing for not less than 30 days advance written notice to Grantor of cancellation, non-renewal or a material change in such insurance coverage.

Section 9. Compliance with Laws. Grantee's use of the Easement Area shall be in compliance with all applicable laws, rules, regulations, permits, city ordinances and city imposed conditions in effect from time to time during the term of the Easement granted herein.

Section 10. Interest. Any amount payable upon demand by Grantor hereunder which is not paid by Grantee within 10 days of demand for payment by Grantor shall bear interest at the rate of 10% per annum from the date of demand by Grantor until paid to Grantor.

Section 11. Covenants Running with the Land. The rights and obligations contained in this Agreement shall run with the land and inure to, and be for, the benefit of the Grantor and the Grantee, their successors and assigns, and the tenants, subtenants, licensees, contractors, invitees, and mortgagees in possession.

Section 12. Termination of Liability. Whenever a transfer of ownership of either the Dominant Estate or the Servient Estate occurs, the transferor shall not be liable for a breach of this Agreement occurring after such transfer, and a transferee will not be liable for a breach of this Agreement occurring prior to a transfer to such transferee unless such breach is continuing, provided, however, this provision shall not apply to any transfer of only a partial interest in the transferor's interest in either the Dominant Estate or the Servient Estate, nor shall it apply to any transfer to an entity owned or controlled by the transferor.

Section 13. Estoppel Certificates. Upon request by either party, the other party shall, within fifteen (15) days, execute and deliver to the requesting party any document, including an estoppel certificate, which certifies the requesting party's compliance with any obligation of the requesting party contained in this agreement and otherwise evidences the status of this Agreement as may be requested by such party.

Section 14. Notices. Any notice, demand, request, consent, approval or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by first class mail, postage prepaid, and addressed to the appropriate party as follows:

To Grantor: CBC Federal Credit Union
ATTENTION: President and CEO
2151 Gonzales Road
Oxnard, California, 93036

To Grantee: ONTARIO GATEWAY BUSINESS CENTER, LLC,
Attention: Moshe Silagi, Managing Member
101 Hodencamp #200
Westlake Village CA. 91360

or to such other address as either party may from time to time designate by written notice to the other. Any such notice shall be deemed effective when personally served on the party to whom it is addressed or, if mailed as provided herein, three (3) days after deposit in the U.S. Mail.

Section 15. Recordation. Grantor and Grantee acknowledge and agree that they shall cause this Easement Agreement to be recorded in connection with the close of that certain escrow for the sale and transfer by Grantor to Grantee of the Dominant Estate. This Easement Agreement shall be recorded immediately after the recording of the Grant Deed of the Dominant Estate from Grantor to Grantee and if such Grant Deed is not recorded this Easement Agreement shall not be recorded and shall be of no force or effect.

Section 16. General Provisions.

A. Controlling Law. This agreement shall be governed by, and interpreted in accordance with, California Law. In the event of any legal action to enforce or interpret this Easement Agreement, the prevailing party in such action shall be entitled to recover its reasonable attorneys fees incurred in such action, as determined by the court or arbitrator in such action, in addition to any other damages, costs, or remedies to which such party may be entitled.

B. Severability. If any provision of this Agreement is found by a court or arbitrator of competent jurisdiction to be invalid or unenforceable, the remainder of the provisions of this Agreement shall not be affected thereby.

C. Entire Agreement. This Agreement sets forth the entire agreement of the parties with respect to the easement granted herein, and supersedes all prior agreements, negotiations, discussions, offers, understandings or representations, whether oral or written, relating to the easement described herein.

D. Binding on Successors. This Agreement shall be binding upon, and inure to the benefit of, the parties hereto and their respective successors and assigns as covenants running with the Dominant Estate and the Servient Estate.

E. Captions. The captions in this Agreement have been included solely for convenience of reference and are not to be a part of this Agreement and shall have no effect upon its construction or interpretation.

F. Authority. All persons executing this Agreement on behalf of a party warrant that they have full authority to execute this Agreement on behalf of such party.

IN WITNESS WHEREOF, Grantor and Grantee have entered into this Easement Agreement on the day and year first written above.

GRANTOR	GRANTEE
CBC FEDERAL CREDIT UNION, A federally chartered credit union	ONTARIO GATEWAY BUSINESS CENTER, LLC, a California Limited Liability Company
By: _____ WESLEY Walton, CFO	By: _____ MOSHE SILAGI, Managing Member

State of California)
)
County of Ventura)

On February 2, 2004, **before me,** Keri A. Walsh, **Notary Public, personally appeared** Wesley Walton

personally known to me (~~or proved to me on the basis of satisfactory evidence~~) to be the person(~~s~~) whose name(~~s~~) is/~~are~~ subscribed to the within instrument, and acknowledge to me that he/~~she/they~~ executed the instrument in his/~~her/their~~ authorized capacity(~~ies~~) and that by his/~~her/their~~ signature(~~s~~) on the instrument the person(~~s~~), or the entity on behalf of which the person(~~s~~) acted, executed the instrument.

WITNESS my hand and official seal

KERI A. WALSH
Commission # 1295688
Notary Public - California
Ventura County
My Comm. Expires Mar 1, 2005

Notary Public

EXHIBIT "A"

DOMINANT ESTATE

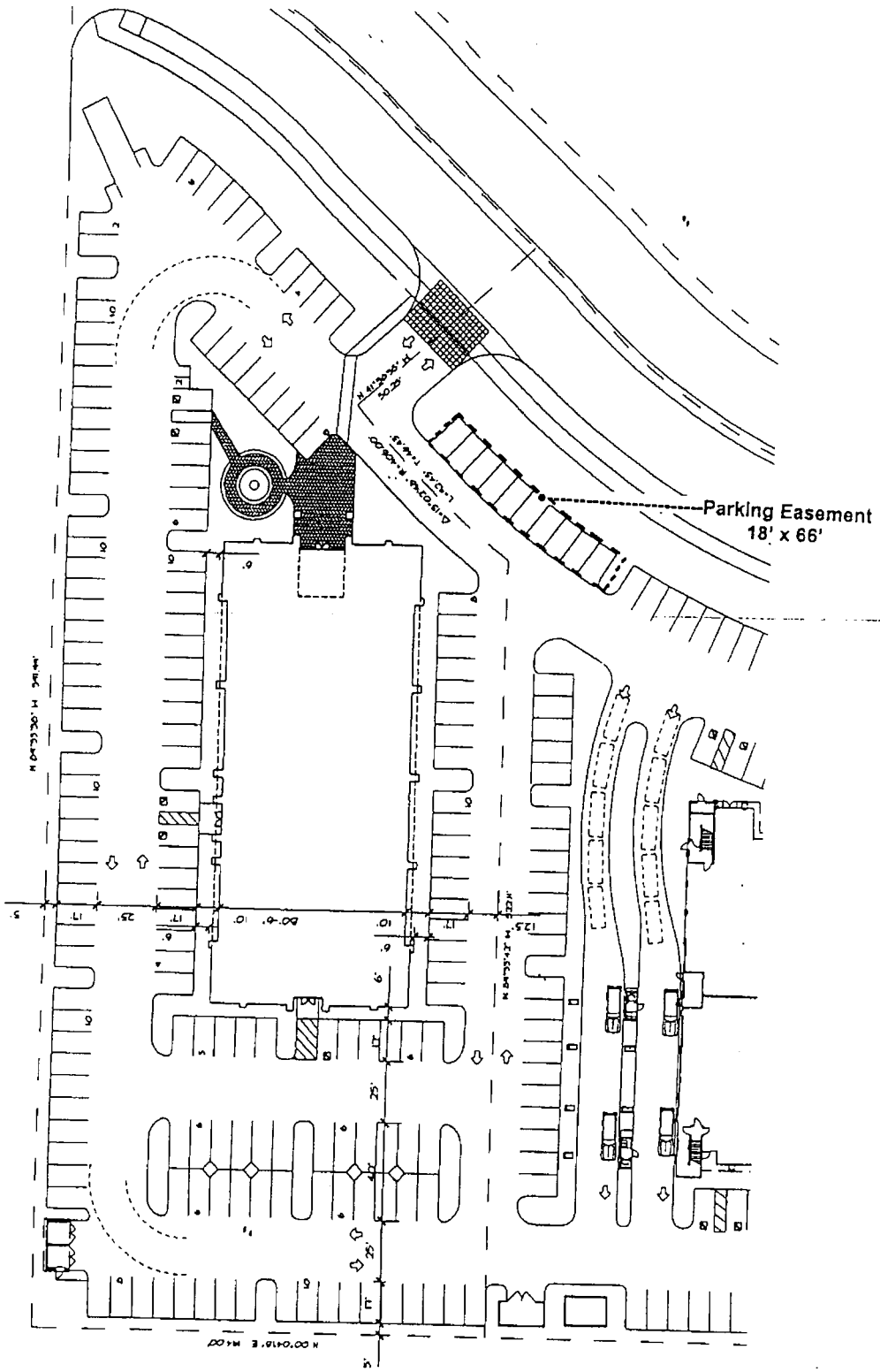
Parcel B, in the City of Oxnard, County of Ventura, State of California, as shown on a Map filed in Book 61, Pages 21 and 22 of Parcel Maps, in the office of the County recorder of said County.

EXHIBIT "B"

SERVIENT ESTATE

Parcel A, in the City of Oxnard, County of Ventura, State of California, as shown on a Map filed in Book 61, Pages 21 and 22 of Parcel Maps, in the office of the County recorder of said County.

EXHIBIT "C"
TO EASEMENT AGREEMENT



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California
County of VENTURA } ss.

On FEBRUARY 2, 2004 (Date) before me, KAREN SILAGI, NOTARY PUBLIC (Name and Title of Officer (e.g., "Jane Doe, Notary Public")

personally appeared MOSHE SILAGI (Name(s) of Signer(s)),

☒ personally known to me
☐ proved to me on the basis of satisfactory evidence

KAREN SILAGI
Commission # 1270310
Notary Public - California
Ventura County
My Comm. Expires Jan 13, 2005

to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity~~(ies)~~, and that by his/~~her/their~~ signature~~(s)~~ on the instrument the person(s), or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

WITNESS my hand and official seal.

Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: EASEMENT AGREEMENT

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer

Signer's Name: _____

☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney-in-Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT OF SIGNER
Top of thumb here

© 1999 National Notary Association • 9350 De Soto Ave., P.O. Box 2402 • Chatsworth, CA 91313-2402 • www.nationalnotary.org Prod. No. 5907 Reorder: Call Toll-Free 1-800-876-6827

Dunkin Donuts

Planning & Zoning Permit No. 22-550-01
(Major Modification to Special Use Permit)

Applicant: Daniel Bednar, Federal Credit Union

Lisa Gordon, Contract Planner
Joe Pearson II, Planning and Environmental Services Manager

Planning Commission
July 6, 2023

CITY OF OXNARD CALIFORNIA

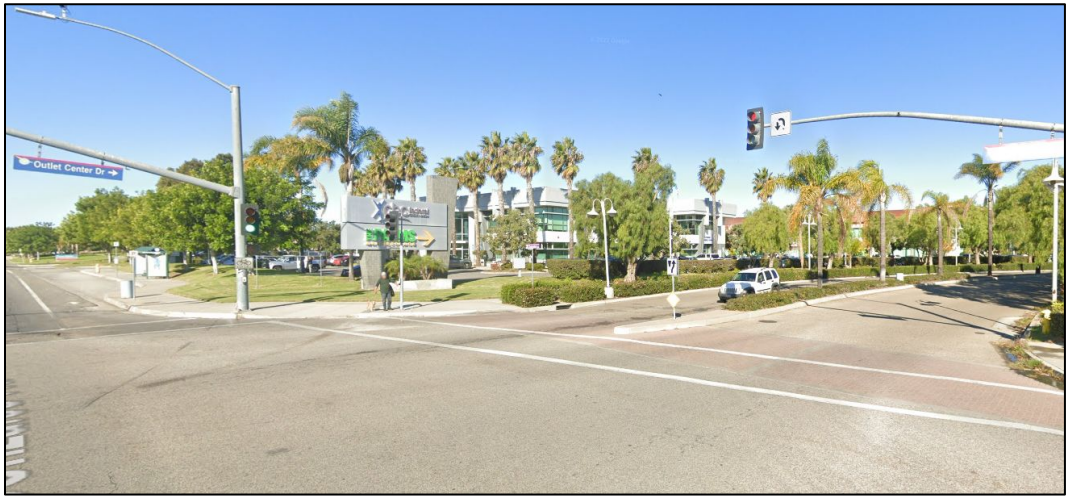
Project Description

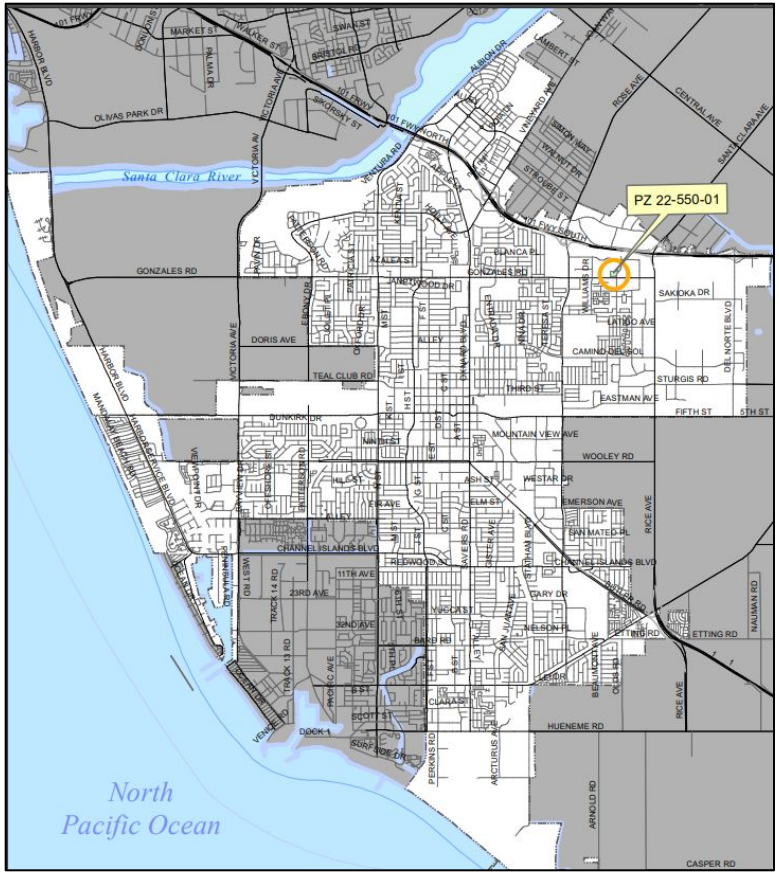
- A request for the following actions:
  - Major Modification (PZ 22-550-01) to Special Use Permit (PZ 00-05-142)
    - Renovation and tenant improvement of an existing 30,647 square foot CBC Credit Union multi-tenant office building
    - Project includes construction and conversion of 1,419 square feet of ground floor tenant space into a donut/coffee shop (Dunkin Donuts)
    - Conversion of one existing drive-thru lane with 8-vehicle capacity
      - Stacking for 3 vehicles between order board and pick-up window and 5 vehicles behind the order board
    - Reduction of required on-site parking spaces from 151 to 129

Project Location

Project Site: 2151 E. Gonzales Road

Existing Multi-tenant office building with ground floor credit union and upper floor medical office space.





Street View

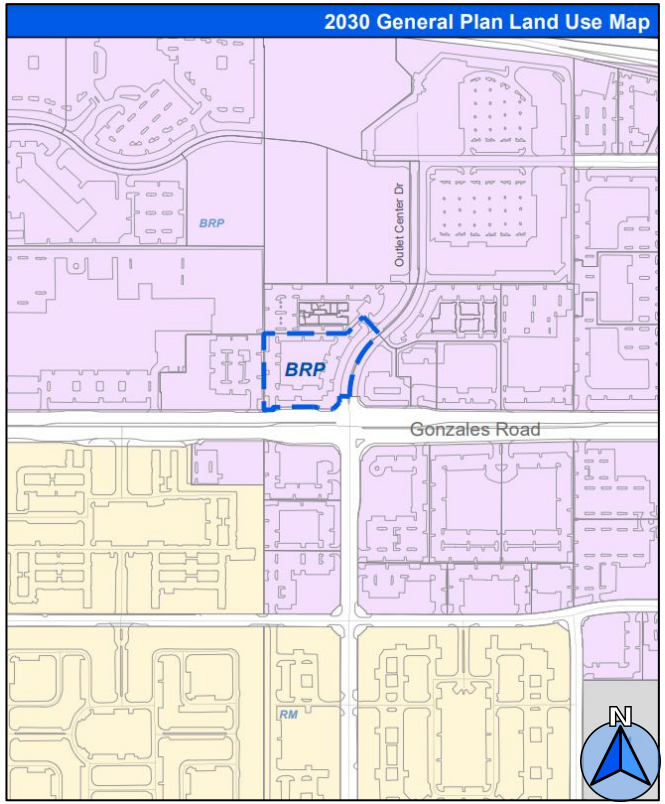
View from Outlet Center Drive looking southwest

View from Gonzales Road looking north

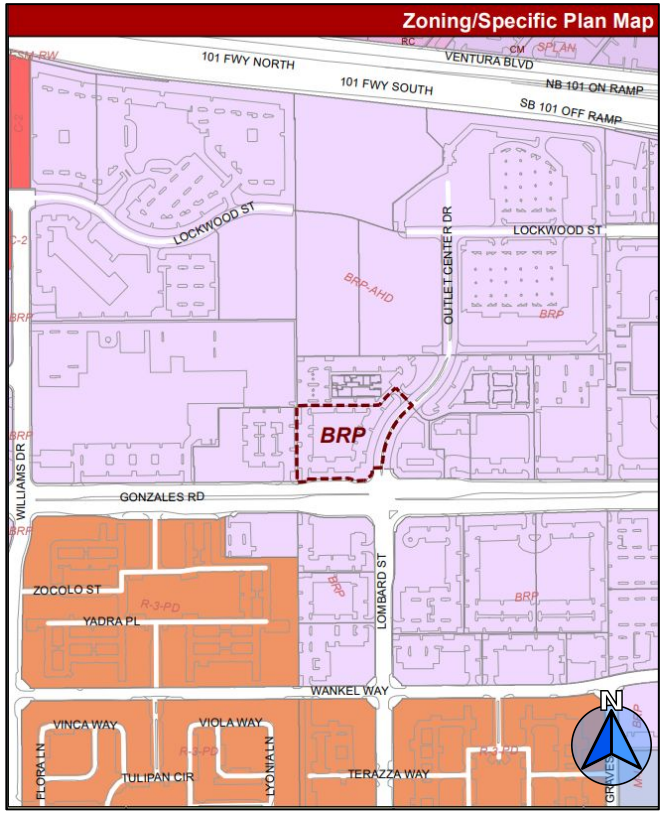
Surrounding Land Uses

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Business Research Park (BRP)	Business Research Park (BRP)	Credit Union and mix of general and medical offices
North	Business Research Park (BRP)	Business Research Park (BRP)	Medical offices
South	Business Research Park (BRP)	Business Research Park (BRP)	Medical-Urgent Care
East	Business Research Park (BRP)	Business Research Park (BRP)	Self-Service Station/Convenience store (7-Eleven)
West	Business Research Park (BRP)	Business Research Park (BRP)	Medical offices (Kaiser Permanente)

General Plan and Zoning



Business Research Park (BRP)



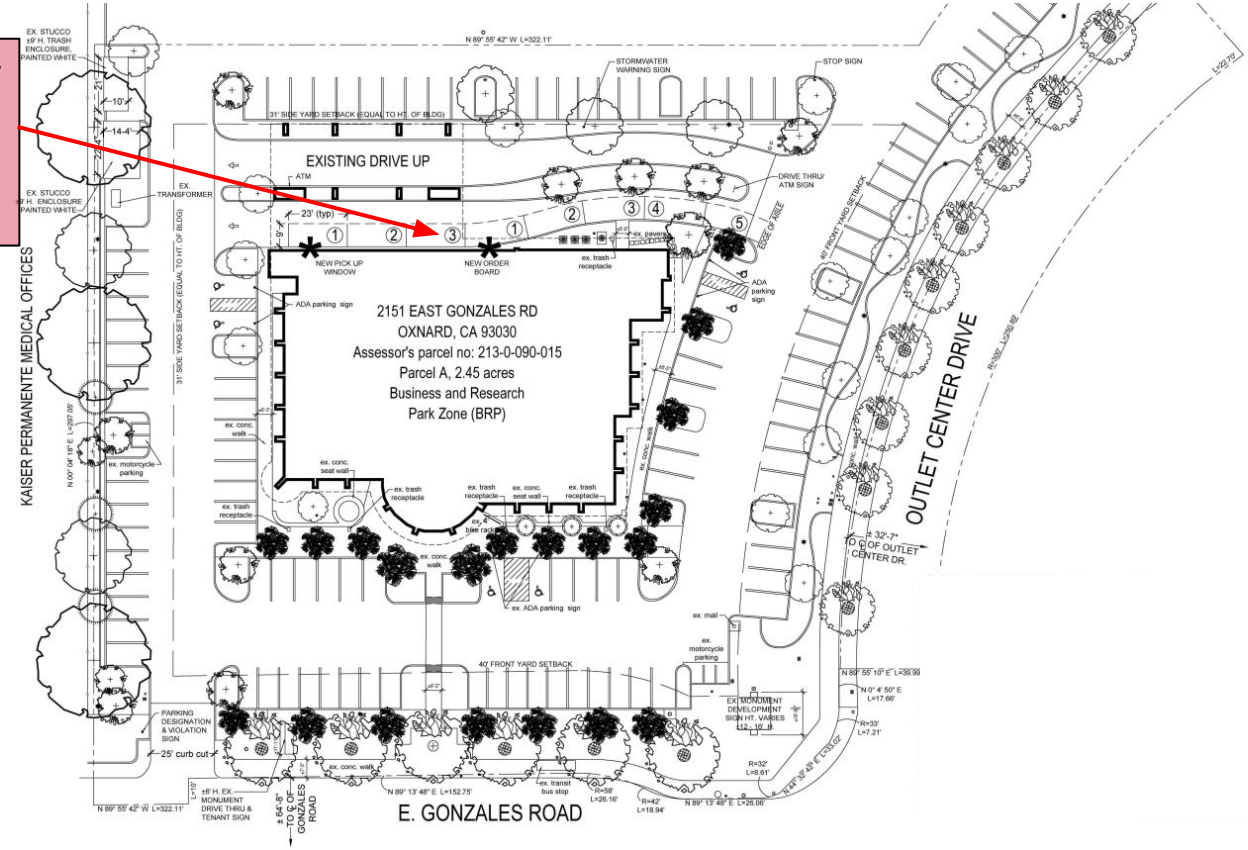
Business Research Park (BRP)

Background - Existing Multi-tenant Office Building

- May 3, 2001: Planning Commission approved Special Use Permit No. 00-5-142 and adopted Mitigated Negative Declaration No. 01-09 for the construction of a 30,456 square foot building for bank and office uses. To date, there have been no changes to the original development.

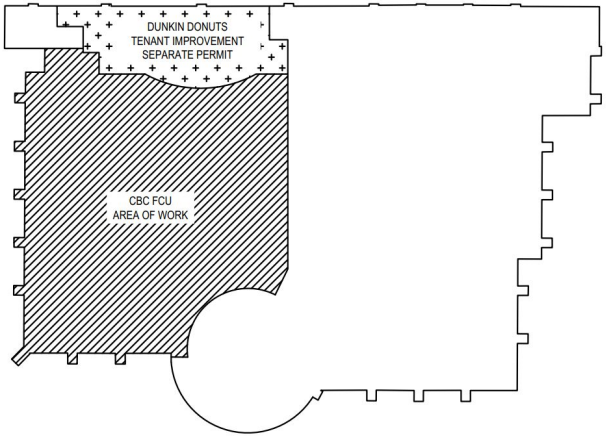
Existing Site Plan

Conversion of existing drive-through lane

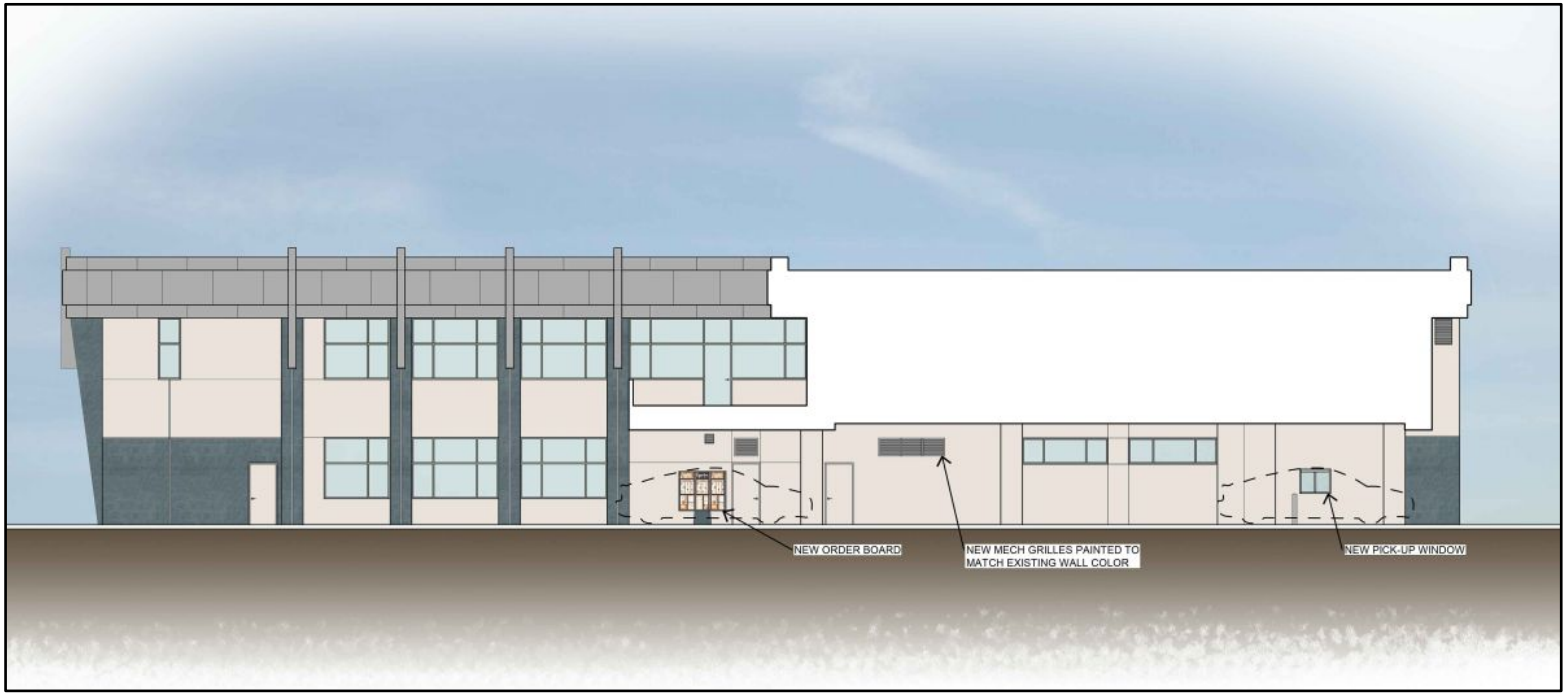


Proposed Floor Plan-Dunkin Donuts

- Conversion of 1,419 square-feet of existing ground floor tenant space (including 524 SF of shared lobby space).



Dunkin Donuts Elevations - Rendered



North Elevation-Only Change

Applicable General Plan Policies

- Many policies are directly or indirectly applicable to the proposed project. Some of the key policies are:
  - Community Development Policy 1.2 - Infill Development
  - Community Development Policy 4.2- Commercial Revitalization and Redevelopment
  - Community Development Policy 5.2 – Compatible Land Use
  - Community Development Policy 15.6- Share of Regional taxable sales
  - Community Development Policy 18.1 - Attract new Business

Zoning Code Consistency

Project is consistent with:

- BRP Development Standards outlined in the Oxnard City Code.
- The project does not comply with the City Code off-street parking requirement; the applicant requests relief for a reduction to the number of on-site parking spaces.

DEVELOPMENT STANDARD	REQUIREMENT	PROPOSED	COMPLIES?
Off street parking (16-622)	151 auto spaces	129 auto spaces	Yes, with granting of parking relief

Request for Parking Relief-Summary of Parking Data

TENANT	SIZE	ZONING CODE	PARKING STUDY
Credit Union	5,878 SF	1:250 SF 24 spaces	3.72:1,000 SF 22 spaces
General Office	16,800 SF	1:250 SF 67 spaces	2.39:1,000 SF 39 spaces
Medical Office	6,390 SF	1:200 SF 32 spaces	3.23:1,000 SF 21 spaces
Dunkin Donuts	1,419 SF	1:50 SF 28 spaces	12.52:1,000 SF 18 spaces
Total Required Parking:		**151 spaces**	**100 spaces**

Drive-Through Queue Study

Signage will be installed to direct customers to use Dunkin' Mobile App.
Signage will be installed to direct customers where to find "Park and Pick Up" parking.

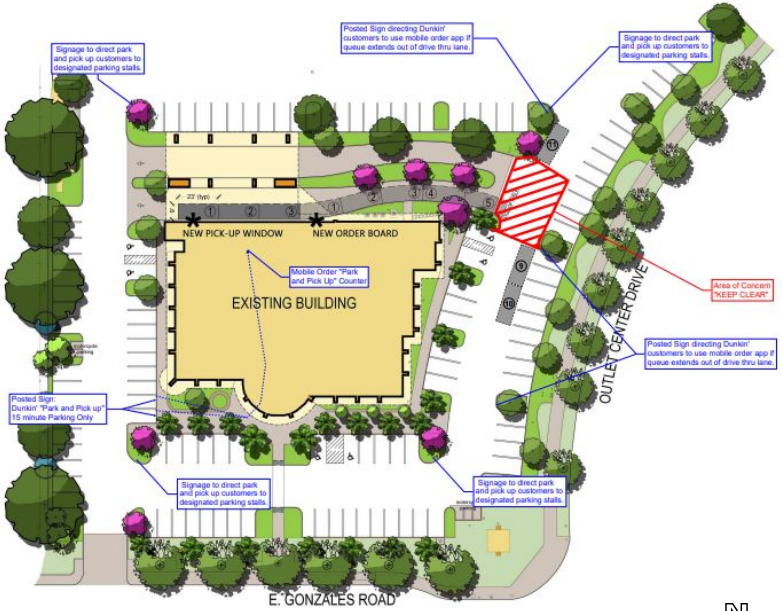


Figure 3 – Area of Concern and Striping

Environmental Review

- In accordance with Section 15164(b) of the California Environmental Quality Act (CEQA) Guidelines, a lead agency shall prepare an Addendum to a previously certified Environmental Impact Report (EIR) or Negative Declaration (ND) if some changes or additions are necessary but none of the conditions described in section 15162 calling for preparation of a subsequent EIR or Negative Declaration have occurred.

- An addendum to Mitigated Negative Declaration No. 01-09 was prepared to analyze potentially significant adverse environmental effects of the proposed project.

- The addendum did not identify any areas of concern as potentially being affected and the project would not create new significant environmental effects or a substantial increase in the severity of significant effects previously identified in the 2001 Final IS-MND.

Select Recommended Conditions of Approval

- Developer shall pay a contribution to the City's Transportation Demand Management Program (COA #15)
- Drive-through speaker box shall use automatic volume control (COA #23)
- A final Drive-Thru Queue Management Plan shall be submitted prior to building permit issuance that is consistent with the current plan (COA# 24)
- Developer shall comply and implement the recommendations described in the parking study prepared for the project (COA #91)
- Developer shall pay development impact fees (COA #86)

Public Notice

- Notice of PC hearing was provided:
  - Newspaper,
  - On-site posting; and
  - Mailed to property owners within 300 feet.
- This project is not located within a General Plan designated neighborhood.
- To date, Staff has received one comment letter regarding the proposed project. The letter (from Nelson Comis Kettle & Kinney, LLP representing the Palms Medical Plaza Owners' Association, dated March 7, 2023) includes concerns regarding potential impacts to parking, traffic, and pedestrian circulation. The project is consistent with parking, traffic, and circulation requirements and the information in the letter does not change staff recommendation.

Staff Recommendation

That the Planning Commission:

a) Adopt an Addendum to Mitigated Negative Declaration No. 01-09; and

b) Adopt a resolution 2023-XX approving Planning and Zoning Permit No. 22-550-01 (Major Modification to SUP), subject to certain findings and conditions

CITY OF
OXNARD
CALIFORNIA

RESOLUTION NO. 2023 - XX

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD DENYING PLANNING AND ZONING PERMIT NO. 22-550-01 (MAJOR MODIFICATION TO SPECIAL USE PERMIT) TO ALLOW FOR THE RENOVATION AND TENANT IMPROVEMENT OF AN EXISTING 30,467 SQUARE FOOT MULTI-TENANT OFFICE BUILDING AND THE CONVERSION OF A 1,419 SQUARE-FOOT DONUT/COFFEE SHOP AND THE CONVERSION OF AN EXISTING DRIVE-THROUGH WITH 8-VEHICLE CAPACITY ON A 2.45 ACRE LOT AND RELATED IMPROVEMENTS INCLUDING A ADMINISTRATIVE PARKING RELIEF TO DECREASE THE NUMBER OF REQUIRED PARKING SPACES FROM 151 TO 129, LOCATED AT 2151 EAST GONZALES ROAD (APN: 213-0-090-115), FILED BY DANIEL BEDNAR, VP OF DEVELOPMENT OF CBC FEDERAL CREDIT UNION, 2151 E. GONZALES ROAD, OXNARD, CALIFORNIA 93036, (PROPERTY OWNER).

WHEREAS, on February 17, 2022, Daniel Bednar ("**Property Owner**") submitted a request to approve Planning and Zoning Permit No. 22–550-01 (Major Modification to Special Use Permit) to permit the renovation and tenant improvement of an existing 30,467 square-foot CBC Credit Union multi-tenant office building. The proposed project includes the construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts) and the conversion of one existing drive-thru lane with 8-vehicle capacity (stacking for 3 vehicles between the order board and pick-up window and stacking for 5 vehicles behind the order board). In accordance with Section 16-651(B)(4) of the Oxnard City Code (OCC), one modification is being requested: a) a reduction on the number of on-site required parking spaces from 151 to 129, located at 2151 East Gonzales Road (APNs: 213-0-090-115) (the **"Project"**); and

WHEREAS, on July 6, 2023, the Planning Commission of the City of Oxnard (**"Planning Commission"**) conducted a duly noticed public hearing, and received and reviewed all written and oral evidence related to the proposed Project, in accordance with Sections 16-536, 16-561 and 16-651 of the Oxnard City Code (OCC); and

WHEREAS, on July 6, 2023, the Planning Commission also reviewed all of the information provided in the staff report and considered the testimony given at the public hearing, including all written communications to the Planning Commission, as well as other pertinent information; and

WHEREAS, on July 6, 2023, the Planning Commission deliberated the merits of the Project and made a motion of intent to deny the Project, subject to the preparation of a written resolution of denial to be considered at the Planning Commission meeting on August 3, 2023.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF OXNARD:

SECTION 1. Based on the entire record before the Planning Commission and all written and oral evidence presented, including the Special Use Permit Staff Report and all attachments

thereto, the Planning Commission finds, that it cannot make the following findings necessary for the proposed Major Modification to a Special Use Permit:

1. **The proposed use is in conformance with the General Plan and other adopted policies of the City of Oxnard.**

   The proposed project is not consistent with the General Plan, more specifically, the Zoning Code, as the project site does not include adequate on-site parking and thus requires a reduction in the number of required on-site parking spaces. The project requires 151 spaces for the overall project site. The project site provides 129 on-site parking spaces (which includes 16 drive-thru spaces in two lanes, thus providing 113 actual parking spaces), and therefore requires relief from the parking requirement. The Planning Commission does not support the administrative parking modification, and as a result the Project has a parking deficiency of 22 spaces, per the Oxnard City Code Section 16-622(F). The provided parking study did not present a sufficient locally based justification that the provided 113 spaces are sufficient to provide for the existing use and the proposed fast food restaurant regular onsite parking demand for customers. The provided parking study did not present a sufficient locally based justification that the provided 8 drive-through queue spaces are sufficient. For the reasons stated above, this Finding cannot be met.

2. **The nature, condition and development of adjacent uses, buildings and structures shall be considered, and no proposed modification to a Special Use Permit shall be granted if the approval body finds such use will adversely affect or be materially detrimental to the adjacent uses, buildings or structures or to the public health, safety or general welfare.**

   The proposed Project will adversely affect and be materially detrimental to the adjacent uses, buildings, or structures due to the potential for cars entering into the Project drive-through to back up into the shared driveway. This project site and the adjacent Palms Medical Plaza share access from Town Center Drive via a shared driveway in the northeastern corner of the project site. The driveway leads to a drive aisle around the CBC Federal Credit Union building and the two existing drive through lanes for the building. The project site includes existing parking areas located across the drive aisle (the drive aisle is approximately 26 feet wide) from the building along the eastern side of the lot. The proximity of the parking spaces, and existing drive through lanes have the potential to create conflicts between vehicles and pedestrians. Additionally, the project includes a drive through queue management plan that does not prevent vehicles in the drive through queue from blocking the drive aisles. Furthermore, the request for a modification in the reduction of the number of on-site required parking spaces represents a 14.5 percent reduction in on-site parking, which could potentially result in more vehicle-pedestrian conflicts. Given the implications of a back up at the Town Center driveway on the adjacent building, the Queue Management Plan is not sufficient to address these adverse impacts. As the project cannot reasonably ensure that vehicles will not exceed the queue and bleed into the shared driveway, the Project would create a safety hazard as vehicles backing up will create additional pedestrian conflicts. For the reasons stated above, this Finding cannot be met.

3. **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).**

   The site is not adequate in size and shape to accommodate the parking facilities required pursuant to the Oxnard City Code. The Planning Commission does not support the administrative parking modification, and as a result the Project has an onsite parking deficiency of 14.5 percent, which is likely to create or significantly aggravate vehicle-pedestrian conflicts. The project site includes existing parking areas located across the drive aisle (the drive aisle is approximately 26 feet wide) from the building along the eastern side of the lot. The proximity of the parking spaces to the existing drive through lanes and the drive through queue is likely to create or significantly aggravate conflicts between vehicles and pedestrians. Additionally, the project includes a drive through queue management plan that does not prevent vehicles in the drive through queue from blocking the drive aisles. For the reasons stated above, this Finding cannot be met.

SECTION 2. Based on the findings set forth above, each of which provides a separate and distinct basis for denial, the Planning Commission hereby denies Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit) as the Planning Commission is unable to make all of the Findings required by Oxnard City Code Section 16-531 in order to grant a Special Use Permit.

SECTION 3. The proposed project is Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") because the proposed Project is denied.

SECTION 4. The decision of the Planning Commission shall be final unless an appeal of the action is filed in accordance with the provisions of Section 16-545 of the Oxnard City Code.

SECTION 5. The Secretary shall certify the adoption of this Resolution.

PASSED, APPROVED, AND ADOPTED by the Planning Commission of the City of Oxnard on this 3rd day of August 2023.

_____

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 3rd day of August 2023, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____

Joe Pearson II, Secretary

Dunkin Donuts

Planning & Zoning Permit No. 22-550-01
(Major Modification to Special Use Permit)

Applicant: Daniel Bednar, Federal Credit Union

Jay Dobrowalski, Planning Supervisor
Joe Pearson II, Planning and Environmental Services Manager

Planning Commission
August 3, 2023

CITY OF OXNARD CALIFORNIA

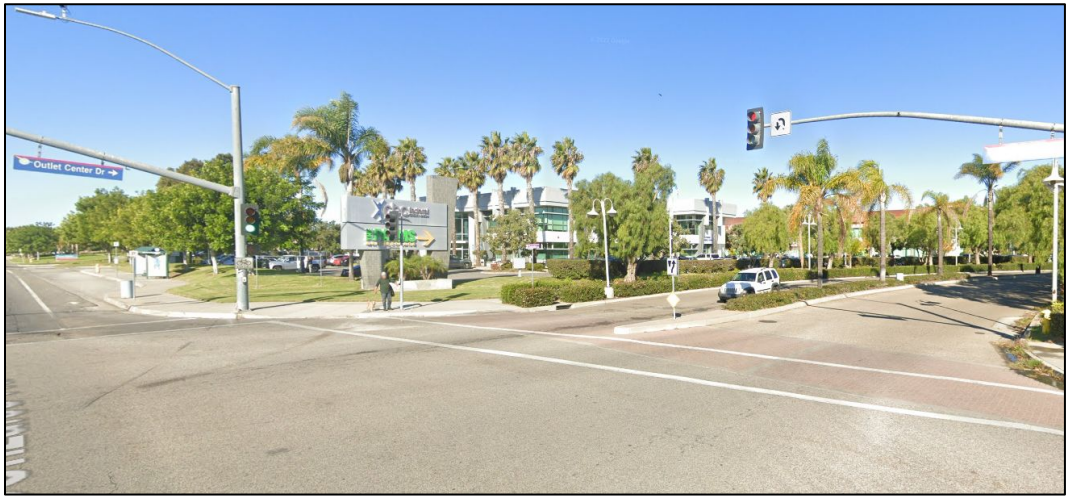
Project Description

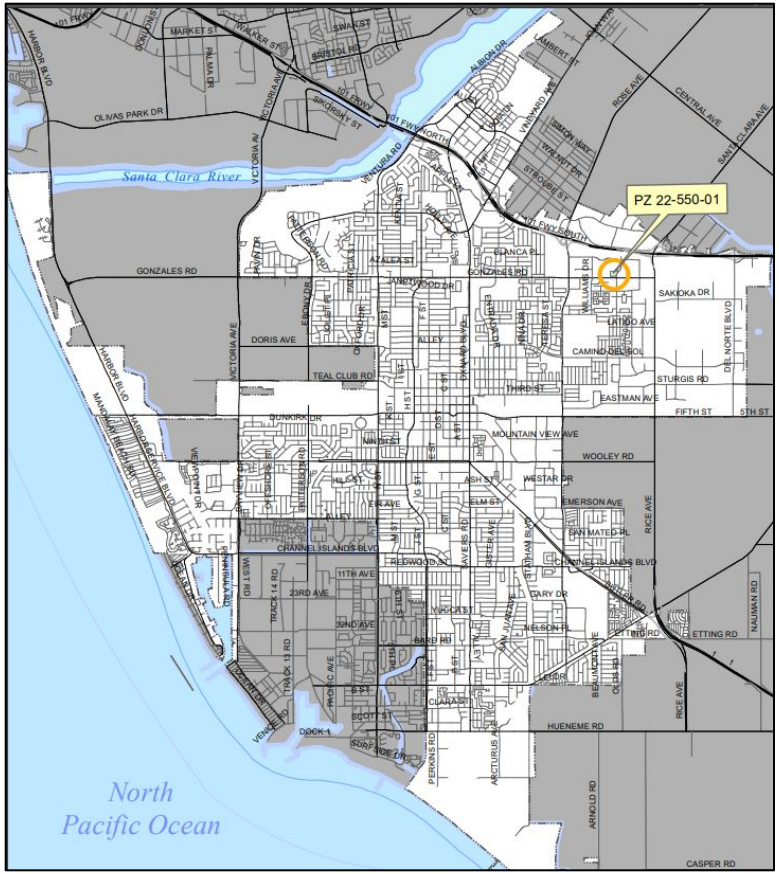
- A request for the following actions:
  - Major Modification (PZ 22-550-01) to Special Use Permit (PZ 00-05-142)
    - Renovation and tenant improvement of an existing 30,647 square foot CBC Credit Union multi-tenant office building
    - Project includes construction and conversion of 1,419 square feet of existing ground floor tenant space into a donut/coffee shop (Dunkin Donuts)
    - Conversion of one existing drive-thru lane with 8-vehicle capacity
      - Stacking for 3 vehicles between order board and pick-up window and 5 vehicles behind the order board
    - Reduction of required on-site parking spaces from 151 to 129

Project Location

Project Site: 2151 E. Gonzales Road

Existing Multi-tenant office building with ground floor credit union and upper floor medical office space.





Street View

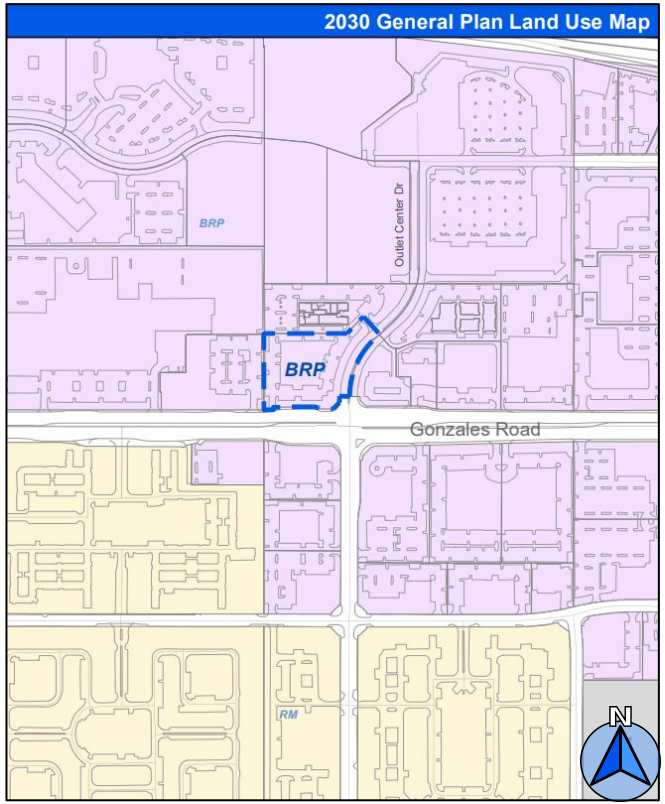
View from Outlet Center Drive looking southwest

View from Gonzales Road looking north

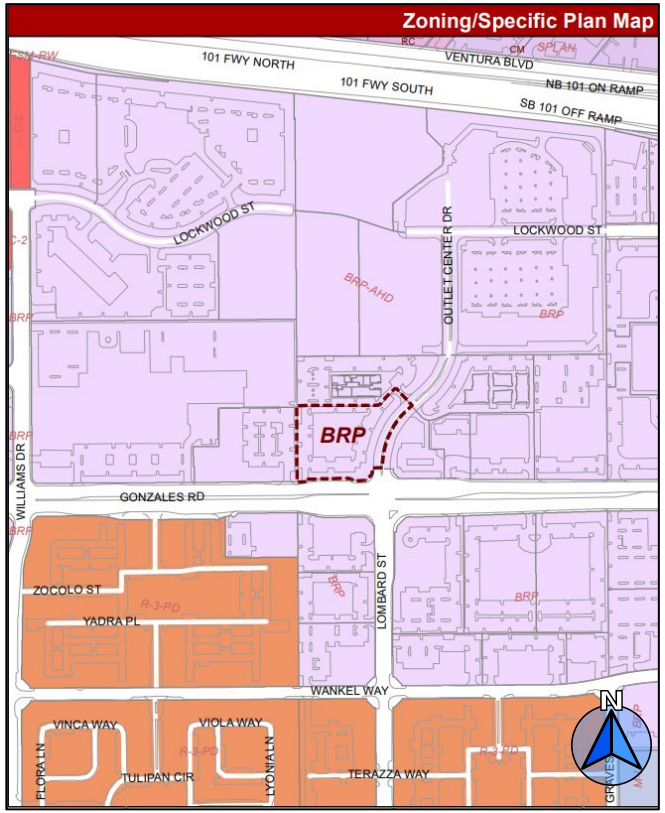
Surrounding Land Uses

LOCATION	ZONING	GENERAL PLAN	EXISTING LAND USE
Project Site	Business Research Park (BRP)	Business Research Park (BRP)	Credit Union and mix of general and medical offices
North	Business Research Park (BRP)	Business Research Park (BRP)	Medical offices
South	Business Research Park (BRP)	Business Research Park (BRP)	Medical-Urgent Care
East	Business Research Park (BRP)	Business Research Park (BRP)	Self-Service Station/Convenience store (7-Eleven)
West	Business Research Park (BRP)	Business Research Park (BRP)	Medical offices (Kaiser Permanente)

General Plan and Zoning



Business Research Park (BRP)



Business Research Park (BRP)

Background - Existing Multi-tenant Office Building

- May 3, 2001: Planning Commission approved Special Use Permit No. 00-5-142 and adopted Mitigated Negative Declaration No. 01-09 for the construction of a 30,456 square foot building for bank and office uses. To date, there have been no changes to the original development.

Prior Planning Commission Hearing

- July 6, 2023: Planning Commission (with 5 Commissioners present) reviewed and deliberated the merits of the Project. The Planning Commission voted on two motions:
  - Motion to Approve the Project (vote failed 2 to 3, with two Planning Commissioners absent)
  - Motion of Intent to Deny the Project (vote passed 4 to 1, with two Planning Commissioners absent)
- Specifically, the Planning Commission found it could not make the required Findings (Nos. 1, 2, and 3) for the following reasons:
  - Insufficient on-site parking provided (requires 14.5% reduction)
  - Potential to create or significantly aggravate vehicle-pedestrian conflicts
  - Inadequate drive through queue management plan for site circulation
- Planning Commission continued the Project to the hearing on August 3, 2023, to consider a Resolution of Denial.

Staff Recommendation

That the Planning Commission:

a) Find 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 2023-XX denying Planning and Zoning Permit No. 22-550-01 (Major Modification to Special Use Permit), subject the findings.

CITY OF
OXNARD
CALIFORNIA

ITEM F-2

PZ 23-580-02
Zoning Text Amendments

PLANNING COMMISSION
STAFF REPORT

CITY OF OXNARD CALIFORNIA

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning & Sustainability Manager
Mat Simpkins, Management Analyst

DATE: August 3, 2023

SUBJECT: Planning and Zoning (PZ) Permit No. 23-580-02: Zoning Text Amendments (ZTA) to Chapters 11 and 16 of the Oxnard City Code (OCC) pertaining to the existing regulation of commercial cannabis manufacturing, distribution, testing, and retail dispensaries in locations where cannabis is currently permitted within the City. The ZTA to Chapters 11 and 16 of the OCC will also create new commercial cannabis cultivation regulations and proposes to allow up to five (5) indoor commercial cannabis cultivators in six (6) areas of the City: 1.) Sakioka Farms Business Park Specific Plan: south of U.S. 101, east of N. Rice Ave., west of the City limits, and north of Fifth Street; 2.) McInnes Ranch Business Park Specific Plan: south of Sakioka Farms Business Park Specific Plan, north of Fifth Street, east of N. Rice Ave., and west of the City limits; 3.) Arcturus Ave: south of E. Hueneme Rd., west of Perkins Rd., east of Edison Dr., and north of Mcwane Blvd.; 4.) Northfield & Seagate Business Park Specific Plan: west of N. Rice Ave., north of E. Fifth Street, south of Camino Del Sol, and east of N Rose Ave.; 5.) Channel Islands Business Center: south of E. Wooley Rd., west of S. Rose Ave., north of S. Oxnard Blvd., and east of Saviers Rd.; and 6.) Statham Business Park: west of S. Rose Ave., north of Channel Islands Blvd., and east of Saviers Rd., and south of S. Oxnard Blvd.

1) **Recommendation:** That the Planning Commission:

   a) Open the public hearing and receive public testimony; and

   b) Adopt Resolution 2023-XX recommending that the City Council approve amendments to the OCC pertaining to regulation of cannabis manufacturing, distribution, testing, and retail dispensaries; and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City.

2) **Discussion**: Following release of the July 6, 2023, Planning Commission staff report, the City received two comments, one comment letter, and identified one error that necessitated the need to continue the item and release an updated version of the proposed ordinance.

3) **Analysis:** The report from July 6, 2023 Planning Commission is provided in this report (see Attachment A), but contains redacted attachments as follows: inclusion of the staff report and PowerPoint, and Jan. 24, 2023 Committee Report. This Aug. 3rd staff report addresses

comments received after publication of the July 6th staff report and provides recommended changes to the proposed Chapters 11 and 16 cannabis ordinance. Changes are identified in legislative format - new text additions are underlined, and text to be deleted is struck out. The changes identified below are reflected in Attachments B and C to this staff report:

- Section 11-487(I)(2) - Add Language to the Operating Requirements for Cultivators (Minor change - requested by City Public Works Dept.):

  "A monthly and yearly projected water usage plan. The plan shall include water conservation and recycling measures for capture and reuse of on site water, ~~and~~ water treatment plan <u>and wastewater discharge plan</u>. Said plan shall be reviewed and approved by the City. <u>Every attempt should be made by the licensee to connect to the City's recycled water line when feasible".</u>

The Public Works Dept. requested the inclusions of the requirement for a wastewater discharge plan as part of the project review.

To reduce water usage, on site water capture is required in the proposed ordinance through the inclusion of water conservation and recycling measures for capture and reuse of onsite water. The Community Development and Public Works/Water Departments are both supportive of including the additional language to support this requirement.

- Section 11-473(B) - Modify Identified Locations where Indoor Commercial Cannabis Cultivation is Permitted Consistent with Committee Direction (Minor change to align with Jan. 24, 2023 Committee feedback):

  "Cultivation is conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP). Cultivation may also be located in the following ~~specific plan~~ areas subject to relevant specific plan requirements: ~~Northeast Community Specific Plan~~, Sakioka Farms <u>Business Park</u> Specific Plan;~~ Camino Real Business Park~~, McInnes Ranch Business Park Specific Plan; <u>Arcturus Ave</u>.; ~~and~~ Northfield <u>&</u> Seagate Business Park Specific Plan; <u>Channel Island Business Center</u>; <u>and Statham Business Park</u>."

The above list aligns with Committee feedback and titles for development areas in the City.

- Comment letter received from Ventura County Air Pollution Control District (VCAPCD) dated July 6, 2023 (see Attachment D). VCAPCD had three recommendations: 1.) Setback distance for schools and sensitive receptors such as residences) be revised to 1,000 feet; 2.) Applicants "check in" with VCAPCD prior to gaining final approval and initiation of the use; and 3.) All electricity (except for emergency power) shall be obtained from a commercial electric utility service.

On June 4, 2019, the Oxnard City Council made the decision to utilize the State's definition of sensitive use and provided direction to staff to implement the City's cannabis program utilizing the State sensitive use definition and buffer requirement of 600-feet. This is reflected in Section 11-473, (E) of the Ord. and is not proposed to be changed. Areas where cannabis is permitted have been identified based upon the aforementioned buffer requirement. Verification of this buffer requirement occurs as part of the Zoning Clearance process prior to discretionary application. With regards to the other two recommendations from VCAPCD, the City would apply a standard condition of approval on a cannabis permit that requires an applicant to "check in" with VCAPCD prior to gaining final approval/occupancy. This check in will also enable VCAPCD to ensure that gasoline powered generators are not permitted. Therefore, there is no need to add the suggested language to the ordinance.

Attachments:

A. July 6, 2023 Planning Commission Items: Staff Report, including Attachment B (Jan. 24, 2023 Committee Report) and Attachment E (Staff Presentation) - all other attachments have been removed for clarity.
B. Resolution for Zoning Code Text Amendments (PZ 23-580-02).
    1a. Draft City Council Ordinance - Chapters 11 and 16 - New Provisions.
C. Legislative Draft of ZTA - Chapters 11 and 16, as amended by Aug. 3, 2023 Staff Report.
D. VCAPCD Letter dated July 6, 2023.
E. Aug. 3, 2023 Staff Presentation.

Attachment

A. July 6, 2023 Planning Commission Staff Report, including Attachment B (Jan. 24, 2023 Committee Report) and Attachment E (Staff Presentation) - all other attachments have been removed for clarity.

PLANNING COMMISSION
STAFF REPORT

CITY OF OXNARD CALIFORNIA

TO: Planning Commission

FROM: Kathleen Mallory, AICP, Planning & Sustainability Manager
Mat Simpkins, Management Analyst

DATE: July 6, 2023

SUBJECT: **Planning and Zoning (PZ) Permit No. 23-580-02**: Zoning Text Amendments (ZTA) to Chapters 11 and 16 of the Oxnard City Code (OCC) pertaining to the existing regulation of commercial cannabis manufacturing, distribution, testing, and retail dispensaries in locations where cannabis is currently permitted within the City. The ZTA to Chapters 11 and 16 of the OCC will also create new commercial cannabis cultivation regulations and proposes to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City: 1.) Sakioka Farms Specific Plan area: south of U.S. 101, east of N. Rice Ave., west of the City limits, and north of Fifth Street; 2.) McInnes Ranch Specific Plan area: south of Sakioka Farms Specific Plan area, north of Fifth Street, east of N. Rice Ave., and west of the City limits; 3.) Arcturus Ave: south of E. Hueneme Rd., west of Perkins Rd., east of Edison Dr., and north of Mcwane Blvd.; 4.) Northfield Seagate Specific Plan Area: west of N. Rice Ave., north of E. Fifth Street, south of Camino Del Sol, and east of N Rose Ave.; 5.) Channel Islands Business Center: south of E. Wooley Rd., west of S. Rose Ave., north of S. Oxnard Blvd., and east of Saviers Rd.; and 6.) Statham Business Park: west of S. Rose Ave., north of Channel Islands Blvd., and east of Saviers Rd., and south of S. Oxnard Blvd.

1) **Recommendation:** That the Planning Commission:

   a) Open the public hearing and receive public testimony; and

   b) Adopt Resolution 2023-XX recommending that the City Council approve amendments to the OCC pertaining to regulation of cannabis manufacturing, distribution, testing, and retail dispensaries; and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City.

2) **Project Description and Applicant:** ZTAs to Chapters 11 and 16 to address minor OCC changes determined necessary as a result of implementation of the City's existing commercial cannabis regulations pertaining to manufacturing, distribution, testing, and retail dispensaries. Chapters 11 and 16 of the OCC are proposed to be amended to create new regulations for commercial cannabis cultivation and to permit up to five (5) indoor commercial cannabis cultivators in specific areas as discussed further in this staff report (see Attachment A). Filed by City of Oxnard, Community Development Department, 214 S. C Street, Oxnard, CA 93030.

3) **Existing and Surrounding Land Use:** The proposed ZTAs would apply to locations where existing commercial cannabis operations are currently permitted upon obtaining the necessary approvals from the City. Commercial cannabis cultivation would be permitted in six (6) identified locations within the City: Sakioka Farms Specific Plan area; McInnes Ranch Specific Plan area; Arcturus Ave.; Northfield Seagate Specific Plan Area; Channel Islands Business Center; and Statham Business Park. Locations are further discussed in Section 5 of this staff report.

4) **Background and Discussion:** The City has been working on cannabis regulations, permitting, and compliance processing since mid-2018. The OCC currently allows the following cannabis uses: retail dispensaries (16 licenses); manufacturing (8 licenses); distribution (3 licenses); and testing laboratories (1 license). The City has concluded the licensing process for cannabis retail dispensaries, manufacturing, distribution, and testing laboratories. Selected licensees are currently either in the process of submitting their plans for review, in plan check, in the process of conducting tenant improvements, or have opened their operations.

   It is now time to address two remaining cannabis topics: a.) necessary OCC changes which are applicable to all cannabis uses, but does not propose an increase in the number of retail, manufacturing, distribution, or testing laboratory licenses; and b.) new regulations to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified locations throughout the City.

   In October 2020, City Council initially provided direction to allow up to two (2) indoor or outdoor cannabis cultivators. Staff efforts were focused on cannabis retail dispensaries, manufacturing, testing, and distribution; therefore solicitation for cannabis cultivation was not initiated.

   On January 24, 2023, the Community Services, Public Safety, Housing & Development Committee ("Committee") voted 3-0 in favor of allowing only indoor commercial cannabis and increasing the number of commercial cannabis cultivation licenses from two (2) to five (5). The Committee was also supportive of changing the location where indoor cannabis cultivation is permitted to be coterminous with the locations where cannabis manufacturing, distribution, and testing is allowed (further discussed below, in the Analysis section of this staff report). Committee direction was to prohibit indoor cultivation within the Rose Santa Clara Corridor Specific Plan area (see Attachment B).

5) **Environmental Determination:** The proposed project has been determined to be exempt from the California Environmental Quality Act (CEQA), based upon the general rule provision of Section 15061 (b)(3) of the CEQA Guidelines.

   The proposed ZTA is a regulatory action that does not increase the quantity or size of future development. Furthermore, any development following approval of the ZTA will be subject to applicable environmental review requirements for that development. Therefore, staff has determined that there is no possibility that the project will have a significant effect on the

environment. A Notice of Exemption will be filed upon approval of the ZTA by the City Council.

5) Analysis: The following analysis focuses on ZTA changes needed for cannabis licensees; and summarizes ZTAs necessary to allow for future indoor commercial cannabis cultivation.

As a result of implementation of the City's existing cannabis program, Chapters 11 and 16 ZTA are necessary to clarify permit processes, align with State guidelines, and streamline renewal processes. A legislative draft of proposed ZTAs to Chapters 11 and 16 is provided in Attachment C.

<u>ZTA's to Support Cannabis Licensees (Chapter 11)</u>

Proposed ZTA to Chapter 11 will pertain to all cannabis uses. These minor changes and staff's explanation of the origins of these changes in italics, are as follows:

- Update Definitions *(Streamline ord.)* - Changes to align with the State's new department title for the department responsible for oversight of cannabis. Removal of definitions which, since adoption of the original ordinance, have been found to be unnecessary (Section 11-454).
- Update Cannabis Employee Permit (*Process change*) – With collaboration of the Police Department, change the duration that an employee work permit is valid from 12 months to 36 months (Section 11-455).
- Update Commercial Cannabis Business Permit Procedure *(Process change)* - Changes to reflect established permitting process to secure a Commercial Cannabis Business permit. Addition of permit process titles: Special Use Permit (SUP) or a Development Design Review (DDR) permit. (Section 11-457).
- Update Renewal of Commercial Cannabis Business Permit *(Process change)* – Identification of required documents to renew a Commercial Cannabis Business Permit on an annual basis (Section 11-461).
- Update Transfer of Cannabis Business Permit *(Process change)* - Clarifies existing OCC intent of 'change of control'. Adds language to clarify that "control shall be deemed to be the aggregate transfer of 40% or more of the ownership of the permit" (Section 11-468).
- Update Certification from the Community Development Director *(Process change)* - Changes reflect the already established cannabis certification process by adding "the applicant shall obtain a zoning clearance (ZC) and zoning verification letter (ZVL)" (Section 11-471).
- Update Miscellaneous Operating Requirements *(Process change)* - Changes to be consistent with OCC Section 16-595, 'General Purpose/Signage and notice', requirements (Section 11-480).
- Update Other Operational Requirements *(Minor Changes consistent with existing OCC provisions)* - Changes to be consistent with existing OCC Section 16-560 to allow a

modification to a SUP that does not intensify the use of the parcel or have any additional adverse effect on abutting parcels or the general health, safety, or welfare (Section 11-481).

- Update Operating Requirements for Store Front/Retail Facilities *(Process change)* - Changes to be consistent with existing OCC Section 16-651, parking relief available for downtown projects via written request. Inclusion of language that memorializes the City's existing practice that allows downtown projects the ability to pay a downtown parking management in-lieu fee in prescribed situations (Section 11-485).

- Update Operating Requirements for Retailers with Delivery Services associated with a retail dispensary in the City *(Minor)* (Section 11-486) and a delivery associated with a retail dispensary not located within the City (Section 11-475)*(Process change)* - Changes to reflect requirements applicable to City retail dispensaries and the requirements when these uses have delivery services associated with their retail use. Clarify the process for delivery not associated with a City retail dispensary (Sections 11-475 and 11-486).

ZTAs Necessary to Allow for Future Indoor Commercial Cannabis Cultivation; Revisions to Chapters 11 and 16

In January 2023, the Committee recommended granting up to five (5) indoor commercial cannabis cultivation licensees and allowing these uses in six (6) potential locations. These locations were selected to align with the location where cannabis manufacturing, distribution, and testing are currently allowed – with the exception of the Rose Santa Clara Corridor Specific Plan area. Not allowing cultivation in the Rose Santa Clara Corridor Specific Plan area ensures maximizing commercial uses including auto sales, employment opportunities, and commercial viability north of U.S. 101.

The areas where indoor commercial cannabis cultivation would be permitted with the necessary permit would be:

1.) Sakioka Farms Specific Plan area: south of U.S. 101, east of N. Rice Ave., west of the City limits, and north of Fifth Street;
2.) McInnes Ranch Specific Plan area: south of Sakioka Farms Specific Plan area, north of Fifth Street, east of N. Rice Ave., and west of the City limits;
3.) Arcturus Ave: south of E. Hueneme Rd., west of Perkins Rd., east of Edison Dr., and north of Mcwane Blvd.;
4.) Northfield Seagate Specific Plan Area: west of N. Rice Ave., north of E. Fifth Street, south of Camino Del Sol, and east of N Rose Ave.;
5.) Channel Islands Business Center: south of E. Wooley Rd., west of S. Rose Ave., north of S. Oxnard Blvd., and east of Saviers Rd.; and
6.) Statham Business Park: west of S. Rose Ave., north of Channel Islands Blvd., and east of Saviers Rd., and south of S. Oxnard Blvd.

The locations where indoor cannabis cultivation would be allowed are reflected in Chapter 11, Section 11-473. These locations are identified on Attachment D. The recommended OCC

indoor commercial cannabis regulations follow established best practices recommended to City Council in 2020, industry standards, and with added requirements to ensure land use compatibility. These standards are summarized in Section 11-487.

The recommended OCC amendments to support indoor cannabis cultivation and best practices are broadly summarized below:

- Update Definition *(Minor)* - Change to allow indoor commercial cannabis cultivation (Section 11-454).
- Update Maximum Number and Type of Authorized Commercial Cannabis Businesses Permitted *(Minor)* – Changes to be consistent with Committee feedback to increase the maximum number of indoor commercial cannabis cultivators to five (5) (Section 11-456).
- Update Location and Design of Cannabis Businesses Section *(Minor)* - Changes to be consistent with Committee feedback on location where indoor commercial cannabis cultivation is permitted (Section 11-473).
- Creation of Operating Requirements for Indoor Cultivators (*New Ordinance Requirements*) – Establishment of indoor cultivation regulations through development standards, and approval of a DDR permit for Community Development Director approval. With these OCC amendments, no outdoor commercial cannabis would be permitted (Section 11-487).

  Best practices have been added to the aforementioned section to ensure compatibility and that indoor commercial cannabis cultivation does not negatively impact the community and surrounding businesses. Suggested best practices from the ordinance. address the need for the submittal of the following:

  (1) Cultivation and operations plan for City review and approval. Plan shall identify the type(s) of cannabis plant to be grown (species/strain), cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting;

  (2) Monthly and yearly projected water usage plan. The plan shall include a water conservation and recycling measures for capture and reuse of on site water and water treatment plan. Said plan shall be reviewed and approved by the City;

  (3) Energy usage and conservation plan which identifies the sources of power, projected monthly and yearly usage, and efficiency plan, including use of on site renewables;

  (4) Neighborhood compatibility plan which shall address odor, security, safety, and other compatibility issues which may derive from the cultivation site and as requested by the City; and

(5) Floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries at the site.

7) **Next Steps and Process:** The proposed revisions are non-substantial for cannabis licenses, and in fact will assist in streamlining the cannabis permitting and renewal process. Additionally, these revisions reflect discussions with cannabis licensees that have occurred over the past year. The revisions will be comprehensively presented to the cannabis operators in late June. The Planning Commission's action on this matter is advisory to the City Council. The ZTA's will not result in the allowance of additional manufacturing, testing, distribution, or retail commercial cannabis operators.

With approval of OCC indoor cannabis cultivation regulations, Staff will begin preparing application paperwork and develop the review protocol. The process to secure indoor cannabis cultivators is envisioned to take approximately 12 months.

Attachments:

A. Planning Commission Resolution for Zoning Code Text Amendments (PZ 23-580-02).
   1a. Draft City Council Ordinance - Chapters 11 and 16 - New Provisions.
B. January 24, 2023 Committee Report
C. Legislative Draft of ZTA - Chapters 11 and 16
D. Proposed expansion of indoor commercial cannabis cultivation as presented and approved by Committee on Jan. 24, 2023
E. Staff Presentation

COMMUNITY SERVICES, PUBLIC SAFETY, HOUSING & DEVELOPMENT COMMITTEE AGENDA REPORT

REPORTS
AGENDA ITEM NO. D.2

DATE: January 24, 2023

TO: Community Services, Public Safety, Housing & Development Committee

FROM: Ashley Golden, Assistant City Manager, (805) 385-7478, ashley.golden@oxnard.org

SUBJECT: Consideration to Increase the Number of Commercial Cannabis Cultivators and Allow an Expansion in the Location Where Commercial Cannabis Cultivators are Permitted (10 minutes).

RECOMMENDATION

That the Community Services, Public Safety, Housing & Development Committee recommend that the City Council increase the number of commercial cannabis cultivators permitted to operate in the City from two to five; and, with the exception of the Rose Santa Clara Corridor Specific Plan area, allow these uses to be sited in the same location where the City has allowed commercial cannabis manufacturing, distribution, and testing.

(This item is not considered a project under the California Environmental Quality Act.)

Please click the following link to view the required Measure M pre-recorded presentation video:

BACKGROUND

On June 26, 2018, the City Council directed Staff to proceed with evaluating the siting and land use regulations associated with the following cannabis related uses: 1) Retail; 2) Manufacturing; 3) Distribution; 4) Testing Laboratories; and 5) Cultivation. On October 2, 2018, the City Council received a presentation regarding land use and siting (location) options for all five types of cannabis uses, and information on the number/cannabis business type which could be supported within the City. The City Council was supportive of advancing cannabis regulations for manufacturing, distribution, and testing of cannabis (see Attachment 1). The October 2018 action conceptually approved the number and location for all five types of cannabis uses within the City and discussed the feasibility of indoor and outdoor cultivation. On June 4, 2019, City Council approved a cannabis manufacturing, distribution, and testing ordinance. On December 3, 2019, the City Council approved a cannabis retail ordinance.

On October 20, 2020, the City Council provided direction to Staff to prepare an indoor commercial cannabis cultivation ordinance for up to two indoor commercial cannabis cultivators. Since 2020, Staff has been focusing on advancing the manufacturing, distribution, testing, retail cannabis permit process, while continuing to monitor best practices associated with cultivation.

DISCUSSION

In the four years that have passed since the Council's original direction, there have been changes in market conditions and best practices. As such, staff is recommending changes to where commercial cultivation be permitted and the number of cultivation permits allowed.

Suggested Increase in Number of Commercial Cannabis Cultivators

In 2018, the City's cannabis consultant, HdL, initially recommended that the City proceed with a "go slow" approach whereby the City would allow two cannabis cultivators to avoid being overrun by a large request for cultivation licenses. According to the consultant, since this initial recommendation, the cannabis cultivation market has dramatically cooled, with new entrants into the market now being driven by local entrepreneurship rather than industry speculation.

In September 2022, HdL recommended increasing the number of cultivators from two to five due to the City's location and proximity to the Los Angeles cannabis market and to allow for changing market conditions and trends.

Suggested Change in Commercial Cannabis Locations

In October 2018, City Council conceptually approved cannabis manufacturing, distribution, and testing in the following locations:

- Rose Santa Clara Corridor Specific Plan area (Business Park and Commercial) – north of US 101, west of N. Rice Ave., and generally east of Paseo Mercado
- Sakioka Farms Specific Plan area (Industrial and Business Research Park) – south of US 101, east of N. Rice Ave.
- McInnes Ranch Specific Plan area (Industrial) - south of Sakioka, and north of W. Fifth Street, east of N. Rice Ave
- Arcturus (Industrial) – north and south of E. Hueneme Rd., west of Perkins, Ormond Beach area
- Northfield Seagate (Industrial) – west of N. Rice Ave., north of W. Fifth Street, south of US 101
- Channel Islands Business Center (Industrial) - south of Wooley Rd., west of S. Rose Ave., and north of E. Channel Island Blvd.
- Statham Blvd. (Industrial) – west of S. Rose Ave., north of Channel Islands Blvd., east of Rose Ave.

In October 2018, City Council conceptually approved indoor commercial cannabis cultivation in the following locations:

- Rose Santa Clara Corridor Specific Plan area
- Sakioka Farms Specific Plan areas (matching the description of the areas, above)
- McInnes Ranch Specific Plan area (matching the description of the area, above)
- Arcturus area (matching the description of the area, above)

As a result of industry best practices to mitigate potential impacts, Staff recommends not allowing cultivation within the Rose Santa Clara Corridor Specific Plan area, but allowed cultivation in two other new locations where commercial manufacturing, distribution, and testing is permitted. This expanded area would mean cultivation is coterminous with the locations where cannabis manufacturing, distribution, and testing is allowed; i.e., now allowing cultivation in the Northfield Seagate, Channel Islands Business Center, and Statham Blvd. Specific Plan and project areas, respectively. Not allowing cultivation in the Rose Santa Clara Corridor Specific Plan ensures maximizing commercial uses including auto sales, employment opportunities, and commercial viability north of US 101. In summary, the proposed Commercial Cultivation Areas are:

- Sakioka Farms Specific Plan area (matching the description of the areas, above)
- McInnes Ranch Specific Plan area (matching the description of the areas, above)

- Arcturus (matching the description of the area, above)
- Northfield Seagate (matching the description of the area, above) - NEW AREA
- Channel Islands Business Center (matching the description of the areas, above) - NEW AREA
- Statham Blvd.(matching the description of the areas, above) - NEW AREA

NEXT STEPS

Following direction from the Committee on the locations and maximum number of indoor cultivation permits, Staff will prepare an amendment to relevant chapters of the Oxnard City Code (OCC). This will include commercial cannabis cultivation regulations, drawing upon best practices to ensure compatibility and mitigation of any potential impacts, and permit processes. Community engagement regarding the expansion of the cultivation areas will occur as part of the ordinance development, including engagement with Specific Plan Association groups, as applicable. The regulations will be presented to the Planning Commission for a recommendation to the City Council.

Additionally, through the processing of retail cannabis permits (and issuance of the required occupancy licenses), Staff has identified the need for additional OCC revisions which will streamline the cannabis permit renewal process for all types of cannabis uses in the City. These OCC amendments will be coupled with the indoor cultivation regulations. This is anticipated to occur in late winter 2023, with final City Council approval in spring 2023.

Following Council approval action, Staff will prepare the cultivation application materials and initiate a competitive solicitation process later in 2023.

STRATEGIC PRIORITIES

This agenda item supports the Economic Development strategy. The purpose of the Economic Development strategy is to focus on the retention and expansion of Oxnard businesses by increasing the skills and employability of our local workforce, to invite new business investments, and target site-based redevelopment opportunities.

FINANCIAL IMPACT

Due to market conditions and as a result of the potential increase in the number of commercial cannabis cultivators, HdL has provided updated annual revenue estimates:

Business Type	Number	Low Tax Rate	Low Estimate	High Tax Rate	High Estimate
2018 Cultivation Estimates	2	$7/sf	$140,000	$10/sf	$200,000
2022 Cultivation Estimates	5	$7/sf	$350,000	$10/sf	$500,000

The 2018 estimates were based upon a “go slow” approach as recommended by HdL. All estimates assume an average facility size of 10,000 square feet (sq. ft.). The City’s cannabis business tax (Article XVI of the City of Oxnard Municipal Code) establishes an initial rate of $7/sq. ft. for indoor cultivation with a maximum rate not to exceed $10/sq. ft. The tax also includes an annual increase as of January 1, 2022, consistent with the Consumer Price Index ("CPI") California Department of Finance (DOF) for the Los Angeles Metropolitan region. However, since there are no cultivators in the City yet, the business tax rate has not been adjusted to incorporate the allowable CPI factor.

Prepared by: Kathleen Mallory, Planning & Sustainability Manager, Matthew Simpkins, Management Analyst I

ATTACHMENTS

1. October 2, 2018 City Council Conceptually Approved Locations of Cultivation and Manufacturing, Distribution, and Test
2. January 2023 Proposed expansion of commercial cannabis cultivation areas
3. January 24, 2023 Presentation

Consideration to Increase the Number of Commercial Cannabis Cultivators and Allow an Expansion in the Location Where Commercial Cannabis Cultivators are Permitted

Kathleen Mallory, Planning & Sustainability Manager
Matthew Simpkins, Management Analyst
Community Development Department

Community Services, Public Safety, Housing & Development Committee
January 24, 2023

CITY OF OXNARD CALIFORNIA

Background

- June 26, 2018: Council studied locations/regulations associated with cannabis retail, manufacturing, distribution, testing and cultivation.
- October 2, 2018: Council support for locations/regulations of cannabis manufacturing, distribution, and testing; and support for two indoor cannabis cultivators.
- June 4, 2019: Council approved manufacturing, distribution, and testing ord.
- December 3, 2019: Council approved retail cannabis ord.

Background, continued

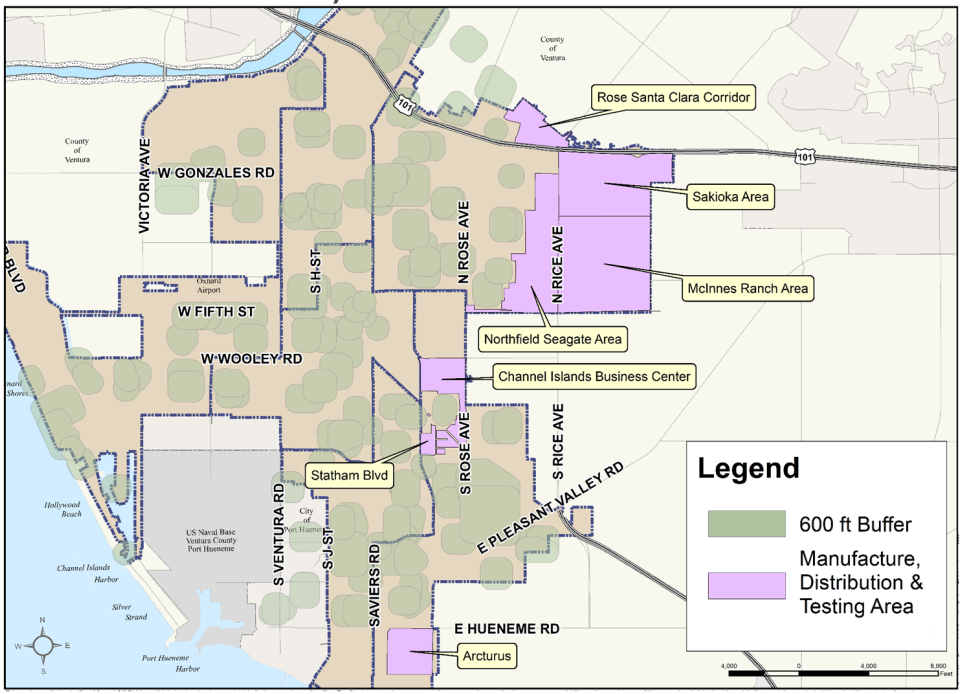
- October 2020: Council direction to allow two commercial cannabis cultivators; and prepare indoor cultivation ord.
- Since 2020, staff focus on manufacturing, distribution & retail cannabis permitting & process, and monitoring best practices related to cultivation.

Suggested Increase in Cultivators

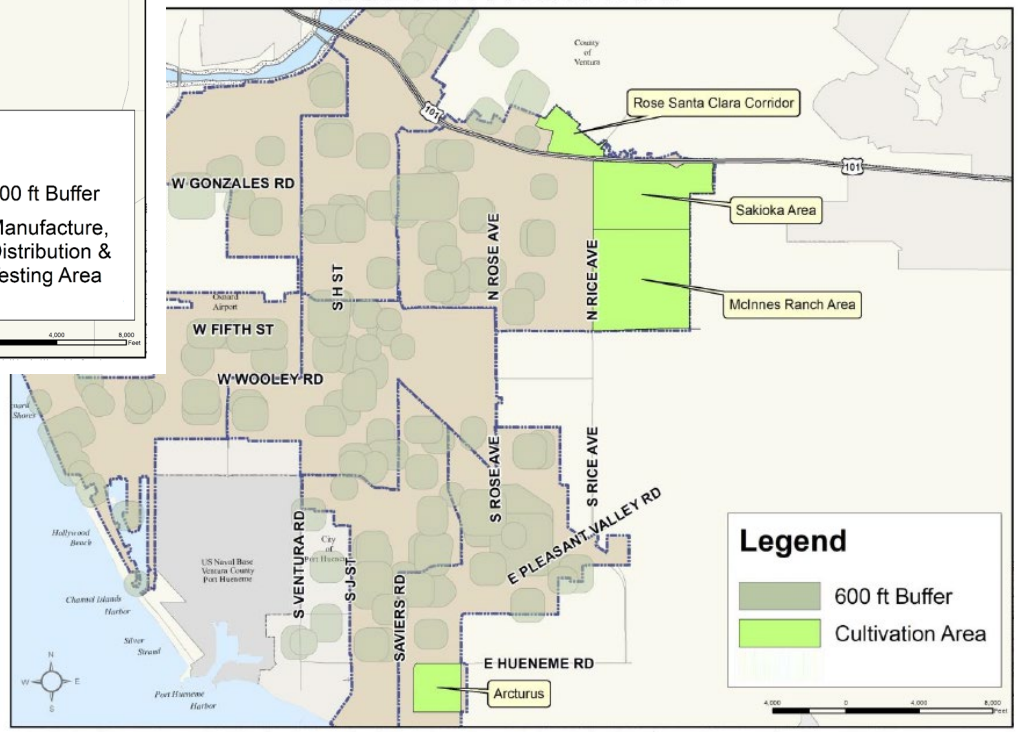
- City's cannabis consultant initially recommended that the City "go slow" and allow two cultivators to avoid being overrun with cultivation applications.
- Since this recommendation the cannabis cultivation sector has cooled dramatically.
- September 2022, City's cannabis consultant recommends increasing the number of cultivators from two to five, due to the City's location and proximity to the Los Angeles cannabis market.

2018 Council Approved Manufacturing, Distribution, Testing and Cultivation Locations

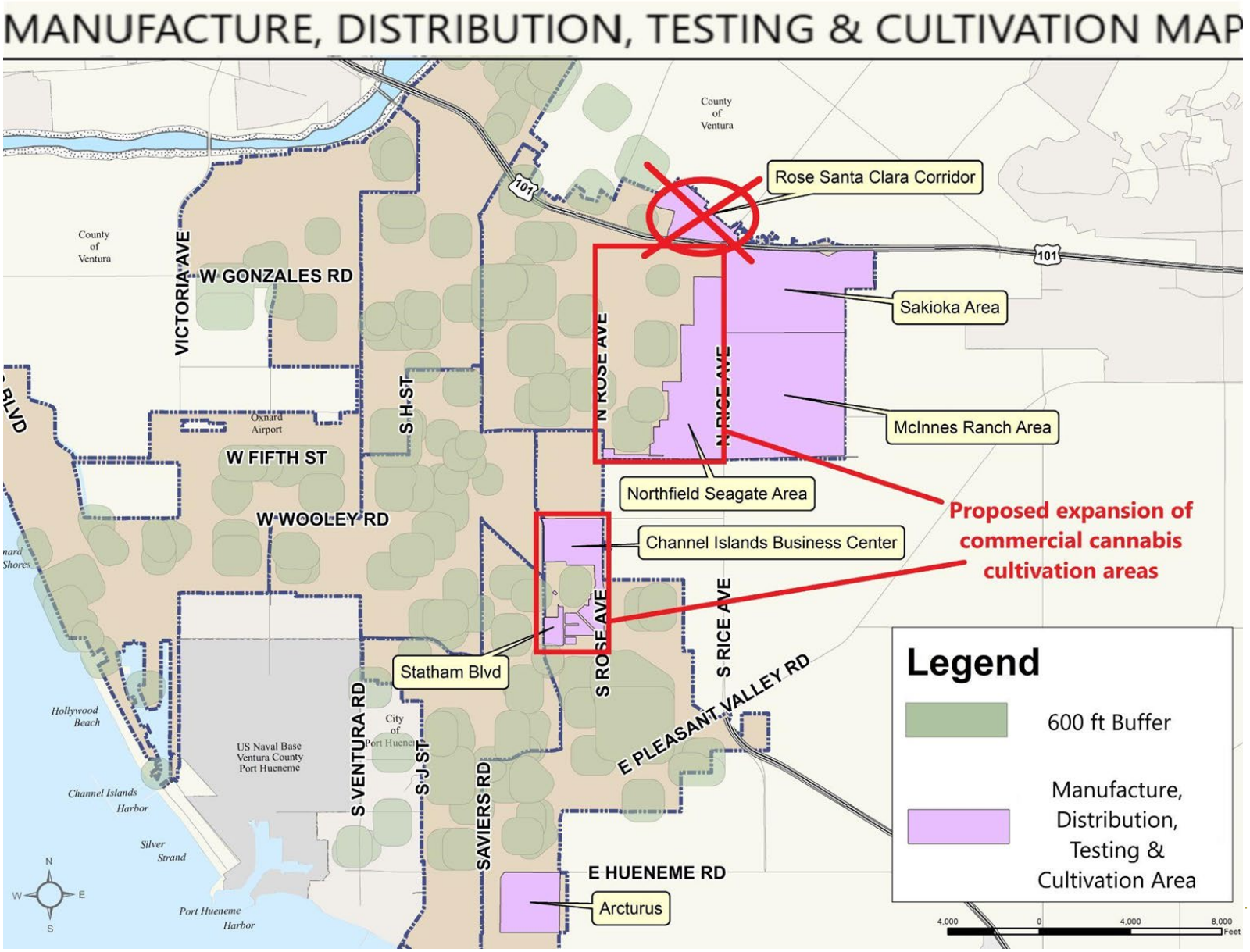
MANUFACTURE, DISTRIBUTION & TESTING MAP



CULTIVATION MAP



2023 Proposed New Cultivation Locations



Next Steps

- Following Committee direction, Staff will:
  - Prepare an amendment to relevant chapters of the Oxnard City Code.
  - Develop indoor commercial cannabis cultivation regulations.
  - Amendments presented to Planning Commission in winter 2023 and City Council consideration spring 2023.

Financial Impact

- No immediate financial impact to the City.
- Updated annual revenue estimates; increase in the number of cannabis cultivators.

Business Type	Number	Low Tax Rate	Low Estimate	High Tax Rate	High Estimate
2018 Cultivation Estimates	2	$7/sf	$140,000	$10/sf	$200,000
2022 Cultivation Estimates	5	$7/sf	$350,000	$10/sf	$500,000

Recommendation

That the Community Services, Public Safety, Housing & Development Committee recommend that the City Council increase the number of commercial cannabis cultivators permitted to operate in the City from two to five; and, with the exception of the Rose Santa Clara Corridor Specific Plan area, allow these uses to be sited in the same location where the City has allowed commercial cannabis manufacturing, distribution, and testing.

CITY OF
OXNARD
CALIFORNIA

Questions?

Attachment

B. Resolution for Zoning Code Text Amendments (PZ 23-580-02).

RESOLUTION NO. 2023 – XX

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OXNARD RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE TO APPROVE AMENDMENTS TO THE OXNARD CITY CODE (OCC) CHAPTERS 11 AND 16 PERTAINING TO REGULATION OF CANNABIS MANUFACTURING. DISTRIBUTION, TESTING, AND RETAIL DISPENSARIES (ZONING TEXT AMENDMENT; PZ NO. 23-580-02); AND AN AMENDMENT TO OCC CHAPTERS 11 AND 16 TO ALLOW UP TO FIVE (5) INDOOR COMMERCIAL CANNABIS CULTIVATORS IN SIX (6) IDENTIFIED AREAS OF THE CITY.

WHEREAS, the Planning Commission of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 23-580-02, filed by the City of Oxnard Long Range Planning and Sustainability Division, to amend Chapters 11 and 16 of the OCC (Section 16-163 and Section 16-179); and

WHEREAS, on January 24, 2023, the Community Services, Public Safety, Housing & Development Committee ("Committee") voted 3-0 in favor of increasing the number of commercial cannabis cultivators permitted to operate in the city from two (2) to five (5). The Committee was also supportive of expanding the location of cultivation to be coterminous with the locations where cannabis manufacturing, distribution, and testing is allowed, with the expectation of the Rose Santa Clara Corridor Specific Plan area; and

WHEREAS, on August 3, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider approving a resolution recommending that the City Council of the City of Oxnard approve amendments to the OCC pertaining to regulation of cannabis manufacturing, distribution, testing, and retail dispensaries; and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City (Zoning Code Text Amendments No. PZ 23-580-02); and

WHEREAS, the Planning Commission finds that the proposed ZTA is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Code amendment is incorporated by reference and attached as the following exhibit:

> Attachment "1a" Draft City Council Ordinance - Chapters 11 and 16 - New Provisions. Planning & Zoning (PZ) Permit No. 23-580-02, amendment to Chapters 11 and 16 of the OCC to to incorporate Commercial Cannabis Cultivation; and

WHEREAS, the Planning Commission finds after due study and deliberation that the public interest and general welfare require the adoption of the Zone Text` Amendment PZ No. 23-580-02.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oxnard hereby recommends to the City Council adoption of the Inclusionary Housing Ordinance attached hereto as Attachment 1a.

Section 1. The foregoing recitals are true and correct and are hereby incorporated into the operative provisions of this Resolution.

Section 2. The Planning Commission, based on the findings set forth herein, recommends that the City Council of the City of Oxnard adopt ZTA PZ No. 23-580-02 attached hereto as Attachments 1a and incorporated herein by this reference to this Resolution.

Section 3. The Secretary shall certify the adoption of this Resolution.

(signatures on next page)

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PASSED AND ADOPTED by the Planning Commission of the City of Oxnard on this 3rd day of August 2023, by the following vote:

_____

Ronald Arruejo, Chair

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Planning Commission of the City of Oxnard at a meeting held on the 3rd day of August 2023, and carried by the following vote:

AYES: Commissioner(s):

NOES: Commissioner(s):

ABSENT: Commissioner(s):

ABSTAIN: Commissioner(s):

RECUSED: Commissioner(s):

_____

Joe Pearson II, AICP, Secretary

Attachment.

B. 1a. Draft City Council Ordinance - Chapters 11 and 16 - New Provisions.

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OXNARD AMENDING THE OXNARD CITY CODE (OCC) CHAPTERS 11 AND 16 PERTAINING COMMERCIAL CANNABIS ACTIVITY (ZONING TEXT AMENDMENT; PZ NO. 23-580-02); AND INCORPORATE COMMERCIAL CANNABIS CULTIVATION (SECTIONS 16-163 AND AND AN AMENDMENT TO OCC CHAPTERS 11 AND 16 TO ALLOW UP TO FIVE (5) INDOOR COMMERCIAL CANNABIS CULTIVATORS IN SIX (6) IDENTIFIED AREAS OF THE CITY.

WHEREAS, the City Council of the City of Oxnard has considered Zone Text Amendment (ZTA) PZ No. 23-580-02, filed by the City of Oxnard Long Range Planning and Sustainability Division, to amend Chapters 11 and 16 of the OCC (Section 16-163 and Section 16-179); and

WHEREAS, on January 24, 2023, the Community Services, Public Safety, Housing & Development Committee ("Committee") voted 3-0 in favor of increasing the number of commercial cannabis cultivators permitted to operate in the city from two (2) to five (5). The Committee was also supportive of expanding the location of cultivation to be coterminous with the locations where cannabis manufacturing, distribution, and testing is allowed, with the expectation of the Rose Santa Clara Corridor Specific Plan area; and

WHEREAS, on August 3, 2023, the Planning Commission of the City of Oxnard conducted a duly noticed public hearing to consider approving a resolution recommending that the City Council of the City of Oxnard approve amendments to the OCC pertaining to regulation of cannabis manufacturing, distribution, testing, and retail dispensaries; and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City (Zoning Code Text Amendments No. PZ 23-580-02); and

WHEREAS, the Planning Commission received written and verbal comments from the public; and

WHEREAS, the Planning Commission finds that the proposed ZTA is in the public interest and reflects the input from residents, stakeholders in the community, and decision-makers. There are no changes recommended under the proposed ZTA that would reduce or compromise existing standards that protect the health, safety or general welfare of the City; and

WHEREAS, the proposed Zone Code amendment is incorporated by reference and attached as the following exhibit:

NOW, THEREFORE, the City Council of the City of Oxnard does ordain as follows:

Section 1. Article XVII of Chapter 11 of the Oxnard City Code regarding Commercial Cannabis Activity is hereby repealed and readopted to read as follows:

ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

It is the purpose and intent of this article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Regulate and Tax Adult Use Cannabis Act ("AUMA" or "Proposition 64" enacted by California voters in 2016), while imposing sensible regulations on the use of land to protect the city's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this article to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Oxnard and to enforce rules and regulations consistent with State law. It is the further purpose and intent of this article to require all commercial cannabis operators to obtain and renew annually a permit to operate within the City of Oxnard. Nothing in this article is intended to authorize the possession, use, or provision of cannabis for purposes that violate State or federal law. The provisions of this article are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under State, city, or other law.

SEC. 11-451. LEGAL AUTHORITY.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter "MAUCRSA"), any subsequent State legislation and/or regulations regarding same, the City of Oxnard is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Oxnard to all commercial cannabis activity.

SEC. 11-452. COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

Except as specifically authorized in this article, the commercial cultivation, manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Cal. Bus. and Prof. Code, Section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of Oxnard.

SEC. 11-453. COMPLIANCE WITH STATE AND LOCAL LAWS.

It is the responsibility of the owners and operators of a commercial cannabis business to ensure that it is always operating in a manner compliant with all applicable State and local laws, and any regulations promulgated thereunder. Nothing in this article shall be construed as authorizing any actions that violate federal, State law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, State and local laws, including the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), and any subsequently enacted State law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the local commercial cannabis business permit. Nothing in this article shall be construed as authorizing any actions that violate federal or State law regarding the operation of a commercial cannabis business.

SEC. 11-454. DEFINITIONS.

When used in this article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) A-LICENSE - A State license issued by the Department of Cannabis Control (DCC) for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess a valid State issued medical cannabis card.

(B) A-LICENSEE - Any Person holding a license for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess a state issued medical cannabis card.

(C) APPLICANT - An owner applying for a commercial cannabis business permit pursuant to this article.

(D) BATCH - A specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

(1) HARVEST BATCH - A specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.

(2) MANUFACTURED CANNABIS BATCH - Either of the following:

(a) An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(b) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.

(E) CANNABIS - All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. CANNABIS also means the separated resin, whether crude or purified, obtained from cannabis. CANNABIS does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, CANNABIS does not mean "industrial hemp" as defined by Cal. Health and Safety Code, Section 11018.5 or Cal. Food and Agricultural Code Section 81000.

(F) CANNABIS ACCESSORIES - The same meaning as in Cal. Health and Safety Code, Section 11018.2.

(G) CANNABIS CONCENTRATE - Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this article. A cannabis concentrate is not considered food, as defined by Cal. Health and Safety Code, Section 109935, or drug, as defined by Cal. Health and Safety Code, Section 109925.

(H) CANNABIS PRODUCT - A product containing cannabis, including, but not limited to, manufactured cannabis, - intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5 (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this article, "cannabis" does not include industrial hemp as defined by Cal. Food and Agricultural Code, Section 81000, or Cal. Health and Safety Code, Section 11018.5.

(I) CANNABIS PRODUCTS - The same meaning as in Cal. Health and Safety Code, Section 11018.1.

(J) CANNABIS WASTE - Any material intended for disposal that contains cannabis but is not otherwise considered a hazardous waste. Cannabis waste consisting solely of plant material shall be considered an organic waste as defined in Public Resources Code section 42649.8(d).

(K) CANOPY - The designated area(s) at a licensed premise, except nurseries that will contain mature plants at any point in time.

(1) CANOPY shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; and

(2) CANOPY may be non contiguous but each unique area included in the total canopy calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total CANOPY calculation.

(L) CAREGIVER or PRIMARY CAREGIVER - The same meaning as that term is defined in Cal. Health and Safety Code, Section 11362.7.

(M) CHILD RESISTANT - Designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(N) CITY - The City of Oxnard including the area within the territorial city limits of the city and such territory outside of the city over which the city council has jurisdiction or control by virtue of any provision of law.

(O) COMMERCIAL CANNABIS ACTIVITY - Includes the possession, manufacturing, distribution, cultivation, processing, storing, laboratory testing, packaging, labeling or transportation of cannabis and cannabis products as provided for in this division.

(P) COMMERCIAL CANNABIS BUSINESS - Any business or operation which engages in medicinal or adult-use commercial cannabis activity.

(Q) COMMERCIAL CANNABIS BUSINESS PERMIT - A regulatory permit required to be issued to a commercial cannabis business by the City of Oxnard prior to commercial cannabis activity being conducted. Such permit cannot be issued before a Certificate of Occupancy is granted for the location at which the commercial cannabis business will be located. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business's ongoing compliance with all of the requirements of this article and any regulations adopted by the city governing the commercial cannabis activity at issue.

(R) CULTIVATION - Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(S) CULTIVATION SITE - A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(T) CUSTOMER - A natural person 21 years of age or over, or a natural person 18 years of age or older who possesses a State issued medical cannabis identification card.

(U) DELIVERY - The commercial transfer of cannabis or cannabis products to a customer. DELIVERY also includes the use by a retailer of any technology platform owned and controlled by the retailer.

(V) DEPARTMENT OF CANNABIS CONTROL (DCC) - The lead State agency or successor agency responsible for regulating and licensing commercial medicinal and adult use cannabis in California, which is also responsible for licensing retailers, cultivators, distributors, testing laboratories, microbusinesses, and temporary cannabis events.

(W) DISTRIBUTION - The procurement, sale, and transport of cannabis and cannabis products between licensees.

(X) DISTRIBUTOR - A Person holding a valid commercial cannabis business permit for distribution issued by the City of Oxnard, and, a valid State license for distribution, required by State law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed retailer.

(Y) DRIED FLOWER - All dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(Z) EDIBLE CANNABIS PRODUCT - Cannabis product that is intended to be used, orally, in whole or in part, for human consumption. For purposes, "edible cannabis product" includes cannabis products that dissolve or disintegrate in the mouth, but does not include any product otherwise defined as "cannabis concentrate."

(AA) FUND - The Cannabis Control Fund established pursuant to Cal. Bus. and Prof. Code, Section 26210.

(BB) GREENHOUSE - A fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.

(CC) INDOOR CULTIVATION - The cultivation of cannabis within a permanent structure using exclusively artificial light.

(DD) KIND - Applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(EE) LABELING - Any label or other written, printed, or graphic matter upon a cannabis product, upon its container.

(FF) LICENSE - A State license issued by the State and includes both an A-license and an M-license, as well as a testing laboratory license.

(GG) LICENSEE - Any person holding a license under this article, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

(HH) LICENSING AUTHORITY - The City of Oxnard and/or State agency responsible for the issuance, renewal, or reinstatement of the license, or the City of Oxnard and/or State agency authorized to take disciplinary action against the licensee.

(II) LIMITED-ACCESS AREA - An area in which cannabis is stored or held and is only accessible to a licensee or permittee and authorized personnel.

(JJ) LIVE PLANTS - Living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(KK) LOCAL JURISDICTION - A city, county or city and county.

(LL) LOCAL EQUITY APPLICANT - Applicant with at least 40% local ownership in the aggregate. Ownership shall not fall below 40% at any time and for the life of the commercial cannabis business permit issued by the city. If an applicant does not obtain a commercial cannabis business permit based upon the local equity status, then that applicant shall not be deemed a local equity applicant.

(MM) LOCAL OWNERSHIP - Ownership interest(s) held by one or more natural persons who are a resident within the city's corporate boundaries as of the date the application is submitted and who maintain local residency at all times while their ownership interest(s) are used for qualifying as a local equity applicant for one or more commercial cannabis business permits. A minimum of 40% of cannabis ownership (in the aggregate) is required to be composed of residents of the City of Oxnard for the duration of the commercial cannabis business permit issued to the Local Equity Applicant. Factors used to determine local residency shall include (as applicable) but are not limited to the following: ownership or rental of dwelling unit within the city's corporate boundaries that is the primary residence; California driver's license with a residential address within the city's corporate boundaries that is the primary residence; voter registration at a residential address within the city's corporate boundaries that is the primary residence; residential address within the city's corporate boundaries used for filing State and federal income tax returns that is the primary residence; and the natural person does not have a homestead exemption in any jurisdiction other than within the city's corporate boundaries. Local ownership is subject to ongoing verification under penalty of perjury. Failure to maintain a minimum of 40% local ownership is grounds for revocation of the commercial cannabis business permit..

(NN) LOT - A batch or a specifically identified portion of a batch.

(OO) M-LICENSE - A State license issued by the State for commercial cannabis activity involving medicinal cannabis.

(PP) M-LICENSEE - Any Person holding a license by the State for commercial cannabis activity involving medicinal cannabis.

(QQ) MANUFACTURE - To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(RR) MANUFACTURED CANNABIS - Raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or oral ingestion or for topical application.

(SS) MANUFACTURER - A licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.

(TT) MANUFACTURING SITE - A location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Oxnard and, a valid State license as required for manufacturing of cannabis products.

(UU) MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT - Cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use

Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5, by a medicinal cannabis patient in California.

(VV) MIXED-LIGHT CULTIVATION - The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.

(WW) NONVOLATILE SOLVENT - Any solvent used in the extraction process that is not a volatile solvent. For purposes of this article, a nonvolatile solvent includes carbon dioxide (CO2) used for extraction and ethanol used for extraction or post-extraction processing.

(XX) NURSERY - A licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and cultivation of cannabis.

(YY) OPERATION - Any act for which a license is required under the provisions of this article, or any commercial transfer of cannabis or cannabis products.

(ZZ) OUTDOOR CULTIVATION - The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation.

(AAA) OWNER - Any of the following:

(1) An individual with an ownership interest in the Person with the commercial cannabis business permit or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The manager of a nonprofit or other entity.

(3) A member of the board of directors.

(4) An individual who will be participating in the direction, control, or management of the business , or who has a financial interest in the business other than a fixed lease of real property.

(BBB) PACKAGE - Any container or receptacle used for holding cannabis or cannabis products.

(CCC) PATIENT or QUALIFIED PATIENT - The same definition as Cal. Health and Safety Code, Sections 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of Cal. Health and Safety Code, Section 11362.5.10.

(DDD) PERSON - Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(EEE) PERSON WITH AN IDENTIFICATION CARD - The meaning given that term by Cal. Health and Safety Code, Section 11362.7.

(FFF) PREMISES - The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-

license and an A-license for the same type of activity and such operation is lawful under State and local laws, rules and regulations.

(GGG) PROCESSING - A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and non manufactured cannabis products.

(HHH) PURCHASER - The customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

(III) RETAILER - A commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered for retail sale by an operator who holds both a valid commercial cannabis business permit from the City of Oxnard, and a valid State license as required by State law to operate as a retailer.

(JJJ) SELL, SALE, and TO SELL - Include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one Person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

(KKK) STATE LICENSE - A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.

(LLL) TESTING LABORATORY - A laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State.

(2) Licensed by the State of California.

(MMM) TOPICAL CANNABIS - A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Cal. Health and Safety Code, Section 109925.

(NNN) TRANSPORT - The transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(OOO) UNIQUE IDENTIFIER - An alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

(PPP) VOLATILE SOLVENT - Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of VOLATILE SOLVENTS include, but are not limited to, butane, hexane, and propane.

(QQQ) YOUTH CENTER - Any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or State parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

(A) Any person who is an employee or who otherwise works within a commercial cannabis business must be legally authorized to do so under applicable State law.

(B) Any person who is an employee or who otherwise works, manages or is an Owner of a commercial cannabis business must obtain a commercial cannabis employee work permit from the city.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the city manager or his or her designee(s), and shall include, but not be limited to, the following information:

(1) Name, address, and phone number of the applicant;

(2) Age and verification of applicant. A copy of a birth certificate, driver’s license, government issued identification card, passport or other proof that the applicant is at least 21 years of age must be submitted with the application;

(3) Name, address of the commercial cannabis business and the name of the primary manager of that business;

(4) A list of any crimes enumerated in Cal. Bus. and Prof. Code, Section 26057(b)(4) for which the applicant or employee has been convicted;

(5) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the city manager or his or her designee(s);

(6) A signed statement under penalty of perjury that the information provided is true and correct;

(7) If applicable, verification that the applicant is a qualified patient or primary caregiver;

(8) A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) (1) The applicable city department head or his or her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(a) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in Cal. Penal Code, Sections 186.11, 470, 484, and 504a; or

(b) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or

(c) Was convicted of a violent felony, a crime of moral turpitude; or

(d) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(2) Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of, possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (D)(1)(d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Cal. Penal Code, Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, or (ii) a conviction that was subsequently dismissed pursuant to Cal. Penal Code, Sections 1203.4, 1203.4a, or 1203.41 or any other provision of State law allowing for dismissal of a conviction.

(E) The applicable department head or his or her designee(s) shall issue the commercial cannabis employee permit or a written denial to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis employee work permit cannot be issued within this time period, then the city manager or his or her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the city manager or his or her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or his or her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) An employee work permit shall be valid for a 36-month period and must be renewed every three years. Renewal applications shall contain all the information required in subsection (C) above including the payment of a renewal application fee in an amount to be set by resolution of the city council.

(G) In the event a person changes employment from one commercial cannabis business in the city to another, the work permit holder shall notify the applicable department head or his or her designee(s) in writing of the change within ten days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any commercial cannabis business in the city.

(H) The city may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in subsection (D) above or if facts become known to the city that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

(I) The city manager or his or her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the city clerk within ten days of the date the applicant received the notice of denial. The city manager or his or her designee shall hear such appeal and his or her decision shall be final and not subject to further appeals.

(K) The applicable city department head or his or her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SEC. 11-456. MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED.

(A) The number of each type of commercial cannabis business that shall be permitted to operate in the city at any one time shall be as follows:

(1) Cannabis manufacturing - Maximum of eight (8) at any one time, with up to three permits issued to local equity applicants.

(2) Cannabis testing lab - Maximum of one (1) at any one time.

(3) Cannabis distributor - Maximum of three (3) at any one time, with up to three permits issued to local equity applicants.

(4) Cannabis retail - Maximum of sixteen (16) at any one time, with up to three permits issued to local equity applicants.

(5) Cannabis cultivation - Maximum of five (5) at any one time.

(B) This section is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the city under each category. Nothing in this article creates a mandate that the city council must issue any or all of the commercial cannabis business permits.

(C) Each year following the city manager's initial award of commercial cannabis business permits, if any, or at any time at the city council's discretion, the city council may reassess the

number of commercial cannabis business permits which are authorized for issuance. The city council at its discretion, may determine that the number of commercial cannabis business permits should remain the same, or be expanded.

SEC. 11-457. COMMERCIAL CANNABIS BUSINESS PERMIT; APPLICATION PROCEDURE.

(A) The city manager or his or her designee shall adopt the procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s), which shall include or require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("review criteria"). The city manager or his or her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the city manager or his or her designee(s) will make a final determination in accordance with this section and shall either deny or approve the final candidates and shall select the top candidates in each category of the commercial cannabis businesses. Notwithstanding anything in this article to the contrary, the city manager's decision as to the selection of the prevailing candidates shall be final and shall not be subject to appeal.

(D) Official issuance of the commercial cannabis business permit(s) is conditioned upon the prevailing candidate(s) obtaining all required land use approvals and completing to the city's satisfaction all conditions of approval required for the site to be issued a certificate of occupancy and commercial cannabis business business permit.. Following the city manager's selection of the Person who shall be issued a commercial cannabis business permit, the prevailing candidate(s) shall apply to the city's community development department to obtain required land use approvals or entitlements pursuant to Section 16-163. A special use permit (SUP) or a development design review (DDR) permit shall be required prior to the issuance of building permits. The SUP and DDR shall expire one year after issuance if the applicant has not diligently pursued obtaining the necessary building permits and complying with the conditions of approval needed for the business to open at the approved location. The permittee's location and use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act. The community development director shall formally issue the commercial cannabis business permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.

(E) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of 12 months and shall expire at the end of the 12- month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a commercial cannabis business

permit, unless all of the State and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.

(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each Person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the commercial cannabis business permit program created in this article.

(I) Preservation of rights. The city reserves the right to reject any or all applications. Prior to permit issuance by the city council, the city may also modify, postpone, or cancel any request for applications, or the entire program under this article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under State law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this article, may be canceled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to possible rejection for failure to comply with other requirements in this article, an applicant also risks being rejected for any of the following reasons:

(1) Proposal received after designated time and date.

(2) Proposal not containing the required elements, exhibits, nor organized in the required format.

(3) Proposal considered not fully responsive to the request for permit application.

SEC. 11-458. PERSONS PROHIBITED FROM HOLDING A LICENSE OR EMPLOYEE WORK PERMIT.

Any person who has been issued any of the following actions or notices for non-compliance, shall be prohibited from holding a commercial cannabis business permit in the city, with such actions or notices also grounds for denial of a commercial cannabis business permit:

(A) The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other State cannabis licensing authority;

(B) The applicant was notified that they were conducting commercial cannabis activity in non-compliance with this chapter 11 or other City of Oxnard ordinances, codes or requirements in which they failed to discontinue operating in a timely manner;

(C) Evidence that the applicant was in non-compliance of properly paying federal, State or local taxes and/or fees when notified by the appropriate agencies;

(D) The applicant was conducting commercial cannabis activity in the city in violation of local and State law.

SEC. 11-459. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS.

Each commercial cannabis business permit issued pursuant to this article shall expire 12 months after the date of its issuance. Commercial cannabis business permits may be renewed as provided in section 11-461.

SEC. 11-460. REVOCATION OF PERMITS.

Commercial cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to any policy, procedure or regulation in this article.

SEC. 11-461. RENEWAL OF COMMERCIAL CANNABIS BUSINESS PERMITS.

(A) An application for renewal of a commercial cannabis business permit shall be filed at least 60 calendar days prior to the expiration date of the current permit.

(B) The renewal application shall contain the current owner and employee information, copy of the owner's State license, the city business tax certificate, and such other information as required by the city.

(C) The applicant shall pay a regulatory compliance fee in an amount set by city council resolution. The regulatory compliance fee shall not exceed the reasonable cost incurred by the city to administer the program created by this article. The applicant shall pay this annual fee, at the time of renewal, on a yearly basis.

(D) An application for renewal of a commercial cannabis business permit may be rejected if any of the following exists:

(1) The application is filed less than 60 days before its expiration.

(2) The commercial cannabis business permit is suspended or revoked at the time of the application.

(3) The commercial cannabis business has not been in regular and continuous operation in the four months prior to the renewal application.

(4) The commercial cannabis business has failed to conform to the requirements of this article, or of any regulations adopted pursuant to this article.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the city or State has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this article, of the city ordinance, or of the State rules and regulations, and the city or State has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.

(E) The city manager or his or her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or his or her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or his or her designee(s) shall be handled pursuant to Sections 11-464 to 11-465.

(F) If a renewal application is rejected, a Person may file a new application pursuant to this article no sooner than one year from the date of the rejection.

SEC. 11-462. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

Suspension of a license issued by the State, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the city, until the State, or its respective department or division, reinstates or reissues the State license. Should the State, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

SEC. 11-463. APPEALS.

Unless specifically provided elsewhere to the contrary, whenever an appeal is specifically provided for in this article, the appeal shall be conducted as prescribed in this article.

SEC. 11-464. APPEAL OF DECISION OF CITY MANAGER OR PLANNING COMMISSION.

(A) Within ten calendar days after the date of a decision of the city manager or his or her designee(s) to revoke, or suspend, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(B) Within eighteen calendar days after the date of a decision of the planning commission to approve a special use permit pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(C) At the time of filing, the appellant shall pay the designated appeal fee in an amount, established by resolution of the city council.

(D) Appeals shall be conducted in accordance with Section 16-465.

SEC. 11-465. APPEAL HEARING.

(A) Upon receipt of the written appeal pursuant to Section 11-464, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.

(B) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the city council shall be final.

SEC. 11-466. APPEAL OF DECISION OF COMMUNITY DEVELOPMENT DIRECTOR.

(A) Within ten calendar days after the date of a decision of the community developer director pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. At the time of filing, the appellant shall pay the designated appeal fee, established by resolution of the city council.

(B) Upon receipt of the written appeal pursuant to subsection (A), the city clerk shall set the matter for a hearing before the planning commission. The planning commission shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city. The appeal shall be held within a reasonable time after filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the planning commission shall be final.

SEC. 11-467. CHANGE IN LOCATION; UPDATED REGISTRATION FORM.

Any time the location of a commercial cannabis business or retailer specified in the regulatory permit is proposed to be changed, the applicant shall be required to first secure a new commercial cannabis business permit, and discretionary land use permit for the new location before moving to that location, with such approvals subject to terminating the commercial cannabis business permit at the existing location so there is no net increase in the number of cannabis business permits issued within the city. The process and the fees shall be the same as for a new facility and in accordance with the regulations specified in this article. No proposed

change in location shall be considered until such time as the original location has first been opened for business for a minimum of one year consistent with the requirement of the city's regulations.

SEC. 11-468. TRANSFER OF CANNABIS BUSINESS PERMIT.

(A) The holder of a cannabis business permit shall not transfer ownership or control of the permit to another person unless and until the transferee obtains an amendment to the permit from the city manager or his or her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or his or her designee in accordance with all provisions of this article (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee), and the city manager or his or her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this article. The decision of the city manager is final. For the purposes of this subsection (A) "control" shall be deemed to be the aggregate transfer of 40% or more of the ownership of the permit.

(B) Commercial cannabis business permits issued through the grant of a transfer by the city manager or his or her designee shall be valid for a period of one year beginning on the day the city manager or his or her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this article.

(C) Changes in ownership of a permittee business structure or a substantial change in the ownership of a permittee business entity (i.e changes that result in a cumulative change of more than 40% of the original ownership) must be approved by the city manager or his or her designee through the transfer process contained in subsection (A). Failure to comply with this provision is grounds for permit revocation.

(D) A permittee may change the form of business entity without applying to the city manager or his or her designee for a transfer of permit, provided that the membership of the new business entity is substantially similar to original permit holder business entity (at least 60% of the membership is identical). The permit holder shall notify the city manager in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No commercial cannabis business permit may be transferred when the city manager or his or her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(G) Notwithstanding any language in this section to the contrary, no transfer of a local equity ownership interest in a business that obtained its commercial cannabis business permit as a local equity applicant shall be allowed if such proposed transfer would reduce the local equity interest in the commercial cannabis business to a level below that required for a local equity applicant.

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

Prior to commencing operations, a commercial cannabis business shall obtain a City of Oxnard business tax certificate, pursuant to article I.

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the fire department approvals, health department approvals and other zoning and discretionary land use permit(s) and approvals.

SEC. 11-471. CERTIFICATION FROM THE COMMUNITY DEVELOPMENT DIRECTOR.

Prior to submittal of a commercial cannabis business permit, the applicant shall obtain a zoning clearance (ZC) and zoning verification letter (ZVL) from the community development director or his or her designee(s) certifying that the business is located on a site that meets all of the requirements of chapter 16 and this article. A fee shall be established by city council resolution for submittal and processing of this certification.

SEC. 11-472. RIGHT TO OCCUPY AND TO USE PROPERTY.

(A) As a condition precedent to the city's issuance of a commercial cannabis business permit pursuant to this article, any Person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner has read this article and consents to the operation of the commercial cannabis business on the owner's property.

(B) The lease, sublease or other agreement to occupy the property must be at fair market value and not have any terms or conditions for the permittee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

SEC. 11-473. LOCATION AND DESIGN OF CANNABIS BUSINESSES.

Specific types of commercial cannabis businesses are subject to the following zoning and locational requirements:

(A) All cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this article. Manufacturing, testing, and distribution facilities are conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP), as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements: Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(B) Cultivation is conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP). Cultivation may also be located in the following areas subject to relevant specific plan requirements: Sakioka Farms Business Park Specific Plan; McInnes Ranch Business Park Specific Plan; Arcturus Ave.; Northfield & Seagate Business Park Specific Plan; Channel Island Business Center; and Statham Business Park.

(C) All cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this subsection (C). Retailers are conceptually permitted in property zoned neighborhood shopping center (C-l), neighborhood shopping center planned development (C-l-PD), general commercial (C-2), general commercial planned development (C-2-PD), coastal neighborhood commercial (CNC), and commercial planned development (CPD), business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements: RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.

(D) Compliance with any specific plan requirements.

(E) The property on which any commercial cannabis business is located must also meet all of the following distance requirements:

(1) It shall be no closer than 600 feet of any of the following:

(a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(2) The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(F) Each proposed commercial cannabis business use shall:

(1) Conform with the city's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.

(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection (sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.

SEC. 11-474. LIMITATIONS ON CITY'S LIABILITY.

To the fullest extent permitted by law, the City of Oxnard shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this article or otherwise approving the operation of any commercial cannabis business. As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

(A) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Oxnard and its officers, officials, employees, representatives, and agents harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the city's issuance of the commercial cannabis business permit, the city's decision to approve the operation of the commercial cannabis business or activity, the process used by the city in making its decision, or the alleged violation of any federal, State or local laws by the commercial cannabis business or any of its officers, employees or agents.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager.

(C) Reimburse the City of Oxnard for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of Oxnard may be required to pay as a result of any legal challenge related to the city's approval of the applicant's commercial cannabis business permit, or related to the city's approval of a commercial cannabis activity. The City of Oxnard may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

SEC. 11-475. CANNABIS DELIVERY FROM OUTSIDE THE CITY.

(A) Cannabis delivery from outside the city is only allowed from state licensed operators who meets the following requirements:

(1) First obtain an Oxnard Business Tax Certificate;
(2) Provide the City with a copy of the State license issued by the Department of Cannabis Control that authorizes such deliveries; and
(3) During delivery into the city, the delivery driver from the state licensed operator displays the following information in each delivery vehicle at all times:
  (a) A copy of a City of Oxnard Business Tax Certificate.
  (b) A copy of a State license issued by the Department of Cannabis Control.

(B) Cannabis deliveries from within the city are only allowed from city licensed commercial cannabis retailers.

SEC. 11-476. RECORDS AND RECORDKEEPING.

(A) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this article), or at any time upon reasonable request of the city, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or his or her designee(s).

(B) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the city manager or his or her designee(s) upon a reasonable request.

(C) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis

and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

(D) Each commercial cannabis business shall allow the city to have access to the businesses books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than 24 hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SEC. 11-477. OPERATIONAL STANDARDS.

(A) A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the city manager or his or her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the best practices identified in the guidelines for issuance of a cannabis business permit and/or conditions imposed as part of the discretionary land use permit approval:

(1) Alarm system (perimeter, fire, and panic buttons).

(2) Remote monitoring of alarm systems by licensed security professionals and first responders (Knox box, etc.).

(3) Perimeter lighting systems (including motion sensors) for after-hours security.

(4) Perimeter security and lighting as approved by the police chief, community development department or his or her designee.

(5) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.

(6) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

(7) Plan for cash handling as relevant to manufacturing, testing, and distribution operations.

(8) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(9) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weatherproof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the city manager or his or her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the city manager or his or her designee(s). Video recordings shall be maintained for a minimum of 90 days and shall be made available to the city manager or his or her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Oxnard police department by the commercial cannabis business, to facilitate remote monitoring of security cameras by the department or its designee.

(10) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(11) Panic buttons shall be installed in all commercial cannabis businesses with direct notification to Oxnard police department dispatch, and shall be configured to immediately alert dispatch for the Oxnard police department.

(12) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(13) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

(14) Security personnel shall monitor premises in accordance with a security plan as authorized by the city manager or his or her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his or her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the police chief.

(15) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(16) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the commercial cannabis business; or (b) a licensed security professional.

(17) Each commercial cannabis business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(18) Each commercial cannabis business shall demonstrate to the police chief, city manager or their designees compliance with the State's track and trace system for cannabis and cannabis products, as soon as it is operational.

(19) Each commercial cannabis business shall have state of the art network security protocols in place to protect computer information and all digital data.

(20) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(B) Each commercial cannabis business shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the city manager or his or her designee(s) regarding any security related measures and/or operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or his or her designee upon request that meets the following requirements:

(1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

(2) Identifies all managers of the commercial cannabis business and their contact phone numbers.

(3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

(4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(5) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the commercial cannabis business, the parking lot, and any adjacent property under the business's control.

(6) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

(C) As part of the application and permitting process, each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis products, and any currency.

(D) The commercial cannabis business shall cooperate with the city whenever the city manager or his or her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this article. Prevention fire inspectors shall be allowed access to audit buildings for fire life safety concerns on a yearly basis or as determined necessary per the fire marshal.

(E) A commercial cannabis business shall notify the city manager or his or her designee(s) within 24 hours after discovering any of the following:

(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or his or her designee(s).

(2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.

(3) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.

(4) Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the city manager or his or her designee prior to commencing business operations. The city manager or his or her designee may supplement these security requirements once operations begin, subject to review by the city manager if requested by the business owner.

SEC. 11-478. RESTRICTION ON ALCOHOL AND TOBACCO SALES.

(A) No Person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.

(B) No Person shall cause or permit the sale or tobacco products on or about the premises of the commercial cannabis business.

SEC. 11-479. FEES AND CHARGES.

(A) No Person may commence or continue any commercial cannabis activity in the city without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the city council which may be amended from time to time.

(B) All commercial cannabis businesses authorized to operate under this article shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, State and local law. Each commercial cannabis business shall cooperate with the city with respect to any reasonable request to audit the commercial cannabis business's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the city and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational agreement with the city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this article, including, but not limited to, public outreach and education,

community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

(A) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the city and/or as determined within the discretionary land use permit.

(B) Restriction on consumption - Cannabis shall not be consumed by any employee on the premises of any commercial cannabis business.

(C) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

(D) Reporting and tracking of product and of gross sales - Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The commercial cannabis business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager or his or her designee(s) prior to being used by the permittee.

(E) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

(F) Emergency contact and emergency response plan - Each commercial cannabis business shall provide the city manager or his or her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each commercial cannabis business must have a fire evacuation plans, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved by the fire and police chiefs or designee.

(G) Signage and notices -

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a city sign permit.

(2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

(5) Signage may be internally illuminated or externally illuminated with directed and shielded downward facing lighting consistent with city regulations and the conditions of approval. All signs shall conform with Section 16-595. Signage shall not feature exposed elements.

(6)No banners (with the exception of permitted Grand-Opening Banners), flags, or other prohibited signs may be used at any time.

(H) Minors -

(1) Persons under the age of 21 years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this article for any Person to employ any person at a commercial cannabis business who is not at least 21 years of age.

(2) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the commercial cannabis business, unless otherwise authorized by state law.

(I) Odor control - Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the community development director or his or her designee(s) determine is a more effective method or technology:

(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

(J) Display of permit and city business tax certificate - The original copy of the commercial cannabis business permit issued by the city pursuant to this article and the city issued business

tax certificate shall be posted inside the commercial cannabis business in a location readily-visible to the public.

(K) Background check - Pursuant to Cal. Penal Code, Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a commercial cannabis business must submit fingerprints and other information deemed necessary by the police chief or his or her designee(s) for a background check by the City of Oxnard police department. Pursuant to Cal. Penal Code, Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no Person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the police chief or his or her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Oxnard to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted.

(L) Loitering - The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within 50 feet of the premises.

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

The city manager or his or her designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. Minor changes may occur to the approved conditions of the special use permit (SUP) or a development design review (DDR) permit pursuant to Section 16-560.

SEC. 11-482. OPERATING REQUIREMENTS FOR TESTING LABORATORIES.

(A) Testing laboratories shall be required to conduct all testing in a manner pursuant to Cal. Bus. and Prof. Code, Section 26100 and shall be subject to State and local law. Each testing laboratory shall be subject to additional regulations as determined from time to time as more regulations are developed under this article and any subsequent State of California legislation regarding the same.

(B) Testing laboratories shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.

(C) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the Department of Cannabis Control.

(D) Testing laboratories shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the Department of Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Bureau of Cannabis Control.

(E) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by State law and that the testing laboratory employee transports the sample to the testing laboratory.

(F) Except as provided by State law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with State law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

(H) Approval of testing laboratories shall be through approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the planning commission pursuant to Section 11-466.

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

(A) A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Cal. Code of Regulations, Title 16, Section 5000.

(B) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.

(C) A distributor shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.

(D) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of State law, specifically the testing provisions within the California Code of Regulations.

(E) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the recording kept available to State and local authorities for a minimum of 180 days, pursuant to Cal. Code of Regulations, Title 16, Section 5305.

(F) A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing laboratory as being in compliance with state health and safety requirements pursuant to Cal. Code of Regulations, Sections 5705, 5710 and 5714 of Title 16.

(G) Approving of distributor shall be through the approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the planning commission pursuant to Section 11-466.

SEC. 11-484. OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING: EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS.

(A) Cannabis manufacturing facilities requiring a type-6, type-7, type S, or any subsequent created manufacturing State license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in the City of Oxnard code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Oxnard in containers that exceeds the amount which is approved by the Oxnard fire department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard fire department.

(C) Cannabis manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least 99% purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) If an extraction process uses a professional grade closed loop CO2 gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO2 must be of at least 99% purity.

(E) Closed loop systems for compressed gas extraction systems must be used and must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the State of California, or from a State certified professional engineer or state certified industrial hygienist from another state, must be provided

to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

(1) The American Society of Mechanical Engineers (ASME);

(2) American National Standards Institute (ANSI);

(3) Underwriters Laboratories (UL); or

(4) The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Oxnard fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

(I) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(J) Cannabis manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(K) Cannabis manufacturing facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(L) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(M) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(N) Approval of manufacturing facilities shall be through approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the planning commission pursuant to Section 11-466.

SEC. 11-485. OPERATING REQUIREMENTS FOR RETAIL FACILITIES.

(A) No more than the number of cannabis retailers authorized by Section 11-456 shall operate within the City of Oxnard at any one time.

(B) Approval of retail dispensaries shall be through approval of a special use permit to be issued by the planning commission pursuant to Section 16-531. The appeal of the approval or denial of such special use permit shall be to the city council pursuant to sections 11-464 and 11-465.

(C) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the potential customer is 18 to 20 years old, retailer shall confirm the customer's possession of a state issued medical cannabis card. Persons 18 to 20 years old who are unable to produce the necessary documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.

(D) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification or a medical cannabis card issued pursuant to Cal. Health and Safety Code, Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point of sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the police chief.

(F) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(G) All restroom facilities shall remain locked and under the control of management.

(H) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this subsection.

(1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.

(3) No cannabis shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All cannabis goods sold by a retailer shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must

allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Cal. Bus. and Prof. Code, Chapters 11.4 and 11.5 of Division 3.

(I) Access to retailer premises -

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding subsection (I)(1) above, individuals who are at least 18 years of age and in possession of a state issued medical cannabis card shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis.

(J) Authorized sales - A retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least 21 years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid state issued cannabis card. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(K) Limited access areas - A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the police chief or the development services director upon request.

(L) Operating hours of the retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(M) Parking requirements shall be in accordance with chapter 16, article X of the Oxnard city code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study via a request for administrative parking relief pursuant to Section 16-651. Commercial cannabis retail businesses proposed to be located within the Downtown Specific Plan area may pay a downtown parking management in-lieu fee to meet off-street parking requirements.

(N) Retail security requirements. All security measures required by section 11-477 (operational standards) are directly applicable to and binding on all commercial cannabis businesses, including all retailers.

SEC. 11-486. OPERATING REQUIREMENTS FOR RETAILERS WITH DELIVERY SERVICE.

(A) Retailers located within the city that provide delivery are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of 18 years, and to verify that the potential customer has a valid state issued cannabis card. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

(B) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis Products.

(C) The year, make, model, color, license plate number, and vehicle identification number (VIN) for any and all vehicles that will be used to deliver cannabis or cannabis Products.

(D) Proof of insurance as required in section 11-474(B) for any and all vehicles being used to deliver cannabis or cannabis Products.

(E) The licensee shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver cannabis and/or cannabis Products prior to using the vehicle to deliver cannabis and/or cannabis Products.

(F) The Commercial cannabis Business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

(G) Delivery of cannabis products originating from the City of Oxnard are not authorized except from a retailer who has obtained both the necessary city and State permits and is in full compliance with this Section.

SEC. 11-487. OPERATING REQUIREMENTS FOR CULTIVATORS.

(A) No more than the number of cannabis cultivators authorized by Section 11-456 shall operate within the city at any one time.

(B) Approval of cultivation facilities shall be through approval of a development design review (DDR) permit to be issued by the Community Development Director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

(C) All commercial Outdoor Cultivation and Mixed-Light Cultivation of cannabis and nursery activity within the city is prohibited. It is hereby declared to be unlawful and a public nuisance for any Person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City of Oxnard to cause or allow such parcel to be used for the commercial outdoor cultivation of cannabis.

(D) The commercial cultivation of cannabis must occur indoors in an approved indoor cultivation facility with a valid commercial cannabis business permit from the city under this Chapter.

(E) In no case shall cannabis plants be visible from the exterior of the building.

(F) From a public right-of-way, there shall be no exterior evidence of commercial cannabis cultivation except for any signage authorized by the city. All signs shall conform with Section 16-595.

(G) Any pesticides and/or fertilizers used at the cultivation site shall be properly labeled and stored in accordance with Fire Dept. and City regulations to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(H) A commercial cannabis cultivation licensee shall comply with all applicable federal, State and local laws and regulations regarding use and disposal of pesticides and fertilizers.

(I) Each commercial cannabis cultivation licensee shall submit the following in addition to the information required to secure approval of a commercial cannabis business permit:

(1) A cultivation and operations plan shall be submitted for City review and approval which will identify the type(s) of cannabis plant to be grown (species/strain), cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

(2) A monthly and yearly projected water usage plan. The plan shall include water conservation and recycling measures for capture and reuse of on site water, water treatment plan and wastewater discharge plan. Said plan shall be reviewed and approved by the City. Every attempt should be made by the licensee to connect to the City's recycled water line when feasible.

(3) An energy usage and conservation plan which identifies the sources of power, projected monthly and yearly usage, and efficiency plan, including use of on site renewables.

(4) Neighborhood compatibility plan which shall address odor security, safety, and other compatibility issues which may derive from the cultivation site and as requested by the City.

(5) Floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries at the site.

(J) A permittee shall only be allowed to cultivate the square feet of canopy space permitted by State law and in the Commercial Cannabis Business Permit issued by the city for the premises.

SEC. 11-488. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(A) In addition to any regulations adopted by the city council, the city manager or his or her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this article.

(B) Regulations shall be published on the city's website.

(C) Regulations promulgated by the city manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all State and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or his or her designee.

(D) Testing laboratories, distribution facilities and special events shall be subject to State law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent State of California legislation regarding the same.

SEC. 11-489. COMMUNITY RELATIONS.

(A) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within 600 feet of the commercial cannabis business.

(B) During the first year of operation pursuant to this article, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this article shall attend quarterly meetings with the city manager or his or her designee(s), and other interested parties as deemed appropriate by the city manager or his or her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this article. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the city manager or his or her designee(s) when and as requested by the city manager or his or her designee(s).

(C) Commercial cannabis businesses to which a permit is issued pursuant to this article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives, stated in the Community Benefits Agreement.

SEC. 11-490. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS.

The person to whom a commercial cannabis business permit is issued pursuant to this article shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard. whether committed by the permittee or any

employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

SEC. 11-491. INSPECTION AND ENFORCEMENT.

(A) The city manager, or his or her designee(s) charged with enforcing the provisions of the City of Oxnard code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this article or under applicable provisions of State law.

(B) It is unlawful for any Person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this article or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this article or under State or local law.

(C) The city manager, or his or her designee(s) charged with enforcing the provisions of this article may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard city manager or these regulations.

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

It is the stated intent of this article to regulate commercial cannabis activity in the City of Oxnard in compliance with all provisions MAUCRSA and any subsequent State legislation.

SEC. 11-493. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

SEC. 11-494. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Oxnard. Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, any permit issued pursuant to this article being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any

other relief or remedy available at law or in equity. The City of Oxnard may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or his or her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the city, pending a hearing before the city manager, or his or her designee(s).

SEC. 11-495. PENALTIES.

Each and every violation of the provisions of this article may at the discretion of the district attorney or city attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. Each commercial cannabis business may be cited for any violation of any law and/or any rule, regulation and/or standard adoption pursuant to this article. A fine not to exceed $10,000 for the first violation, $15,000 for the second violation and revocation of the permit for a period of two years after which time the business operator would have to reapply. The fine for operating an unlicensed and/or unpermitted commercial cannabis business shall be $30,000 per day and the issuance of a notice to appear in court. Each day a violation is committed or permitted to continue shall constitute a separate offense. At the discretion of the city manager or his or her designee, higher or lower fines or penalties may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances. Aggravating factors may include, but are not limited to: prior disciplinary history, nature and severity of the act(s), violations, offenses, or crime(s) under consideration, actual or potential harm to the public, actual or potential harm to any consumer, prior warning letters, licensee involvement, premises in high crime area, lack of cooperation by licensee in investigation, appearance and actual age of minor, continuing course or pattern of conduct. Mitigating factors may include, but are not limited to: length of licensure at subject location without prior discipline problems, positive action by licensee to correct problem, documented training of licensee and employees and cooperation by licensee in investigation.

SEC. 11-496. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.

Section 2. Amend OCC Chapter 16, Article III, Division 11, Section 16-163 to read as follows:

SEC. 16-163. INDUSTRIAL LAND USES BY ZONE: INDUSTRIAL LAND USE MATRIX.

The allowed land uses in the industrial zoning districts are identified in the following table, subject to the limitations identified in the Notes Section.

Industrial Land Use Matrix						
Key: Blank: Not Allowed P: Permitted Use (Requires a Zone Clearance) SUP: Special Use Permit DDR: Development Design Review Permit						
Land Use	Zone District					
	CM	***BRP***	***M-L***	***M-1***	***M-2***	***Notes***
Administrative, executive, and/or corporate offices which are a part of a predominantly industrial operation, including governmental offices and facilities	P	P	P	P	P	
Administrative, financial, professional, medical, and general office services	P	P	SUP			
Adult businesses, except adult motels		P	P	P	P	Refer to section 16-337
Adult day care facilities	P	P				
Adult motels	P					Refer to section 16-336
Agricultural and construction vehicle sales with incidental repair and service	SUP		DDR	DDR		
Agricultural, limited to growing of crops	P	P	P	P	P	
Aircraft modification, storage, repair, and maintenance				P	P	
Aircraft sales	P	P	P	P		
Alcohol sales: on-site, off-site, and wine tasting	SUP	SUP	SUP	SUP		
Ambulance base facilities	P	P	P	P	P	
Appliance repairs	P		P	P		
Asphalt or concrete manufacture or refining					DDR	
Assembly or repair of small electrical and electronic equipment	P		P	P		
Assisted living residential facility		SUP				
Auction houses	P	P	P	P	P	
Boat building and repair				P	P	
Boiler repair and maintenance				P	P	
Book binding	P	P	P	P	P	
Bottling/canning plants			P	P	P	
Breweries, microbrew (less than 60,000 barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, craft (more than 60,000 barrels, less than 2	DDR	DDR	DDR	DDR		

million barrels). A SUP is required if including tasting rooms						
Breweries, large (more than 2 million barrels)				DDR	DDR	
Brick, tile, or terra cotta manufacture				DDR	DDR	
Business furniture, supplies, and equipment sales	P	P	P			
Cabinet or carpenter shops	P		P	P	P	
Cafeterias accessory to permitted uses for the convenience of persons employed on the premises		P	P	P	P	
Carpet, rug, and dry-cleaning plants	P		P	P	P	
Cement, glass, lime, gypsum, or plaster manufacture					DDR	
Ceramic products	P		P	P	P	
Children's day care facility serving more than 15 children	SUP	SUP				
Churches	SUP	SUP	SUP	SUP	SUP	Refer to section 16-162(B)
Coffee shops, cafes	P	P	DDR	DDR	DDR	
Cold storage facilities including agricultural freezers and ice production and sales			P	P	P	
Commercial and retail uses	P	DDR	DDR	DDR		Refer to section 16-171
Commercial Cannabis Activities						
Cultivation		DDR	DDR	DDR	DDR	Refer to sections 11-473 and 16-173
Distribution		DDR	DDR	DDR	DDR	Refer to sections 11-473 and 16-173
Manufacturing		DDR	DDR	DDR	DDR	Refer to sections 11-473 and 16-173
Retail		SUP				Refer to sections 11-473 and 16-173
Testing		DDR	DDR	DDR	DDR	Refer to sections 11-473 and 16-173
Commercial recreational and entertainment uses, such as batting cages, gymnasiums, boxing gyms, escape rooms, bowling alleys, skating rinks, and similar recreational uses as determined by the planning manager	DDR	DDR	DDR	DDR		
Computer and business machine sales and service	P	P	P			
Convenience markets and drugstores	P	DDR				
Corporate training and professional development facilities including ancillary outdoor activities	P	P	P	P	P	
Day care facilities accessory to industrial uses		DDR	DDR	DDR		

Day care facilities (over 12 children) as a principal use	DDR	DDR				
Distribution, warehousing, and wholesaling	P	P	P	P	P	
Drive-through services	SUP	SUP	SUP			
Drop forge industries					DDR	
Dwelling unit, one per establishment, for security or management when located on the premises where such person is employed in such capacity and accessory to an industrial use	DDR		DDR	DDR	DDR	
Electric motor rebuilding	P		P	P	P	
Electrical and lighting supply	P		P			
Electronic and computer repair	P	P	P			
Emergency shelter for families	SUP		P			
Emergency shelter, permanent	SUP		P			
Emergency shelter, temporary	SUP		P			
Employment agencies	P	P				
Energy generation, distribution, storage, and support facilities, including electrical and gas utilities	SUP	SUP	SUP	SUP	DDR	
Explosives, manufacture or storage					DDR	
Farmworker housing	SUP		P	P	P	
Feed sales	P		P	P		
Fertilizer manufacture					DDR	
Firearm and ammunition sales			SUP			Refer to Chapter 16, Division 19
Fish smoking, processing, curing, or canning				DDR	DDR	
Florists	P	P				
Freight classification yard, including truck and bus storage and maintenance				DDR	P	
Furniture manufacture and assembly	P		P	P	P	
Furniture upholstery shops	P		P	P		
Garbage, offal, or dead animal reduction or dumping					P	
Garment manufacturing		P	P	P	P	
Gas bulk storage, manufacturing, and distribution of flammable liquids and all gases					DDR	
General office, including legal, professional, medical, consulting, or similar	P	P				
Indoor firearm range			SUP			Refer to Chapter 16, Division 20
Iron, steel, brass, or copper foundry or fabrication plant				SUP	DDR	
Kennels and animal boarding	DDR		DDR	DDR	DDR	
Kennel day care	P		P	P	P	
Laboratories, research only		P	P			

Laundry, commercial	P		P	P	P	
Light metal fabrication (for example, sheet metal, wrought iron, and the like)	P		P	P	P	
Lumber yards with incidental sales of building and hardware supplies (outside storage)	SUP			SUP	P	
Machine shops	P		P	P	P	
Manufacture and assembly of electrical and electronic instruments, devices, and components	P	P	P	P	P	
Manufacturing and maintenance of electric neon signs	P		P	P	P	
Manufacturing, compounding assembly, or treatment of articles or merchandise from prepared materials such as, but not limited to, canvas, cloth, stones, wood products, and leather			P	P	P	
Manufacturing, compounding, processing, packaging, or treatment of food products such as, but not limited to, bakery, dairy, fruits and vegetables, and honey			P	P	P	
Marine equipment sales with incidental repair and service	P		P	P	P	
Medical product sales	P	P	P			
Medical: hospitals and medical centers		SUP				
Metals recycling and storage, including sales				SUP	DDR	
Mini-warehouses and self-storage facilities	SUP		SUP	SUP	SUP	Refer to Resolution No. 6446
Mobile home sales and display	DDR		DDR	DDR	DDR	
Motels, hotels, and convention facilities	SUP	SUP				
Multifamily Residential uses up to 30 dwelling units per acre on parcels identified in the AHD additive zone, subject to the provisions in section 16-420		SUP				
Off-site non-accessory signs or billboards					SUP	Refer to section 16-608(G)
Oilcloth or linoleum manufacture					P	
Outdoor storage or assembly as a primary use					SUP	
Outdoor storage, incidental/accessory to uses otherwise permitted			DDR	DDR	DDR	
Paint, oil, shellac, turpentine, and varnish manufacture					DDR	
Paper and pulp manufacture					DDR	
Pawnshops	SUP					
Petroleum bulk plants and distribution				SUP	DDR	
Petroleum refining					DDR	
Photographic studios and services	P	P	P			

Planning mills				SUP	DDR	
Plastic manufacture				P	P	
Plumbing supply	P		P	P		
Printing shop, lithographing, photocopying, blueprinting, and publishing	P	P	P	P	P	
Product assembly plants and production facilities primarily engaged in final or partial assembling of packaging of premanufactured, treated, or fabricated components, materials, or products	P	P	P	P	P	
Public service uses - communications, fire and police, water, and other governmental or public facilities	DDR	DDR	DDR	DDR	DDR	
Radio or television broadcasting station	P	P	P	P	P	
Railroad support services				SUP	DDR	
Recycling collection: collection recycling facility for the acceptance of materials from the public including a bulk or single-feed reverse vending machine, a kiosk unit, or a permanent building				DDR	DDR	
Recycling mobile unit: mobile recycling unit used for the collection of recycled materials including the bins, boxes, or containers for the collection of recyclable materials	DDR		DDR	DDR	DDR	
Recycling processing facility: processing facility for ferrous and non-ferrous materials including the preparation of material for efficient shipment which includes baling, briquetting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re- manufacturing. Outdoor bin storage allowed for the collection of recycled materials				SUP	SUP	
Refrigeration and air conditioning repair and service	P		P	P	P	
Research and development, experimental or developmental laboratories		P	P	P	P	
Research, development, and clinical laboratories and uses including associated incidental and outpatient clinics		P				
Restaurants and delicatessens	P	P	P	DDR	DDR	
Rock crusher or distribution of rock, sand, or gravel					DDR	
Sale of building and hardware supplies within a building	P		P	P	P	
Specialized commercial retail centers oriented toward major transportation elements such as freeways, expressways,		SUP				

and other major transportation corridors. Specialized commercial uses include promotional, discount, factory outlet, and off-price shopping centers, as well as centers that are tourist-oriented or oriented to other specialized markets. Specialized commercial uses may also include general commercial uses in special or unique settings						
Stationery and office supplies	P	P				
Supportive housing	SUP					
Taxidermist	P		P	P		
Textiles manufacturing			P	P	P	
Trade schools, public and private schools and colleges, dance, and performing arts studios	P	P	DDR			
Transitional housing	SUP					
Vehicle assembly				SUP	DDR	
Vehicle and equipment dismantling and recycling, including sale of parts and vehicles					SUP	
Vehicle rental agencies	DDR	DDR	DDR			
Vehicle repair, including engine overhaul, body and fender work, transmission, radiator repair, painting, and upholstering	P		P	P	P	
Vehicle service stations	SUP	SUP	SUP	SUP	DDR	
Vehicle storage				SUP	SUP	
Veterinarians with on-site kennels	DDR		DDR	DDR	DDR	
Veterinarians with no on-site kennels	P		P	P	P	
Welding shops			P	P	P	
Wine production facility			SUP	P	P	
Wine tasting with or without cafes		SUP	SUP	SUP		

Section 3. Amend OCC Chapter 16, Article III, Division 11, Section 16-173 to read as follows:

SEC. 16-173. DEVELOPMENT DESIGN REVIEW PERMIT REQUIRED FOR SPECIFIC COMMERCIAL CANNABIS ACTIVITIES.

(A) A commercial cannabis business for cultivating, manufacturing, testing and/or distribution of cannabis may be permitted in the business and research park (BRP) zone, the limited manufacturing (M-L) zone, the light manufacturing (M-1) zone, and the heavy manufacturing (M-2) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a development design review (DDR) permit.

(B) A commercial cannabis business for retail uses may be permitted in the business and research park (BRP) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a special use permit.

(C) A commercial cannabis business for retail uses may be permitted in the planned development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a special use permit (SUP). A commercial cannabis business for cultivating, manufacturing, testing and/or distribution of cannabis may be permitted in the planned development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a development design review (DDR) permit.

Section 4. Article XVI of Chapter 11 of the Oxnard City Code (Oxnard City Code Section 11-450 to 11-496) is hereby amended.

Section 5. This ordinance shall apply to applications for land use approvals that are filed on or after the effective date of this ordinance and to applications for land use approvals that have been filed but have not been accepted as complete as of the effective date of this ordinance.

Section 6. Cumulative Ordinance. Nothing in this Ordinance shall be interpreted to allow any land use which is not expressly listed as permitted or conditionally permitted within the City's Zoning Code.

Section 7. The City Clerk shall certify as to the adoption of this Ordinance and shall cause summary thereof to be published within fifteen calendar (15) days of the adoption and shall post a certified copy of this Ordinance, including for and against the same, in the office of the City Clerk, in accordance with Government Code Section 36933. Ordinance No. _____ was first read on _____, to become effective thirty (30) days thereafter.

[Remainder of Page Left Intentionally Blank]

PASSED AND ADOPTED this ___ day of _____ by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSED:

_____
John Zaragoza, Mayor

APPROVED AS TO FORM:

_____
Stephen M. Fischer, City Attorney

ATTEST:

_____
Rose Chaparro, City Clerk

Attachment

C. Legislative Draft of ZTA - Chapters 11 and 16, as amended by Aug. 3, 2023 Staff Report.

ARTICLE XVII. COMMERCIAL CANNABIS ACTIVITY

SEC. 11-450. PURPOSE AND INTENT.

It is the purpose and intent of this article to implement the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA") to accommodate the needs of medically-ill persons in need of and provide access to cannabis for medicinal purposes as recommended by their health care provider(s), and to provide access to adult-use for persons over the age of 21 as authorized by the Control, Regulate and Tax Adult Use Cannabis Act ("AUMA" or "Proposition 64" enacted by California voters in 2016), while imposing sensible regulations on the use of land to protect the city's residents, neighborhoods, and businesses from disproportionately negative impacts. As such, it is the purpose and intent of this article to regulate the cultivation, processing, manufacturing testing, sale, delivery, distribution and transportation of cannabis and cannabis products in a responsible manner to protect the health, safety, and welfare of the residents of the City of Oxnard and to enforce rules and regulations consistent with State law. It is the further purpose and intent of this article to require all commercial cannabis operators to obtain and renew annually a permit to operate within the City of Oxnard. Nothing in this article is intended to authorize the possession, use, or provision of cannabis for purposes that violate State or federal law. The provisions of this article are in addition to any other permits, licenses and approvals which may be required to conduct business in the city, and are in addition to any permits, licenses and approval required under State, city, or other law.

SEC. 11-451. LEGAL AUTHORITY.

Pursuant to Sections 5 and 7 of Article XI of the California Constitution, the provisions of the Medicinal and Adult Use Cannabis Regulation and Safety Act (hereinafter "MAUCRSA"), any subsequent State legislation and/or regulations regarding same, the City of Oxnard is authorized to adopt ordinances that establish standards, requirements and regulations for the licensing and permitting of commercial cannabis activity. Any standards, requirements, and regulations regarding health and safety, security, and worker protections established by the State of California, or any of its departments or divisions, shall be the minimum standards applicable in the City of Oxnard to all commercial cannabis activity.

SEC. 11-452. ~~CANNABIS CULTIVATION AND~~ COMMERCIAL CANNABIS ACTIVITIES PROHIBITED UNLESS SPECIFICALLY AUTHORIZED BY THIS ARTICLE.

Except as specifically authorized in this article, the commercial cultivation, ~~manufacture~~manufacturing, processing, storing, laboratory testing, labeling, sale, delivery, distribution or transportation (other than as provided under Cal. Bus. and Prof. Code, Section 26090(e)), of cannabis or cannabis product is expressly prohibited in the City of Oxnard.

SEC. 11-453. COMPLIANCE WITH STATE AND LOCAL LAWS.

It is the responsibility of the owners and operators of a commercial cannabis business to ensure that it is always operating in a manner compliant with all applicable State and local

laws, and any regulations promulgated thereunder. Nothing in this article shall be construed as authorizing any actions that violate federal, State law or local law with respect to the operation of a commercial cannabis business. It shall be the responsibility of the owners and the operators of the commercial cannabis business to ensure that the commercial cannabis business is, at all times, operating in a manner compliant with all applicable federal, State and local laws, including the Medicinal and Adult Use Cannabis Regulation and Safety Act ("MAUCRSA"), and any subsequently enacted State law or regulatory, licensing, or certification requirements, and any specific, additional operating procedures or requirements which may be imposed as conditions of approval of the local commercial cannabis business permit. Nothing in this article shall be construed as authorizing any actions that violate federal or State law regarding the operation of a commercial cannabis business.

SEC. 11-454. DEFINITIONS.

When used in this article, the following words shall have the meanings ascribed to them as set forth herein. Any reference to California statutes includes any regulations promulgated thereunder and is deemed to include any successor or amended version of the referenced statute or regulatory provision.

(A) A-LICENSE - A State license issued by the ~~Bureau~~Department of Cannabis Control (DCC) for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess ~~physician's recommendations~~a valid State issued medical cannabis card.

(B) A-LICENSEE - Any ~~person~~Person holding a license for cannabis or cannabis products that are intended for adults 21 years of age and over and who do not possess ~~physician's recommendations~~a state issued medical cannabis card.

(C) APPLICANT - An owner applying for a commercial cannabis business permit pursuant to this article.

(D) BATCH - A specific quantity of homogeneous cannabis or cannabis product that is one of the following types:

(1) HARVEST BATCH - A specifically identified quantity of dried flower or trim, leaves, and other cannabis plant matter that is uniform in strain, harvested at the same time, and, if applicable, cultivated using the same pesticides and other agricultural chemicals and harvested at the same time.
(2) MANUFACTURED CANNABIS BATCH - Either of the following:

(a) An amount of cannabis concentrates or extract that is produced in one production cycle using the same extraction methods and standard operating procedures.

(b) An amount of a type of manufactured cannabis produced in one production cycle using the same formulation and standard operating procedures.

(E~~) BUREAU - The Bureau of Cannabis Control within the Department of Consumer Affairs, formerly named the Bureau of Marijuana Control, the Bureau of Medical Cannabis Regulation, and the Bureau of Medical Marijuana Regulation, or its successor.~~

~~(F~~) CANNABIS - All parts of the Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. CANNABIS also means the separated resin, whether crude or purified, obtained from cannabis. CANNABIS does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this article, CANNABIS does not mean "industrial hemp" as defined by Cal. Health and Safety Code, Section 11018.5 or Cal. Food and Agricultural Code Section 81000.

(~~G~~F) CANNABIS ACCESSORIES - The same meaning as in Cal. Health and Safety Code, Section 11018.2.

(~~H) CANNABIS INNOVATION ZONE - A park or campus which is one contiguous commercial area of land which has many cannabis related businesses grouped together. Each individual business would be clearly defined, which has a unique entrance and immovable physical barriers between uniquely licensed premises.~~

~~(I~~G) CANNABIS CONCENTRATE - Cannabis that has undergone a process to concentrate one or more active cannabinoids, thereby increasing the product's potency. Resin from granular trichomes from a cannabis plant is a concentrate for purposes of this article. A cannabis concentrate is not considered food, as defined by Cal. Health and Safety Code, Section 109935, or drug, as defined by Cal. Health and Safety Code, Section 109925.

(~~J~~H) CANNABIS PRODUCT - A product containing cannabis, including, but not limited to, manufactured cannabis, - intended to be sold for use by cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5 (as the same may be amended from time-to-time) or pursuant to the Adult Use of Cannabis Act. For purposes of this article, "cannabis" does not include industrial hemp as defined by Cal. Food and Agricultural Code, Section 81000, or Cal. Health and Safety Code, Section 11018.5.

(~~K~~I) CANNABIS PRODUCTS - The same meaning as in Cal. Health and Safety Code, Section 11018.1.

(~~L~~J) CANNABIS WASTE - Any material intended for disposal that contains cannabis but is not otherwise considered a hazardous waste. Cannabis waste consisting solely of plant material shall be considered an organic waste as defined in Public Resources Code section 42649.8(d).

(K) CANOPY - The designated area(s) at a licensed premise, except nurseries that will contain mature plants at any point in time.

(1) CANOPY shall be calculated in square feet and measured using clearly identifiable boundaries of all areas(s) that will contain mature plants at any point in time, including all of the space(s) within the boundaries; and

(2) CANOPY may be non contiguous but each unique area included in the total canopy

calculation shall be separated by an identifiable boundary which include, but are not limited to: interior walls, shelves, greenhouse walls, hoop house walls, garden benches, hedgerows, fencing, garden beds or garden plots; and

(3) If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total CANOPY calculation.

(~~M~~L) CAREGIVER or PRIMARY CAREGIVER - The same meaning as that term is defined in Cal. Health and Safety Code, Section 11362.7.

(~~N~~M) CHILD RESISTANT - Designed or constructed to be significantly difficult for children under five years of age to open, and not difficult for normal adults to use properly.

(~~O~~N) CITY - The City of Oxnard including the area within the territorial city limits of the city and such territory outside of the city over which the city council has jurisdiction or control by virtue of any provision of law.

(~~P~~O) COMMERCIAL CANNABIS ACTIVITY - Includes the possession, ~~manufacture~~manufacturing, distribution, cultivation, processing, storing, laboratory testing, packaging, labeling or transportation of cannabis and cannabis products as provided for in this division.

(~~Q~~P) COMMERCIAL CANNABIS BUSINESS - Any business or operation which engages in medicinal or adult-use commercial cannabis activity.

(~~R~~Q) COMMERCIAL CANNABIS BUSINESS PERMIT - A regulatory permit required to be issued ~~by the City of Oxnard pursuant to this article~~ to a commercial cannabis business ~~and is required before any~~by the City of Oxnard prior to commercial cannabis activity ~~may be~~being conducted ~~in the city~~. Such permit cannot be issued before a Certificate of Occupancy is granted for the location at which the commercial cannabis business will be located. The initial permit and annual renewal of a commercial cannabis business permit is made expressly contingent upon the business's ongoing compliance with all of the requirements of this article and any regulations adopted by the city governing the commercial cannabis activity at issue.

(~~S~~R) CULTIVATION - Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(~~T~~S) CULTIVATION SITE - A location where cannabis is planted, grown, harvested, dried, cured, graded, or trimmed, or a location where any combination of those activities occurs.

(~~U~~T) CUSTOMER - A natural person 21 years of age or over, or a natural person 18 years of age or older who possesses a ~~physician's recommendation or a~~State issued medical ~~marijuana~~cannabis identification card.

~~(V) DAY CARE CENTER - The same meaning as in Cal. Health and Safety Code, Section 1596.76.~~

~~(W~~U) DELIVERY - The commercial transfer of cannabis or cannabis products to a customer. DELIVERY also includes the use by a retailer of any technology platform owned and controlled by the retailer.

-(X) DIRECTOR - The director of the California Department of Consumer Affairs(V) DEPARTMENT OF CANNABIS CONTROL (DCC) - The lead State agency or successor agency responsible for regulating and licensing commercial medicinal and adult use cannabis in California, which is also responsible for licensing retailers, cultivators, distributors, testing laboratories, microbusinesses, and temporary cannabis events.

(YW) DISTRIBUTION - The procurement, sale, and transport of cannabis and cannabis products between licensees.

(ZX) DISTRIBUTOR - A personPerson holding a valid commercial cannabis business permit for distribution issued by the City of Oxnard, and, a valid State license for distribution, required by State law to engage in the business of purchasing cannabis from a licensed cultivator, or cannabis products from a license manufacturer, for sale to a licensed retailer.

(AAY) DRIED FLOWER - All dead cannabis that has been harvested, dried, cured, or otherwise processed, excluding leaves and stems.

(BBZ) EDIBLE CANNABIS PRODUCT - Cannabis product that is intended to be used, orally, in whole or in part, for human consumption, including, but not limited to, chewing gum, but excluding products set forth in Cal. Food and Agricultural Code, Division 15 (commencing with Section 32501). An EDIBLE CANNABIS PRODUCT is not considered food, as defined by Cal. Health and Safety Code, Section 109935, or a drug, as defined by Cal Health and Safety Code, Section 109925. For purposes, "edible cannabis product" includes cannabis products that dissolve or disintegrate in the mouth, but does not include any product otherwise defined as "cannabis concentrate."
(CCAA) FUND - The Cannabis Control Fund established pursuant to Cal. Bus. and Prof. Code, Section 26210.

(DDBB) GREENHOUSE - A fully enclosed permanent structure that is clad in transparent material with climate control, such as heating and ventilation capabilities and supplemental artificial lighting, and that uses a combination of natural and supplemental lighting for cultivation.

(CC) INDOOR CULTIVATION - The cultivation of cannabis within a permanent structure using exclusively artificial light.

(EEDD) KIND - Applicable type or designation regarding a particular cannabis variant or cannabis product type, including, but not limited to, strain name or other grower trademark, or growing area designation.

(FFEE) LABELING - Any label or other written, printed, or graphic matter upon a cannabis product, upon its container.

(GGFF) LICENSE - A State license issued by the State and includes both an A-license and an M-license, as well as a testing laboratory license.

(HHGG) LICENSEE - Any person holding a license under this article, regardless of whether the license held is an A-license or an M-license, and includes the holder of a testing laboratory license.

(~~H~~HH) LICENSING AUTHORITY - The City of Oxnard and/or State agency responsible for the issuance, renewal, or reinstatement of the license, or the City of Oxnard and/or State agency authorized to take disciplinary action against the licensee.

(~~J~~II) LIMITED-ACCESS AREA - An area in which cannabis is stored or held and is only accessible to a licensee or permittee and authorized personnel.

(~~KK~~JJ) LIVE PLANTS - Living cannabis flowers and plants, including seeds, immature plants, and vegetative stage plants.

(~~LL~~KK) LOCAL JURISDICTION - A city, county or city and county.

(~~MM~~LL) LOCAL EQUITY APPLICANT - Applicant with at least 40% local ownership~~. To remain a local equity applicant, a minimum of 40% local ownership must be maintained~~ in the aggregate. Ownership shall not fall below 40% at any time and for the ~~entire period~~life of ~~time in which a local equity applicant has a~~the commercial cannabis business permit issued by the city. If an applicant does not obtain a commercial cannabis business permit based upon the local equity status, then that applicant shall not be deemed a local equity applicant.

(~~NN~~MM) LOCAL OWNERSHIP - Ownership interest(s) held by one or more natural persons who are a resident within the city's corporate boundaries as of the date the application is submitted and who maintain local residency at all times while their ownership interest(s) are used for qualifying as a local equity applicant for one or more commercial cannabis business permits. A minimum of 40% of cannabis ownership (in the aggregate) is required to be composed of residents of the City of Oxnard for the duration of the commercial cannabis business permit issued to the Local Equity Applicant. Factors used to determine local residency shall include (as applicable) but are not limited to the following: ownership or rental of dwelling unit within the city's corporate boundaries that is the primary residence; California driver's license with a residential address within the city's corporate boundaries that is the primary residence; voter registration at a residential address within the city's corporate boundaries that is the primary residence; residential address within the city's corporate boundaries used for filing State and federal income tax returns that is the primary residence; and the natural person does not have a homestead exemption in any jurisdiction other than within the city's corporate boundaries. ~~LOCAL OWNERSHIP~~Local ownership is subject to ongoing verification under penalty of perjury. Failure to maintain a minimum of 40% local ownership is grounds for revocation of the commercial cannabis business permit..

(~~OO~~NN) LOT - A batch or a specifically identified portion of a batch.

(~~PP~~OO) M-LICENSE - A State license issued by the State for commercial cannabis activity involving medicinal cannabis.

(~~QQ~~PP) M-LICENSEE - Any ~~person~~Person holding a license by the State for commercial cannabis activity involving medicinal cannabis.

(~~RR~~QQ) MANUFACTURE - To compound, blend, extract, infuse, or otherwise make or prepare a cannabis product.

(~~SS~~RR) MANUFACTURED CANNABIS - Raw cannabis that has undergone a process whereby the raw agricultural product has been transformed into a concentrate, extraction or other manufactured product intended for internal consumption through inhalation or

oral ingestion or for topical application.

(~~TT~~SS) MANUFACTURER - A licensee that conducts the production, preparation, propagation, or compounding of cannabis or cannabis products either directly or indirectly or by extraction methods, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis at a fixed location that packages or repackages cannabis or cannabis products or labels or container.

(~~UU~~TT) MANUFACTURING SITE - A location that produces, prepares, propagates, or compounds cannabis or cannabis products, directly or indirectly, by extraction methods, independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and is owned and operated by a person issued a valid commercial cannabis business permit for manufacturing from the City of Oxnard and, a valid State license as required for manufacturing of cannabis products.

(~~VV~~UU) MEDICINAL CANNABIS or MEDICINAL CANNABIS PRODUCT - Cannabis or a cannabis product, respectively, intended to be sold for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5, by a medicinal cannabis patient in California ~~who possesses a physician's recommendation~~.

(VV) MIXED-LIGHT CULTIVATION - The cultivation of cannabis in a greenhouse, glasshouse, conservatory, hothouse, or other similar structure using light deprivation and/or one of the artificial lighting models, excluding hoop structures.

(WW) NONVOLATILE SOLVENT - Any solvent used in the extraction process that is not a volatile solvent. For purposes of this article, a nonvolatile solvent includes carbon dioxide (CO2) used for extraction and ethanol used for extraction or post-extraction processing.

(XX) NURSERY - A licensee that produces only clones, immature plants, seeds, and other agricultural products used specifically, for the propagation and cultivation of cannabis.

(YY) OPERATION - Any act for which a license is required under the provisions of this article, or any commercial transfer of cannabis or cannabis products.

~~(ZZ~~(ZZ) OUTDOOR CULTIVATION - The cultivation of cannabis, outside of a structure, without the use of artificial lighting in the canopy area at any point in time. Cultivation within a hoop structure is considered outdoor cultivation.

(AAA) OWNER - Any of the following:

(1) ~~A person~~An individual with an ~~aggregate~~ ownership interest ~~of 20% or more~~ in the ~~person applying for a license,~~Person with the commercial cannabis business permit or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The manager of a nonprofit or other entity.

(3) A member of the board of directors ~~of a nonprofit~~.

(4) An individual who will be participating in the direction, control, or management of the business ~~applying for a license~~, or who has a financial interest in the business other than a fixed lease of real property.

(~~AAA~~BBB) PACKAGE - Any container or receptacle used for holding cannabis or cannabis

products.

(~~BBB~~CCC) PATIENT or QUALIFIED PATIENT - The same definition as Cal. Health and Safety Code, Sections 11362.7 et seq., as it may be amended, and which means a person who is entitled to the protections of Cal. Health and Safety Code, Section 11362.5.10.

(~~CCC~~DDD) PERSON - Includes any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business, business trust, receiver, syndicate, or any other group or combination acting as a unit, and the plural as well as the singular.

(~~DDD~~EEE) PERSON WITH AN IDENTIFICATION CARD - The meaning given that term by Cal. Health and Safety Code, Section 11362.7.
~~(EEE) PHYSICIAN'S RECOMMENDATION - A recommendation by a physician that a patient use cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Cal. Health and Safety Code, Section 11362.5.~~

(FFF) PREMISES - The designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee unless the operator is granted a M-license and an A-license for the same type of activity and such operation is lawful under ~~state~~State and local laws, rules and regulations.

(GGG) PROCESSING - A cultivation site that conducts only trimming, drying, curing, grading, packaging, or labeling of cannabis and ~~nonmanufactured~~non manufactured cannabis products.

(HHH) PURCHASER - The customer who is engaged in a transaction with a licensee for purposes of obtaining cannabis or cannabis products.

(III) RETAILER - A commercial cannabis business facility where cannabis, cannabis products, or devices for the use of cannabis or cannabis products are offered~~, either individually or in any combination,~~ for retail sale~~, including~~ by an ~~establishment (whether fixed or mobile) that delivers, pursuant to express authorization, cannabis and cannabis products as part of a retail sale, and where the~~ operator who holds both a valid commercial cannabis business permit from the City of Oxnard ~~authorizing the operation of a retailer~~, and a valid State license as required by State law to operate as a retailer.

(JJJ) SELL, SALE, and TO SELL - Include any transaction whereby, for any consideration, title to cannabis or cannabis products are transferred from one ~~person~~Person to another, and includes the delivery of cannabis or cannabis products pursuant to an order placed for the purchase of the same and soliciting or receiving an order for the same, but does not include the return of cannabis or cannabis products by a licensee to the licensee from whom the cannabis or cannabis product was purchased.

(KKK) STATE LICENSE - A permit or license issued by the State of California, or one of its departments or divisions, under MAUCRSA and any subsequent State of California legislation regarding the same to engage in commercial cannabis activity.

(LLL) TESTING LABORATORY - A laboratory, facility, or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following:

(1) Accredited by an accrediting body that is independent from all other persons

involved in commercial cannabis activity in the State.

(2) Licensed by the State of California.

(MMM) TOPICAL CANNABIS - A product intended for external application and/or absorption through the skin. A topical cannabis product is not considered a drug as defined by Cal. Health and Safety Code, Section 109925.
(NNN) TRANSPORT - The transfer of cannabis products from the permitted business location of one licensee to the permitted business location of another licensee, for the purposes of conducting commercial cannabis activity authorized by MAUCRSA which may be amended or repealed by any subsequent State of California legislation regarding the same.

(OOO) UNIQUE IDENTIFIER - An alphanumeric code or designation used for reference to a specific plant on a licensed premises and any cannabis or cannabis product derived or manufactured from that plant.

(PPP) VOLATILE SOLVENT - Any solvent that is or produces a flammable gas or vapor that, when present in the air in sufficient quantities, will create explosive or ignitable mixtures. Examples of VOLATILE SOLVENTS include, but are not limited to, butane, hexane, and propane.

(QQQ) YOUTH CENTER - Any public or private facility that is primarily used to host recreation or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades where ten or more video games or game machines or devices are operated, and where minors are legally permitted to conduct business, or similar amusement park facilities. It shall also include a park, playground or recreational area specifically designed to be used by children which has play equipment installed, including public grounds designed for athletic activities such as baseball, softball, soccer, or basketball or any similar facility located on a public or private school grounds, or on city, county or ~~state~~State parks. This definition shall not include any private martial arts, yoga, ballet, music, art studio or similar studio of this nature nor shall it include any private gym, athletic training facility, pizza parlor, dentist office, doctor's office primarily serving children or a location which is primarily utilized as an administrative office or facility for youth programs or organizations.

SEC. 11-455. CANNABIS EMPLOYEE PERMIT REQUIRED.

~~A request for a cannabis employee permit will only be initiated after securing a favorable recommendation for a commercial cannabis business permit. If an owner has employees at the time of submittal of the commercial cannabis business permit application, a request for a cannabis employee permit can be initiated in advance of issuance of a discretionary land use permit.~~

(A) Any person who is an employee or who otherwise works within a commercial cannabis business must be legally authorized to do so under applicable State law.

(B) Any person who is an employee or who otherwise works ~~within~~, manages or is an Owner of a commercial cannabis business must obtain a commercial cannabis employee work permit from the city ~~prior to performing any work at any commercial cannabis business~~.

(C) Applications for a commercial cannabis employee work permit shall be developed, made available, and processed by the city manager or his or her designee(s), and shall include, but not be limited to, the following information:

(1) Name, address, and phone number of the applicant;

(2) Age and verification of applicant. A copy of a birth certificate, driver's license, government issued identification card, passport or other proof that the applicant is at least 21 years of age must be submitted with the application;

(3) Name, address of the commercial cannabis business ~~where the person will be employed,~~ and the name of the primary manager of that business;

(4) A list of any crimes enumerated in Cal. Bus. and Prof. Code, Section 26057(b)(4) for which the applicant or employee has been convicted;

(5~~) Name, address, and contact person for any previous employers from which the applicant was fired, resigned, or asked to leave and the reasons for such dismissal or firing;~~

~~(6~~) The application shall be accompanied by fingerprints and a recent photograph of the applicant in a form and manner as required by the city manager or his or her designee(s);

(~~7~~6) A signed statement under penalty of perjury that the information provided is true and correct;

(~~8~~7) If applicable, verification that the applicant is a qualified patient or primary caregiver;

(~~9~~8) A fee paid in an amount set by resolution of the city council in an amount necessary to cover the costs of administering the employee work permit programs. The fee is non-refundable and shall not be returned in the event the work permit is denied or revoked.

(D) (1) The applicable city department head or his or her designee(s) shall review the application for completeness, shall conduct a background check to determine whether the applicant was convicted of a crime or left a previous employer for reasons that show the applicant:

(a) Has been convicted of a crime involving dishonesty, fraud or deceit, including but not limited to fraud, forgery, theft, or embezzlement as those offenses are defined in Cal. Penal Code, Sections 186.11, 470, 484, and 504a; or

(b) Has committed a felony or misdemeanor involving fraud, deceit, embezzlement; or

(c) Was convicted of a violent felony, a crime of moral turpitude; or
(d) The illegal use, possession, transportation, distribution or similar activities related to controlled substances, as defined in the Federal Controlled Substances Act, except for cannabis related offenses for which the conviction occurred after the passage of the Compassionate Use Act of 1996.

(2) Discovery of these facts showing that the applicant is dishonest or has been convicted of the requisite crimes are grounds for denial of the permit. Where the applicant's sentence (including any term of probation, incarceration, or supervised release) for possession of,

possession for sale, sale, manufacture, transportation, or cultivation of a controlled substance is completed, such underlying conviction shall not be the sole ground for denial of a commercial cannabis work permit. Furthermore, an applicant shall not be denied a permit if the denial is based solely on any of the following: (i) a conviction for any crime listed in subsection (D)(1)(d) above for which the applicant has obtained a certificate of rehabilitation pursuant to Cal. Penal Code, Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3, or (ii) a conviction that was subsequently dismissed pursuant to Cal. Penal Code, Sections 1203.4, 1203.4a, or 1203.41 or any other provision of State law allowing for dismissal of a conviction.

(E) The applicable department head or his or her designee(s) shall issue the commercial cannabis employee permit or a written denial to the applicant within 30 days of the date the application was deemed complete. In the event the cannabis employee work permit cannot be issued within this time period, then the city manager or his or her designee(s) may issue a temporary work permit for an employee upon completing a preliminary background check and if the business can demonstrate to the city manager or his or her designee(s) that the employee is necessary for the operation of the business. The temporary permit may be immediately revoked by the city manager or his or her designee(s) upon determination that the applicant has failed the background check or upon the issuance of the permanent work permit.

(F) An employee work permit shall be valid for a ~~12~~36-month period and must be renewed ~~on an annual basis~~every three years. Renewal applications shall contain all the information required in subsection (C) above including the payment of a renewal application fee in an amount to be set by resolution of the city council.

(G) In the event a person changes employment from one commercial cannabis business in the city to another, the work permit holder shall notify the applicable department head or his or her designee(s) in writing of the change within ten days, or the work permit shall be suspended or revoked, and such person shall not be permitted to work at any commercial cannabis business in the city.

(H) The city may immediately revoke the commercial cannabis employee permit should the permit holder be convicted of a crime listed in subsection (D) above or if facts become known to the city that the permit holder has engaged in activities showing that he or she has been convicted of a crime involving dishonesty.

(I) The city manager or his or her designee(s) is hereby authorized to promulgate all regulations necessary to implement the work permit process and requirements.

(J) The applicant may appeal the denial or revocation of a commercial cannabis employee permit by filing a notice of appeal with the city clerk within ten days of the date the applicant received the notice of denial. The city manager or his or her designee shall hear such appeal and his or her decision shall be final and not subject to further appeals.

(K) The applicable city department head or his or her designee(s) shall issue a permit in the form of a personal identification card that can be worn in a prominent and visible location. The identification card shall be maintained in good and readable condition at all times.

SEC. 11-456. MAXIMUM NUMBER AND TYPE OF AUTHORIZED COMMERCIAL CANNABIS BUSINESSES PERMITTED.

(A) The number of each type of commercial cannabis business that shall be permitted to operate in the city at any one time shall be as follows:

(1) Cannabis manufacturing - Maximum of eight (8) at any one time, with up to three permits issued to local equity applicants.

(2) Cannabis testing lab - Maximum of one (1) at any one time.

(3) Cannabis distributor - Maximum of three (3) at any one time, with up to three permits issued to local equity applicants.

(4) Cannabis retail - Maximum of sixteen (16) at any one time, with up to three permits issued to local equity applicants.

(5) Cannabis cultivation - Maximum of five (5) at any one time.

(B) This section is only intended to create a maximum number of commercial cannabis businesses that may be issued permits to operate in the city under each category. Nothing in this article creates a mandate that the city council must issue any or all of the commercial cannabis business permits.

(C) Each year following the city manager's initial award of commercial cannabis business permits, if any, or at any time at the city council's discretion, the city council may reassess the number of commercial cannabis business permits which are authorized for issuance. The city council at its discretion, may determine that the number of commercial cannabis business permits should remain the same, or be expanded.

SEC. 11-457. COMMERCIAL CANNABIS BUSINESS PERMIT; APPLICATION PROCEDURE.

(A) The city manager or his or her designee shall adopt the procedures to govern the application process, and the manner in which the decision will ultimately be made regarding the issuance of any commercial cannabis business permit(s), which shall include or require the city manager to provide detailed objective review criteria to be evaluated on a point system or equivalent quantitative evaluation scale tied to each set of review criteria ("review criteria"). The city manager or his or her designee(s) shall be authorized to prepare the necessary forms, adopt any necessary rules to the application, regulations and processes, solicit applications, and conduct initial evaluations of the applicants.

(B) At the time of filing, each applicant shall pay an application fee established by resolution of the city council, to cover all costs incurred by the city in the application process.

(C) After the initial review, ranking, and scoring under the review criteria, the city manager or his or her designee(s) will make a final determination in accordance with this section and shall either deny or approve the final candidates and shall select the top candidates in each category of the commercial cannabis businesses. Notwithstanding anything in this article to the contrary, the city manager's decision as to the selection of the prevailing candidates shall be final and shall not be subject to appeal.

(D) Official issuance of the commercial cannabis business permit(s) is conditioned upon the prevailing candidate(s) obtaining all required land use approvals and completing to the city's satisfaction all conditions of approval required for the site to be issued a certificate of

occupancy and commercial cannabis business business permit.. Following the city manager's selection of the ~~person~~Person who shall be issued a commercial cannabis business permit, the prevailing candidate(s) shall apply to the city's community development department to obtain required land use approvals or entitlements ~~for the~~pursuant to Section 16-163. A special use permit (SUP) or a development design review (DDR) permit shall be required prior to the issuance of building permits. The SUP and DDR shall expire one year after issuance if the applicant has not diligently pursued obtaining the necessary building permits and complying with the conditions of approval needed for the business to open at the approved location. The permittee's location and use approvals shall include compliance with all applicable provisions of the California Environmental Quality Act. The community development director shall formally issue the commercial cannabis business permit(s) once the community development director or his or her designee(s) affirms that all of the required land use approvals have been obtained and all required conditions of approval have been complied with.

(E) Issuance of a commercial cannabis business permit does not create a land use entitlement. The commercial cannabis business permit shall only be for a term of 12 months and shall expire at the end of the 12- month period unless it is renewed as provided herein. Furthermore, no permittee may begin operations, notwithstanding the issuance of a commercial cannabis business permit, unless all of the State and local laws and regulations, including but not limited to the requirements of this article and of the permit, have been complied with.

(F) Notwithstanding anything in this article to the contrary, the city manager reserves the right to reject any or all applications if the city manager determines it would be in the best interest of the city, taking into account any health, safety and welfare impacts on the community. Applicants shall have no right to a commercial cannabis business permit until a permit is actually issued, and then only for the duration of the permit's term. Each applicant assumes the risk that, at any time prior to the issuance of a permit, the city council may terminate or delay the program created under this article.

(G) If an application is denied, a new application may not be filed for one year from the date of the denial.

(H) Each ~~person~~Person granted a commercial cannabis business permit shall be required to pay the permit fee established by resolution of the city council, to cover the costs of administering the commercial cannabis business permit program created in this article.

(I) Preservation of rights. The city reserves the right to reject any or all applications. Prior to permit issuance by the city council, the city may also modify, postpone, or cancel any request for applications, or the entire program under this article, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under State law. Persons submitting applications assume the risk that all or any part of the program, or any particular category of permit potentially authorized under this article, may be ~~cancelled~~canceled at any time prior to permit issuance. The city further reserves the right to request and obtain additional information from any candidate submitting an application. In addition to possible rejection for failure to comply with other requirements in this article, an applicant also risks being rejected for any of the following reasons:

(1) Proposal received after designated time and date.

(2) Proposal not containing the required elements, exhibits, nor organized in the required format.

(3) Proposal considered not fully responsive to the request for permit application.

SEC. 11-458. PERSONS PROHIBITED FROM HOLDING A LICENSE OR EMPLOYEE WORK PERMIT.

Any person who has been issued any of the following actions or notices for non-compliance, shall be prohibited from holding a commercial cannabis business permit in the city, with such actions or notices also grounds for denial of a commercial cannabis business permit:

(A) The applicant has been denied a license or has had a license suspended or revoked by any city, county, city and county or any other State cannabis licensing authority;

(B) The applicant was notified that they were conducting commercial cannabis activity in non-compliance with this chapter 11 or other City of Oxnard ordinances, codes or requirements in which they failed to discontinue operating in a timely manner;

(C) Evidence that the applicant was in non-compliance of properly paying federal, State or local taxes and/or fees when notified by the appropriate agencies;
(D) The applicant was conducting commercial cannabis activity in the city in violation of local and State law.

SEC. 11-459. EXPIRATION OF COMMERCIAL CANNABIS BUSINESS PERMITS.

Each commercial cannabis business permit issued pursuant to this article shall expire 12 months after the date of its issuance. Commercial cannabis business permits may be renewed as provided in section 11-461.

SEC. 11-460. REVOCATION OF PERMITS.

Commercial cannabis business permits may be revoked for any violation of any law and/or any rule, regulation and/or standard adopted pursuant to any policy, procedure or regulation in this article.

SEC. 11-461. RENEWAL ~~APPLICATIONS~~OF COMMERCIAL CANNABIS BUSINESS PERMITS.

(A) An application for renewal of a commercial cannabis business permit shall be filed at least 60 calendar days prior to the expiration date of the current permit.

(B) The renewal application shall contain ~~all the~~the current owner and employee information, copy of the owner's State license, the city business tax certificate, and such other information as required ~~for new applications~~by the city.

(C) The applicant shall pay a regulatory compliance fee in an amount ~~to be~~ set by ~~the~~ city council ~~to cover the costs of processing the renewal permit application, together with any~~

~~costs~~resolution. The regulatory compliance fee shall not exceed the reasonable cost incurred by the city to administer the program created ~~under~~by this article. The applicant shall pay this annual fee, at the time of renewal, on a yearly basis.

(D) An application for renewal of a commercial cannabis business permit may be rejected if any of the following exists:

(1) The application is filed less than 60 days before its expiration.

(2) The commercial cannabis business permit is suspended or revoked at the time of the application.

(3) The commercial cannabis business has not been in regular and continuous operation in the four months prior to the renewal application.

(4) The commercial cannabis business has failed to conform to the requirements of this article, or of any regulations adopted pursuant to this article.

(5) The permittee fails or is unable to renew its State of California license.

(6) If the city or State has determined, based on substantial evidence, that the permittee or applicant is in violation of the requirements of this article, of the city ordinance, or of the State rules and regulations, and the city or State has determined that the violation is grounds for termination or revocation of the commercial cannabis business permit.

(E) The city manager or his or her designee(s) is authorized to make all decisions concerning the issuance of a renewal permit. In making the decision, the city manager or his or her designee(s) is authorized to impose additional conditions to a renewal permit, if it is determined to be necessary to ensure compliance with State or local laws and regulations or to preserve the public health, safety or welfare. Appeals from the decision of the city manager or his or her designee(s) shall be handled pursuant to ~~sections~~Sections 11-464 to 11-465.

(F) If a renewal application is rejected, a ~~person~~Person may file a new application pursuant to this article no sooner than one year from the date of the rejection.

SEC. 11-462. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

Suspension of a license issued by the State, or by any of its departments or divisions, shall immediately suspend the ability of a commercial cannabis business to operate within the city, until the State, or its respective department or division, reinstates or reissues the State license. Should the State, or any of its departments or divisions, revoke or terminate the license of a commercial cannabis business, such revocation or termination shall also revoke or terminate the ability of a commercial cannabis business to operate within the City of Oxnard.

SEC. 11-463. APPEALS.

Unless specifically provided elsewhere to the contrary, whenever an appeal is specifically provided for in this article, the appeal shall be conducted as prescribed in this article.

SEC. 11-464. ~~WRITTEN REQUEST FOR~~ APPEAL OF DECISION OF CITY MANAGER OR PLANNING COMMISSION.

(A) Within ten calendar days after the date of a decision of the city manager or his or her designee(s) to revoke, or suspend, or to add conditions to a permit, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.

(B) Within ~~ten~~ eighteen calendar days after the date of a decision of the planning commission to approve a special use permit pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper.
(C) At the time of filing, the appellant shall pay the designated appeal fee in an amount, established by resolution of the city council.

(D) Appeals shall be conducted in accordance with Section 16-465.

SEC. 11-465. APPEAL HEARING.

(A) Upon receipt of the written appeal pursuant to ~~section~~Section 11-464, the city clerk shall set the matter for a hearing before the city council. The city council shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city.

(B) The appeal shall be held within a reasonable time after the filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the city council shall be final.

SEC. 11-466. APPEAL ~~FROM~~OF DECISION OF COMMUNITY DEVELOPMENT DIRECTOR.

(A) Within ten calendar days after the date of a decision of the community developer director pursuant to this article, an aggrieved party may appeal such action by filing a written appeal with the city clerk setting forth the reasons why the decision was not proper. At the time of filing, the appellant shall pay the designated appeal fee, established by resolution of the city council.

(B) Upon receipt of the written appeal pursuant to subsection (A), the city clerk shall set the matter for a hearing before the planning commission. The planning commission shall hear the matter de novo and shall conduct the hearing pursuant to the procedures set forth by the city. The appeal shall be held within a reasonable time after filing the appeal, but in no event later than 90 days from the date of such filing. The city shall notify the appellant of the time and location at least ten days prior to the date of the hearing.

(C) At the hearing, the appellant may present any information they deem relevant to the decision appealed. The formal rules of evidence and procedure applicable in a court of law shall not apply to the hearing. The decision of the planning commission shall be final.

SEC. 11-467. CHANGE IN LOCATION; UPDATED REGISTRATION FORM.

Any time the location of a commercial cannabis business or retailer specified in the regulatory permit is proposed to be changed, the applicant shall be required to first secure a new commercial cannabis business permit, and discretionary land use permit for the new location before moving to that location, with such approvals subject to terminating the commercial cannabis business permit at the existing location so there is no net increase in the number of cannabis business permits issued within the city. The process and the fees shall be the same as for a new facility and in accordance with the regulations specified in this article. No proposed change in location shall be considered until such time as the original location has first been opened for business for a minimum of one year consistent with the requirement of the city's regulations.

SEC. 11-468. TRANSFER OF CANNABIS BUSINESS PERMIT.

(A) The holder of a cannabis business permit shall not transfer ownership or control of the permit to another person unless and until the transferee obtains an amendment to the permit from the city manager or his or her designee stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the city manager or his or her designee in accordance with all provisions of this article (as though the transferee were applying for an original cannabis business permit) accompanied by a transfer fee in an amount set by resolution of the city council (or if not set, shall be the same amount as the application fee), and the city manager or his or her designee determines, after hearing, in accordance with this section that the transferee passed the background check required for permittees and meets all other requirements of this article. The decision of the city manager is final. For the purposes of this subsection (A) "control" shall be deemed to be the aggregate transfer of 40% or more of the ownership of the permit.

(B) Commercial cannabis business permits issued through the grant of a transfer by the city manager or his or her designee shall be valid for a period of one year beginning on the day the city manager or his or her designee approves the transfer of the permit. Before the transferee's permit expires, the transferee shall apply for a renewal permit in the manner required by this article.

(C) Changes in ownership of a permittee business structure or a substantial change in the ownership of a permittee business entity (i.e.~~,~~ changes that result in a cumulative change of more than ~~51~~40% of the original ownership) must be approved by the city manager or his or her designee through the transfer process contained in subsection (A). Failure to comply with this provision is grounds for permit revocation.

(D) ~~(1)~~ A permittee may change the form of business entity without applying to the city manager or his or her designee for a transfer of permit, provided that ~~either:~~

~~(a) The~~the membership of the new business entity is substantially similar to original permit holder business entity (at least ~~51~~60% of the membership is identical)~~, or~~

~~(b) If the original permittee is an unincorporated association, mutual or public benefit corporation, agricultural or consumer cooperative corporation and subsequently transitions to or forms a new business entity as allowed under the MAUCRSA provided that the board of directors (or in the case of an unincorporated association, the individual(s) listed on the city permit application) of the original permittee entity are the same as the new business entity~~.

~~(2) Although a transfer is not required in these two circumstances, the~~ The permit holder ~~is required to~~shall notify the city manager in writing of the change within ten days of the change. Failure to comply with this provision is grounds for permit revocation.

(E) No commercial cannabis business permit may be transferred when the city manager or his or her designee has notified the permittee that the permit has been or may be suspended or revoked.

(F) Any attempt to transfer a commercial cannabis business permit either directly or indirectly in violation of this section is hereby declared void, and such a purported transfer shall be deemed a ground for revocation of the permit.

(G) Notwithstanding any language in this section to the contrary, no transfer of a local equity ownership interest in a business that obtained its commercial cannabis business permit as a local equity applicant shall be allowed if such proposed transfer would reduce the local equity interest in the commercial cannabis business to a level below that required for a local equity applicant.

SEC. 11-469. CITY BUSINESS TAX CERTIFICATE.

Prior to commencing operations, a commercial cannabis business shall obtain a City of Oxnard business tax certificate, pursuant to article I.

SEC. 11-470. BUILDING PERMITS AND INSPECTION.

Prior to commencing operations, a commercial cannabis business shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any required building permit(s), the fire department approvals, health department approvals and other zoning and discretionary land use permit(s) and approvals.

SEC. 11-471. CERTIFICATION FROM THE COMMUNITY DEVELOPMENT DIRECTOR.

Prior to submittal of a commercial cannabis business permit ~~application, a certification~~, the applicant shall obtain a zoning clearance (ZC) and zoning verification letter (ZVL) from the community development director or his or her designee(s) certifying that the business is located on a site that meets all of the requirements of chapter 16 and this article ~~shall be obtained~~. A fee shall be established by city council resolution for submittal and processing

of this certification.

SEC. 11-472. RIGHT TO OCCUPY AND TO USE PROPERTY.

(A) As a condition precedent to the city's issuance of a commercial cannabis business permit pursuant to this article, any ~~person~~Person intending to open and to operate a commercial cannabis business shall provide sufficient evidence of the legal right to occupy and to use the proposed location. In the event the proposed location will be leased from the property owner, the applicant shall be required to provide a signed and notarized statement from the owner of the property acknowledging that the property owner has read this article and consents to the operation of the commercial cannabis business on the owner's property.

(B) The lease, sublease or other agreement to occupy the property must be at fair market value and not have any terms or conditions for the permittee to pay the property owner, commercial broker, or any third party a percentage of gross receipts, royalties, equity, or other unreasonable compensation as determined by the city. In addition, all leases, subleases, or other agreements must be based on a monthly rate.

SEC. 11-473. LOCATION AND DESIGN OF CANNABIS BUSINESSES.

Specific types of commercial cannabis businesses are subject to the following zoning and locational requirements:

(A) All cannabis manufacturing, testing, and distribution businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements stipulated in this article. Manufacturing, testing, and distribution facilities are conceptually permitted ~~on property must be located~~ on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP), as well as auto sales and service, business park, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Manufacturing, testing, and/or distribution facilities may also be located in the following specific plan areas subject to relevant specific plan requirements: Northeast Community Specific Plan, Sakioka Farms, Camino Real Business Park, McInnes Ranch Business Park Specific Plan, and Northfield Seagate Business Park Specific Plan.

(B) Cultivation is conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP). Cultivation may also be located in the following areas subject to relevant specific plan requirements: Sakioka Farms Business Park Specific Plan; McInnes Ranch Business Park Specific Plan; Arcturus Ave.; Northfield & Seagate Business Park Specific Plan; Channel Island Business Center; and Statham Business Park.

(~~B~~C) All cannabis retail dispensary businesses have been conceptually identified on land use maps, with actual siting subject to land use siting criteria and buffer requirements as stipulated in this subsection (~~B~~C). Retailers are conceptually permitted in property zoned neighborhood shopping center (C-l), neighborhood shopping center planned development (C-l-PD), general commercial (C-2), general commercial planned development (C-2-PD), coastal neighborhood commercial (CNC), and commercial planned development (CPD),

business park, retail commercial, and commercial manufacturing zones within the Rose Santa Clara Corridor Specific Plan. Retail dispensaries may also be located in the following specific plan areas subject to relevant specific plan requirements: RiverPark - commercial office, commercial convention, and commercial regional, Sakioka Farms, and Camino Real Business Park.

(~~C~~D) Compliance with any specific plan requirements.

(~~D~~E) The property on which any commercial cannabis business is located must also meet all of the following distance requirements:

(1) It shall be no closer than 600 feet of any of the following:

(a) Any school providing instruction in kindergarten or any grades 1 through 12, whether public, private, or charter, including pre-school, transitional kindergarten, and K-12.

(b) A commercial daycare center licensed by the city or county that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(c) A youth center that is in existence at the time the license is issued, unless the State licensing authority or the city specifies a different radius.

(2) The distance specified in this subsection shall be the horizontal distance measured in a straight line from the property line of the identified use to the closest property line of the lot on which the cannabis use is located without regard to intervening structures.

(~~E~~F) Each proposed commercial cannabis business use shall:

(1) Conform with the city's general plan, any applicable specific plans, master plans, and design requirements.

(2) Comply with all applicable zoning, and specific plan requirements, and related development standards.

(3) Be constructed in a manner that minimizes odors to surrounding uses, and promotes quality design and construction, and consistency with the surrounding properties.

(4) Be adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and all items required for the development.
(5) Be served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use will generate.

(6) Be provided with adequate electricity, sewerage, disposal, water, fire protection (sprinkler and alarm; retrofit when determined necessary by the fire marshal) and storm drainage facilities for the intended purpose.

SEC. 11-474. LIMITATIONS ON CITY'S LIABILITY.

To the fullest extent permitted by law, the City of Oxnard shall not assume any liability whatsoever with respect to having issued a commercial cannabis business permit pursuant to this article or otherwise approving the operation of any commercial cannabis business.

As a condition to the approval of any commercial cannabis business permit, the applicant shall be required to meet all of the following conditions before they can receive the commercial cannabis business permit:

(A) They must execute an agreement, in a form approved by the city attorney, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the City of Oxnard and its officers, officials, employees, representatives, and agents harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to the city's issuance of the commercial cannabis business permit, the city's decision to approve the operation of the commercial cannabis business or activity, the process used by the city in making its decision, or the alleged violation of any federal, State or local laws by the commercial cannabis business or any of its officers, employees or agents.

(B) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate from time to time by the city manager.

(C) Reimburse the City of Oxnard for all costs and expenses, including but not limited to legal fees and costs and court costs, which the City of Oxnard may be required to pay as a result of any legal challenge related to the city's approval of the applicant's commercial cannabis business permit, or related to the city's approval of a commercial cannabis activity. The City of Oxnard may, at its sole discretion, participate at its own expense in the defense of any such action, but such participation shall not relieve any of the obligations imposed hereunder.

SEC. 11-475. ~~[RESERVED]~~ CANNABIS DELIVERY FROM OUTSIDE THE CITY.

(A) Cannabis delivery from outside the city is only allowed from state licensed operators who meets the following requirements:

(1) First obtain an Oxnard Business Tax Certificate;

(2) Provide the City with a copy of the State license issued by the Department of Cannabis Control that authorizes such deliveries; and

(3) During delivery into the city, the delivery driver from the state licensed operator displays the following information in each delivery vehicle at all times: (a) A copy of a City of Oxnard Business Tax Certificate.

(b) A copy of a State license issued by the Department of Cannabis Control. (B) Cannabis deliveries from within the city are only allowed from city licensed commercial cannabis retailers.

SEC. 11-476. RECORDS AND RECORDKEEPING.

(A) Each owner and operator of a commercial cannabis business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities. On no less than an annual basis (at or before the time of the renewal of a commercial cannabis business permit issued pursuant to this article), or at any time upon reasonable request of the city, each commercial cannabis business shall file a sworn statement detailing the number of sales by the commercial cannabis business during the previous 12-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include

gross sales for each month, and all applicable taxes paid or due to be paid. On an annual basis, each owner and operator shall submit to the city a financial audit of the business's operations conducted by an independent certified public accountant. Each permittee shall be subject to a regulatory compliance review and financial audit as determined by the city manager or his or her designee(s).

(B) Each owner and operator of a commercial cannabis business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the commercial cannabis business, and separately of all the officers, managers, employees, agents and volunteers currently employed or otherwise engaged by the commercial cannabis business. The register required by this paragraph shall be provided to the city manager or his or her designee(s) upon a reasonable request.

(C) All commercial cannabis businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the growing and production or manufacturing, laboratory testing and distribution processes until purchase as set forth MAUCRSA.

(D) Each commercial cannabis business shall allow the city to have access to the businesses books, records, accounts, together with any other data or documents relevant to its permitted commercial cannabis activities, for the purpose of conducting an audit or examination. Books, records, accounts, and any and all relevant data or documents will be produced no later than 24 hours after receipt of the city's request, unless otherwise stipulated by the city. The city may require the materials to be submitted in an electronic format that is compatible with the city's software and hardware.

SEC. 11-477. OPERATIONAL STANDARDS.

(A) A permitted commercial cannabis business shall implement sufficient security measures to deter and prevent the unauthorized entrance into areas containing cannabis or cannabis products, and to deter and prevent the theft of cannabis or cannabis products at the commercial cannabis business. Except as may otherwise be determined by the city manager or his or her designee(s), these security measures shall include, but shall not be limited to, all of the following and are considered in addition to the best practices identified in the guidelines for issuance of a cannabis business permit and/or conditions imposed as part of the discretionary land use permit approval:

(1) Alarm system (perimeter, fire, and panic buttons).

(2) Remote monitoring of alarm systems by licensed security professionals and first responders (Knox box, etc.).

(3) Perimeter lighting systems (including motion sensors) for after-hours security.

(4) Perimeter security and lighting as approved by the police chief, community development department or his or her designee.

(5) Preventing individuals from remaining on the premises of the commercial cannabis business if they are not engaging in an activity directly related to the permitted operations of the commercial cannabis business.

(6) Establishing limited access areas accessible only to authorized commercial cannabis business personnel.

(7) Plan for cash handling as relevant to manufacturing, testing, and distribution operations.

(8) Except for live growing plants which are being cultivated at a cultivation facility, all cannabis and cannabis products shall be stored in a secured and locked vault or vault equivalent. All safes and vaults shall be compliant with Underwriter Laboratories burglary-resistant and fire-resistant standards. All cannabis and cannabis products, including live plants that are being cultivated, shall be kept in a manner as to prevent diversion, theft, and loss.

(9) Installing 24-hour security surveillance cameras of at least HD-quality to monitor all entrances and exits to and from the premises, all interior spaces within the commercial cannabis business which are open and accessible to the public, all interior spaces where cannabis, cash or currency, is being stored for any period of time on a regular basis and all interior spaces where diversion of cannabis could reasonably occur. All cameras shall record in color. All exterior cameras shall be in weatherproof enclosures, shall be located so as to minimize the possibility of vandalism, and shall have the capability to automatically switch to black and white in low light conditions. The commercial cannabis business shall be responsible for ensuring that the security surveillance camera's footage is remotely accessible by the city manager or his or her designee(s), and that it is compatible with the city's software and hardware. In addition, remote and real-time, live access to the video footage from the cameras shall be provided to the city manager or his or her designee(s). Video recordings shall be maintained for a minimum of 90 days and shall be made available to the city manager or his or her designee(s) upon request. Video shall be of sufficient quality for effective prosecution of any crime found to have occurred on the site of the commercial cannabis business, and shall be capable of enlargement via projection or other means. Internet protocol address information shall be provided to the Oxnard police department by the commercial cannabis business, to facilitate remote monitoring of security cameras by the department or its designee.

(10) Sensors shall be installed to detect entry and exit from all secure areas, and shall be monitored in real time by a security company licensed by the State of California Bureau of Security and Investigative Services.

(11) Panic buttons shall be installed in all commercial cannabis businesses with direct notification to Oxnard police department dispatch, and shall be configured to immediately alert dispatch for the Oxnard police department.

(12) Having a professionally installed, maintained, and monitored real-time alarm system by a security company licensed by the State of California Bureau of Security and Investigative Services.

(13) Any bars installed on the windows or the doors of the commercial cannabis business shall be installed only on the interior of the building.

(14) Security personnel shall monitor premises in accordance with a security plan as authorized by the city manager or his or her designee(s), and must have a verified response security patrol when closed. Security personnel must be licensed by the State of California Bureau of Security and Investigative Services personnel and shall be subject to the prior review and approval of the city manager or his or her designee(s), with such approval not to be unreasonably withheld. Firearms may be carried by security personnel while they are on duty if authorized by the police chief.

(15) Each commercial cannabis business shall have the capability to remain secure during a power outage and shall ensure that all access doors are not solely controlled by an electronic access panel to ensure that locks are not released during a power outage.

(16) Entrance areas are to be locked at all times and under the control of a designated responsible party that is either: (a) an employee of the commercial cannabis business; or (b) a licensed security professional.

(17) Each commercial cannabis business shall have an accounting software system in place to provide point of sale data as well as audit trails or both product and cash, where applicable.

(18) Each commercial cannabis business shall demonstrate to the police chief, city manager or their designees compliance with the State's track and trace system for cannabis and cannabis products, as soon as it is operational.

(19) Each commercial cannabis business shall have state of the art network security protocols in place to protect computer information and all digital data.

(20) Exterior vegetation shall be planted, altered and maintained in a fashion that precludes its use as a hiding place for persons on the premises.

(B) Each commercial cannabis business shall identify a designated security representative/liaison to the City of Oxnard, who shall be reasonably available to meet with the city manager or his or her designee(s) regarding any security related measures and/or operational issues. The designated security representative/liaison shall, on behalf of the commercial cannabis business, annually maintain a copy of the current security plan on the premises of the business, to present to the city manager or his or her designee upon request that meets the following requirements:

(1) Confirms that a designated manager will be on duty during business hours and will be responsible for monitoring the behavior of employees.

(2) Identifies all managers of the commercial cannabis business and their contact phone numbers.

(3) Confirms that first aid supplies and operational fire extinguishers are located in the service areas and the manager's office.

(4) Confirms that burglar, fire, and panic alarms are operational and monitored by a licensed security company 24 hours a day, seven days a week, and provides contact information for each licensed security company.

(5) Identify a sufficient number of licensed, interior and exterior security personnel who will monitor individuals inside and outside the commercial cannabis business, the parking lot, and any adjacent property under the business's control.

(6) Confirm that the licensed security personnel shall regularly monitor the parking lot and any adjacent property to ensure that these area are: (a) free of individuals loitering or causing a disturbance; (b) are cleared of employees and their vehicles one-half hour after closing.

(C) As part of the application and permitting process, each commercial cannabis business shall have a storage and transportation plan, which describes in detail the procedures for safely and securely storing and transporting all cannabis, cannabis

products, and any currency.

(D) The commercial cannabis business shall cooperate with the city whenever the city manager or his or her designee(s) makes a request, without prior notice, to inspect or audit the effectiveness of any security plan or of any other requirement of this article. Prevention fire inspectors shall be allowed access to audit buildings for fire life safety concerns on a yearly basis or as determined necessary per the fire marshal.

(E) A commercial cannabis business shall notify the city manager or his or her designee(s) within 24 hours after discovering any of the following:
(1) Significant discrepancies identified during inventory. The level of significance shall be determined by the regulations promulgated by the city manager or his or her designee(s).

(2) Diversion, theft, loss, or any criminal activity involving the commercial cannabis business or any agent or employee of the commercial cannabis business.

(3) The loss or unauthorized alteration of records related to cannabis, customers or employees or agents of the commercial cannabis business.

(4) Any other breach of security.

(F) Compliance with the foregoing requirements shall be verified by the city manager or his or her designee prior to commencing business operations. The city manager or his or her designee may supplement these security requirements once operations begin, subject to review by the city manager if requested by the business owner.

SEC. 11-478. RESTRICTION ON ALCOHOL AND TOBACCO SALES.

(A) No ~~person~~Person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages on or about the premises of the commercial cannabis business.

(B) No ~~person~~Person shall cause or permit the sale or tobacco products on or about the premises of the commercial cannabis business.

SEC. 11-479. FEES AND CHARGES.

(A) No ~~person~~Person may commence or continue any commercial cannabis activity in the city without timely paying in full all fees and charges required for the operation of a commercial cannabis activity. Fees and charges associated with the operation of a commercial cannabis activity shall be established by resolution of the city council which may be amended from time to time.

(B) All commercial cannabis businesses authorized to operate under this article shall pay all sales, use, business and other applicable taxes, and all license, registration, and other fees required under federal, State and local law. Each commercial cannabis business shall cooperate with the city with respect to any reasonable request to audit the commercial cannabis business's books and records for the purpose of verifying compliance with this section, including but not limited to a verification of the amount of taxes required to be paid during any period.

(C) Prior to operating in the city and as a condition of issuance of a regulatory permit, the operator of each cannabis facility shall enter into an operational agreement with the

city setting forth the terms and conditions under which the cannabis facility will operate that are in addition to the requirements of this article, including, but not limited to, public outreach and education, community service, payment of fees and other charges as mutually agreed, and such other terms and conditions that will protect and promote the public health, safety and welfare.

SEC. 11-480. MISCELLANEOUS OPERATING REQUIREMENTS.

(A) Commercial cannabis businesses may operate only during the hours specified in the commercial cannabis business permit issued by the city and/or as determined within the discretionary land use permit.

(B) Restriction on consumption - Cannabis shall not be consumed by any employee on the premises of any commercial cannabis business.

(C) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a commercial cannabis business permit, or on any of the vehicles owned or used as part of the commercial cannabis business. No outdoor storage of cannabis or cannabis products is permitted at any time.

(D) Reporting and tracking of product and of gross sales - Each commercial cannabis business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the commercial cannabis business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the city. The commercial cannabis business shall ensure that such information is compatible with the city's record-keeping systems. In addition, the system must have the capability to produce historical transactional data for review. Furthermore, any system selected must be approved and authorized by the city manager or his or her designee(s) prior to being used by the permittee.

(E) All cannabis and cannabis products sold, distributed or manufactured shall be cultivated, manufactured, and transported by licensed facilities that maintain operations in full conformance with the State and local regulations.

(F) Emergency contact and emergency response plan - Each commercial cannabis business shall provide the city manager or his or her designee(s) with the name, telephone number (both landline and mobile, if available) of an on-site employee or owner to whom emergency notice can be provided at any hour of the day. Each commercial cannabis business must have a fire evacuation plans, and plan to address robberies and other emergencies. Said plan shall be reviewed and approved by the fire and police chiefs or designee.

(G) Signage and notices -

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a commercial cannabis business shall conform to the requirements of the City of Oxnard regulations, including, but not limited to, seeking the issuance of a city sign permit.
(2) No signs placed on the premises of a commercial cannabis business shall obstruct any entrance or exit to the building or any window.

(3) Each entrance to a commercial cannabis business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the commercial cannabis business is prohibited.

(4) Business identification signage shall be limited to that needed for identification only and shall not contain any logos or information that identifies, advertises, or lists the services or the products offered. No commercial cannabis business shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.

(5) ~~(5)~~ Signage ~~shall not~~may be ~~directly~~internally illuminated~~, internally~~ or externally illuminated with directed and shielded downward facing lighting consistent with city regulations and the conditions of approval. All signs shall conform with Section 16-595. Signage shall not feature exposed elements.

(6)No banners (with the exception of permitted Grand-Opening Banners), flags, ~~billboards~~ or other prohibited signs may be used at any time.

(H) Minors -

(1) Persons under the age of 21 years shall not be allowed on the premises of a commercial cannabis business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this article for any ~~person~~Person to employ any person at a commercial cannabis business who is not at least 21 years of age.

(2) The entrance to the commercial cannabis business shall be clearly and legibly posted with a notice that no person under the age of 21 years of age is permitted to enter upon the premises of the commercial cannabis business, unless otherwise authorized by state law.

(I) Odor control - Odor control devices and techniques shall be incorporated in all commercial cannabis businesses to ensure that odors from cannabis are not detectable off-site. Commercial cannabis businesses shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the commercial cannabis business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the commercial cannabis business. As such, commercial cannabis businesses must install and maintain the following equipment, or any other equipment which the community development director or his or her designee(s) determine is a more effective method or technology:
(1) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(2) An air system that creates negative air pressure between the commercial cannabis businesses interior and exterior, so that the odors generated inside the commercial cannabis business are not detectable on the outside of the commercial cannabis business.

(J) Display of permit and city business tax certificate - The original copy of the commercial cannabis business permit issued by the city pursuant to this article and the city issued

business ~~license~~tax certificate shall be posted inside the commercial cannabis business in a location readily-visible to the public.

(K) Background check - Pursuant to Cal. Penal Code, Sections 11105(b)(11) and 13300(b)(11), which authorizes city authorities to access state and local summary criminal history information for employment, licensing, or certification purposes; and authorizes access to federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigation, every person listed as an owner, manager, supervisor, employee, contract employee or who otherwise works in a commercial cannabis business must submit fingerprints and other information deemed necessary by the police chief or his or her designee(s) for a background check by the City of Oxnard police department. Pursuant to Cal. Penal Code, Sections 11105(b)(11) and 13300(b)(11), which requires that there be a requirement or exclusion from employment, licensing or certification based on specific criminal conduct on the part of the subject of the record, no ~~person~~Person shall be issued a permit to operate a commercial cannabis business or a related work permit unless they have first cleared the background check, as determined by the police chief or his or her designee(s), as required by this section. A fee for the cost of the background investigation, which shall be the actual cost to the City of Oxnard to conduct the background investigation as it deems necessary and appropriate, shall be paid at the time the application for a commercial cannabis business permit is submitted.

(L) Loitering - The owner and/or operator of a commercial cannabis business shall prohibit loitering by persons outside the facility both on the premises and within 50 feet of the premises.

SEC. 11-481. OTHER OPERATIONAL REQUIREMENTS.

The city manager or his or her designee may develop other commercial cannabis business operational requirements or regulations as are determined to be necessary to protect the public health, safety and welfare. Minor changes may occur to the approved conditions of the special use permit (SUP) or a development design review (DDR) permit pursuant to Section 16-560.

SEC. 11-482. OPERATING REQUIREMENTS FOR TESTING ~~LABS~~LABORATORIES.

(A) Testing ~~labs~~ laboratories shall be required to conduct all testing in a manner pursuant to Cal. Bus. and Prof. Code, Section 26100 and shall be subject to State and local law. Each testing laboratory shall be subject to additional regulations as determined from time to time as more regulations are developed under this article and any subsequent State of California legislation regarding the same.

(B) Testing laboratories shall conduct all testing in a manner consistent with general requirements for the competence of testing and calibrations activities, including sampling using verified methods.

(C) All cannabis testing laboratories performing testing shall obtain and maintain ISO/IEC 17025 accreditation as required by the ~~Bureau~~ Department of Cannabis Control.

(D) Testing laboratories shall destroy any harvest batch whose testing sample indicates noncompliance with health and safety standards required by the ~~Bureau~~Department of

Cannabis Control unless remedial measures can bring the cannabis or cannabis products into compliance with quality standards as specified by law and implemented by the Bureau of Cannabis Control.

(E) Each operator shall ensure that a testing laboratory employee takes the sample of cannabis or cannabis products from the distributor's premises for testing required by State law and that the testing laboratory employee transports the sample to the testing laboratory.

(F) Except as provided by State law, a testing laboratory shall not acquire or receive cannabis or cannabis products except from a licensee in accordance with State law, and shall not distribute, sell, or dispense cannabis, or cannabis products, from the licensed premises from which the cannabis or cannabis products were acquired or received. All transfer or transportation shall be performed pursuant to a specified chain of custody protocol.

(G) A testing laboratory may receive and test samples of cannabis or cannabis products from a qualified patient or primary caregiver only if the qualified patient or primary caregiver presents the qualified patient's valid physician's recommendation for cannabis for medicinal purpose. A testing laboratory shall not certify samples from a qualified patient or primary caregiver for resale or transfer to another party or licensee. All tests performed by a testing laboratory for a qualified patient or primary caregiver shall be recorded with the name of the qualified patient or primary caregiver and the amount of the cannabis or cannabis products received.

(H) Approval of testing laboratories shall be through approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the planning commission pursuant to ~~section~~Section 11-466.

SEC. 11-483. OPERATING REQUIREMENTS FOR DISTRIBUTORS.

(A) A distributor shall not store non-cannabis goods or non-cannabis accessories that are to be sold to another party on any licensed premises. Additionally, a distributor shall not distribute non-cannabis goods or non-cannabis accessories at a licensed premises. For the purposes of this section, non-cannabis goods are any goods that do not meet the definition of cannabis goods as defined in Cal. Code of Regulations, Title 16, Section 5000.

(B) After taking physical possession of a cannabis goods batch, the distributor shall contact a testing laboratory and arrange for a laboratory employee to come to the distributor's licensed premises to select a representative sample for laboratory testing.

(C) A distributor shall ensure that all cannabis goods batches are stored separately and distinctly from other cannabis goods batches on the distributor's premises.

(D) The distributor shall ensure that the batch size from which the sample is taken meets the requirements of State law, specifically the testing provisions within the California Code of Regulations.

(E) A distributor or an employee of the distributor shall be physically present to observe the laboratory employee obtain the sample of cannabis goods for testing and shall ensure that the increments are taken from throughout the batch. The sampling shall be video-recorded and the recording kept available to State and local authorities for a

minimum of 180 days, pursuant to Cal. Code of Regulations, Title 16, Section 5305.

(F) A distributor shall not transport cannabis or cannabis products to a licensed retail facility until and unless it has verified that the cannabis or cannabis products have been tested and certified by a testing laboratory as being in compliance with state health and safety requirements pursuant to Cal. Code of Regulations, Sections 5705, 5710 and 5714 of Title 16.

(G) Approving of distributor shall be through the approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the planning commission pursuant to sectionSection 11-466.

SEC. 11-484. OPERATING REQUIREMENTS FOR CANNABIS MANUFACTURING: EDIBLES AND OTHER CANNABIS PRODUCTS; SALE OR DISTRIBUTION OF EDIBLE AND OTHER CANNABIS PRODUCTS.

(A) Cannabis manufacturing facilities requiring a type-6, type-7, type S, or any subsequent created manufacturing State license (using non-volatile and volatile solvents) as defined in MAUCRSA, may be permitted to operate within those zone districts as defined in the City of Oxnard code.

(B) Any compressed gases used in the manufacturing process shall not be stored on any property within the City of Oxnard in containers that exceeds the amount which is approved by the Oxnard fire department and authorized by the regulatory permit. Each site or parcel subject to a commercial cannabis business permit shall be limited to a total number of compressed gas tanks allowed on the property at any one time, as determined by the Oxnard fire department.

(C) Cannabis manufacturing facilities may use the hydrocarbons N-butane, isobutane, ethanol, propane, or heptane or other solvents or gases exhibiting low to minimal potential human-related toxicity approved by the community development department. These solvents must be of at least 99% purity and any extraction process must use them in a professional grade closed loop extraction system designed to recover the solvents and work in an environment with proper ventilation, controlling all sources of ignition where a flammable atmosphere is or may be present.

(D) If an extraction process uses a professional grade closed loop CO2 gas extraction system every vessel must be certified by the manufacturer for its safe use. The CO2 must be of at least 99% purity.

(E) Closed loop systems for compressed gas extraction systems must be used and must be commercially manufactured and bear a permanently affixed and visible serial number.

(F) Certification from an engineer licensed by the State of California, or from a State certified professional engineer or state certified industrial hygienist from another state, must be provided to the community development department for a professional grade closed loop system used by any commercial cannabis manufacturing manufacturer to certify that the system was commercially manufactured, is safe for its intended use, and was built to codes of recognized and generally accepted good engineering practices, including but not limited to:

(1) The American Society of Mechanical Engineers (ASME);

(2) American National Standards Institute (ANSI);

(3) Underwriters Laboratories (UL); or

(4) The American Society for Testing and Materials (ASTM).

(G) The certification document must contain the signature and stamp of the professional engineer and serial number of the extraction unit being certified.

(H) Professional closed loop systems, other equipment used, the extraction operation, and facilities must be approved for their use by the Oxnard fire department and meet any required fire, safety, and building code requirements specified in the California Building Reference Codes.

(I) Cannabis manufacturing facilities may use heat, screens, presses, steam distillation, ice water, and other methods without employing solvents or gases to create keef, hashish, bubble hash, or infused dairy butter, or oils or fats derived from natural sources, and other extracts.

(J) Cannabis manufacturing facilities may use food grade glycerin, ethanol, and propylene glycol solvents to create or refine extracts. Ethanol should be removed from the extract in a manner to recapture the solvent and ensure that it is not vented into the atmosphere.

(K) Cannabis manufacturing facilities creating cannabis extracts must develop standard operating procedures, good manufacturing practices, and a training plan prior to producing extracts for the marketplace.

(L) Any person using solvents or gases in a closed looped system to create cannabis extracts must be fully trained on how to use the system, have direct access to applicable material safety data sheets and handle and store the solvents and gases safely.

(M) Parts per million for one gram of finished extract cannot exceed state standards for any residual solvent or gas when quality assurance tested.

(N) Approval of manufacturing facilities shall be through approval of a development design review (DDR) permit to be issued by the community development director of the City of Oxnard. The appeal of the approval or denial of such permit shall be to the planning commission pursuant to ~~section~~Section 11-466.

SEC. 11-485. OPERATING REQUIREMENTS FOR ~~STORE FRONT/~~RETAIL FACILITIES.

(A) No more than the number of cannabis retailers authorized by ~~section~~Section 11-456 shall operate within the City of Oxnard at any one time.

(B) Approval of retail dispensaries shall be through approval of a special use permit to be issued by the planning commission pursuant to Section 16-531. The appeal of the approval or denial of such special use permit shall be to the city council pursuant to sections 11-464 and 11-465.

(C) Retailers shall verify the age and all necessary documentation of each individual to ensure the customer is not under the age of 18 years. If the potential customer is 18 to 20

years old, retailer shall confirm the customer's possession of a ~~valid doctor's recommendation and~~ state~~-~~ issued medical ~~marijuana~~cannabis card. Persons 18 to 20 years old who are unable to produce ~~either form of medical~~the necessary documentation cannot purchase cannabis legally and are to be denied admittance to the retail facility. For adult-use purchases, retailers shall verify that all customers are 21 years of age or older for the purchase of cannabis or cannabis products.

(D) Entrances into the retailer shall be locked at all times with entry strictly controlled. A "buzz-in" electronic/mechanical entry system shall be utilized to limit access to and entry to the retail area to separate it from the reception/lobby area. Individuals must show their government-issued identification~~, and, in the case of~~ or a medical~~-cannabis facilities, their physician's recommendation, or a~~ cannabis card issued pursuant to Cal. Health and Safety Code, Section 11362.71 in order to gain access into the retailer. The government-issued identification and, if applicable, doctor's recommendation or cannabis card must also be shown at the point of sale station at the time of purchase. Doctor recommendations are not to be obtained or provided at the retail location.

(E) Uniformed licensed security personnel shall be employed to monitor site activity, control loitering and site access, and to serve as a visual deterrent to unlawful activities. Security personnel may be allowed to carry firearms if authorized by the police chief.

(F) Retailers may have only that quantity of cannabis and cannabis products to meet the daily demand readily available for sale on-site in the retail sales area of the retailer. Additional product may be stored in a secured, locked area to which customers, vendors, and visitors shall not have access.

(G) All restroom facilities shall remain locked and under the control of management.

(H) Retailers authorized to conduct retail activities shall only serve customers who are within the licensed premises, or at a delivery address that meets the requirements of this subsection.

(1) The sale and delivery of cannabis goods shall not occur through a pass-through window or a slide-out tray to the exterior of the premises.

(2) Retailers shall not operate as or with a drive-in or drive-through at which cannabis goods are sold to persons within or about a motor vehicle.

(3) No cannabis shall be sold and/or delivered by any means or method to any person within a motor vehicle.

(4) All cannabis goods sold by a retailer shall be contained in child-resistant packaging.

(5) Retailers shall record point-of-sale areas and areas where cannabis goods are displayed for sale on the video surveillance system. At each point-of-sale location, camera placement must allow for the recording of the facial features of any person purchasing or selling cannabis goods, or any person in the retail area, with sufficient clarity to determine identity.

(6) A retail licensee who is engaged in retail sale shall hire or contract for security personnel who are at least 21 years of age to provide security services for the licensed retail premises. All security personnel hired or contracted for by the licensee shall be licensed by the Bureau of Security and Investigative Services and shall comply with Cal. Bus. and Prof. Code, Chapters 11.4 and 11.5 of Division 3.

(I) Access to retailer premises -

(1) Access to the premises of a retail licensee/permittee shall be limited to individuals who are at least 21 years of age.

(2) Notwithstanding subsection (I)(1) above, individuals who are at least 18 years of age and in possession of a ~~valid physician's recommendation or~~ state~~-~~ issued medical ~~marijuana~~cannabis card shall be granted access to the premises of a retail licensee/permittee for the sole purpose of purchasing medicinal cannabis ~~consistent with the physician's recommendation~~.

(J) Authorized sales - A retailer shall only sell adult-use cannabis and adult-use cannabis products to individuals who are at least 21 years of age. A retailer shall only sell medicinal cannabis or medicinal cannabis products to individuals who are at least 18 years of age, but not yet 21, if those individuals are in possession of a valid ~~physician's recommendation~~state issued cannabis card. Medicinal cannabis sales to individuals 21 years of age and older are unrestricted.

(K) Limited access areas - A retailer shall establish limited-access areas and permit only authorized individuals to enter the limited-access areas. Authorized individuals include individuals employed by the retailer as well as any outside vendors, contractors, or other individuals conducting business that requires access to the limited access area. All individuals granted access to the limited access area shall be at least 21 years of age, and if not employed by the retailer, shall be escorted at all times by an employee of the licensee/permittee. A retailer shall maintain a log of all individuals who are not employees who are granted access to the limited access area. These logs shall be made available to the police chief or the development services director upon request.

(L) Operating hours of the ~~store front~~ retailer license shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.

(M) Parking requirements shall be in accordance with chapter 16, article X of the Oxnard city code - 1 parking space per 250 square feet or as stipulated in a city traffic engineer approved parking study via a request for administrative parking relief pursuant to Section 16-651. Commercial cannabis retail businesses proposed to be located within the Downtown Specific Plan area may pay a downtown parking management in-lieu fee to meet off-street parking requirements.

(N) ~~Store front/retail~~Retail security requirements. All security measures required by section 11-477 (operational standards) are directly applicable to and binding on all commercial cannabis businesses, including all retailers.

SEC. 11-486. OPERATING REQUIREMENTS FOR RETAILERS WITH DELIVERY SERVICE.

(A) Retailers located within the city that provide delivery are required to verify the age and the necessary documentation of each medical customer to ensure the customer is not under the age of 18 years, and to verify that the potential customer has a valid ~~doctor's recommendation. Doctor recommendations are not to be obtained or provided at the retail location~~state issued cannabis card. The age verification requirement applies to both the customer and any person accepting delivery on behalf of the customer. If the latter, the individual must be at least 21 years of age.

(B~~) Operating hours of the non-store front retailer shall be limited to the hours of 9:00 a.m. through 9:00 p.m., seven days a week or a reduced duration as stipulated through the discretionary land use permit.~~

~~(C) The non-store front retailer shall only sell cannabis or cannabis products to a natural person 21 years of age or older, or a natural person 18 years of age or older who possesses a physician's recommendation for cannabis medical use only, or a cannabis card issued pursuant to Cal. Health and Safety Code Section 11362.71.~~

~~(D) The non-store front retailer may only have on-site that quantity of cannabis and cannabis products reasonably anticipated to meet the weekly demand for which they may need to be readily available for sale.~~

~~SEC. 11-487. NON-STORE FRONT RETAILER VEHICLE REQUIREMENTS.~~

~~Prior to commencing operations, a non-store front retailer shall provide the following information to the city.~~

(~~A~~) Proof of ownership of the vehicle or a valid lease for any and all vehicles that will be used to deliver cannabis or cannabis ~~products~~Products.

(~~B~~C) The year, make, model, color, license plate number, and vehicle identification number (VIN) for any and all vehicles that will be used to deliver cannabis or cannabis ~~products~~Products.

(~~C~~D) Proof of insurance as required in section 11-474(B) for any and all vehicles being used to deliver cannabis or cannabis ~~products~~Products.

(~~D~~E) The licensee shall provide the city with the information required by this section in writing for any new vehicle that will be used to deliver cannabis and/or cannabis ~~products~~Products prior to using the vehicle to deliver cannabis and/or cannabis ~~products~~Products.

(~~E~~F) The ~~commercial~~Commercial cannabis ~~business~~Business shall provide the city with any changes to the information required by this section in writing within 30 calendar days.

(G) Delivery of cannabis products originating from the City of Oxnard are not authorized except from a retailer who has obtained both the necessary city and State permits and is in full compliance with this Section.

SEC. 11-487. OPERATING REQUIREMENTS FOR CULTIVATORS.

(A) No more than the number of cannabis cultivators authorized by Section 11-456 shall operate within the city at any one time.

(B) Approval of cultivation facilities shall be through approval of a development design review (DDR) permit to be issued by the Community Development Director of the city. The appeal of the approval or denial of such permit shall be to the Planning Commission pursuant to Section 11-466.

(C) All commercial Outdoor Cultivation and Mixed-Light Cultivation of cannabis and nursery activity within the city is prohibited. It is hereby declared to be unlawful and a public nuisance for any Person owning, leasing, occupying, or having charge or possession of any parcel within any zoning district in the City of Oxnard to cause or allow such parcel to be used for the commercial outdoor cultivation of cannabis.

(D) The commercial cultivation of cannabis must occur indoors in an approved indoor cultivation facility with a valid commercial cannabis business permit from the city under this Chapter.

(E) In no case shall cannabis plants be visible from the exterior of the building.

(F) From a public right-of-way, there shall be no exterior evidence of commercial cannabis cultivation except for any signage authorized by the city. All signs shall conform with Section 16-595.

(G) Any pesticides and/or fertilizers used at the cultivation site shall be properly labeled and stored in accordance with Fire Dept. and City regulations to avoid contamination through erosion, leakage or inadvertent damage from pests, rodents or other wildlife.

(H) A commercial cannabis cultivation licensee shall comply with all applicable federal, State and local laws and regulations regarding use and disposal of pesticides and fertilizers.

(I) Each commercial cannabis cultivation licensee shall submit the following in addition to the information required to secure approval of a commercial cannabis business permit:

(1) A cultivation and operations plan shall be submitted for City review and approval which will identify the type(s) of cannabis plant to be grown (species/strain), cultivation activities and schedule of activities during each month of growing and harvesting, or explanation of growth cycles and anticipated harvesting schedules for all-season harvesting.

(2) A monthly and yearly projected water usage plan. The plan shall include water conservation and recycling measures for capture and reuse of on site water, water treatment plan and wastewater discharge plan. Said plan shall be reviewed and approved by the City. Every attempt should be made by the licensee to connect to the City's recycled water line when feasible.

(3) An energy usage and conservation plan which identifies the sources of power, projected monthly and yearly usage, and efficiency plan, including use of on site renewables.

(4) Neighborhood compatibility plan which shall address odor security, safety, and other compatibility issues which may derive from the cultivation site and as requested by the City.

(5) Floor plan identifying the location, dimensions, and boundaries of all proposed canopy areas taking into account space needed for ongoing care of plants and a description of the proposed method of physically delineating those boundaries at the

site.

(J) A permittee shall only be allowed to cultivate the square feet of canopy space permitted by State law and in the Commercial Cannabis Business Permit issued by the city for the premises.

SEC. 11-488. PROMULGATION OF REGULATIONS, STANDARDS AND OTHER LEGAL DUTIES.

(A) In addition to any regulations adopted by the city council, the city manager or his or her designee is authorized to establish any additional rules, regulations and standards governing the issuance, denial or renewal of commercial cannabis business permits, the ongoing operation of commercial cannabis businesses and the city's oversight, or concerning any other subject determined to be necessary to carry out the purposes of this article.

(B) Regulations shall be published on the city's website.

(C) Regulations promulgated by the city manager shall become effective upon date of publication. Commercial cannabis businesses shall be required to comply with all ~~state~~State and local laws and regulations, including but not limited to any rules, regulations or standards adopted by the city manager or his or her designee.

(D) Testing laboratories, distribution facilities and special events shall be subject to State law and shall be subject to additional regulations as determined from time to time as more regulations are developed pursuant to this section and any subsequent State of California legislation regarding the same.

SEC. 11-489. COMMUNITY RELATIONS.

(A) Each commercial cannabis business shall provide the name, telephone number, and email address of a community relations contact to whom notice of problems associated with the commercial cannabis business can be provided. Each commercial cannabis business shall also provide the above information to all businesses and residences located within 600 feet of the commercial cannabis business.

(B) During the first year of operation pursuant to this article, the owner, manager, and community relations representative from each commercial cannabis business holding a permit issued pursuant to this article shall attend quarterly meetings with the city manager or his or her designee(s), and other interested parties as deemed appropriate by the city manager or his or her designee(s), to discuss costs, benefits, and other community issues arising as a result of implementation of this article. After the first year of operation, the owner, manager, and community relations representative from each such commercial cannabis business shall meet with the city manager or his or her designee(s) when and as requested by the city manager or his or her designee(s).

(C) Commercial cannabis businesses to which a permit is issued pursuant to this article shall describe benefits that the cannabis business would provide to the local community, such as community contributions, volunteer services and/or economic incentives, stated in the Community Benefits Agreement.

SEC. 11-490. PERMIT HOLDER RESPONSIBLE FOR VIOLATIONS.

The person to whom a commercial cannabis business permit is issued pursuant to this article shall be responsible for all violations of the laws of the State of California or of the regulations and/or the ordinances of the City of Oxnard. whether committed by the permittee or any employee or agent of the permittee, which violations occur in or about the premises of the commercial cannabis business whether or not said violations occur within the permit holder's presence.

SEC. 11-491. INSPECTION AND ENFORCEMENT.

(A) The city manager, or his or her designee(s) charged with enforcing the provisions of the City of Oxnard code, or any provision thereof, may enter the location of a commercial cannabis business at any time, without notice, and inspect the location of any commercial cannabis business as well as any recordings and records required to be maintained pursuant to this article or under applicable provisions of State law.

(B) It is unlawful for any ~~person~~Person having responsibility over the operation of a commercial cannabis business, to impede, obstruct, interfere with, or otherwise not to allow, the city to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a commercial cannabis business under this article or under State or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a commercial cannabis business under this article or under State or local law.

(C) The city manager, or his or her designee(s) charged with enforcing the provisions of this article may enter the location of a commercial cannabis business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the City of Oxnard shall be logged, recorded, and maintained in accordance with established procedures by the City of Oxnard city manager or these regulations.

SEC. 11-492. COMPLIANCE WITH STATE REGULATIONS.

It is the stated intent of this article to regulate commercial cannabis activity in the City of Oxnard in compliance with all provisions MAUCRSA and any subsequent State legislation.

SEC. 11-493. VIOLATIONS DECLARED A PUBLIC NUISANCE.

Each and every violation of the provisions of this article is hereby deemed unlawful and a public nuisance.

SEC. 11-494. EACH VIOLATION A SEPARATE OFFENSE.

Each and every violation of this article shall constitute a separate violation and shall be subject to all remedies and enforcement measures authorized by the City of Oxnard.

Additionally, as a nuisance per se, any violation of this article shall be subject to injunctive relief, any permit issued pursuant to this article being deemed null and void, disgorgement and payment to the city for any monies unlawfully obtained, costs of abatement, costs of investigation, attorney fees, and any other relief or remedy available at law or in equity. The City of Oxnard may also pursue any and all remedies and actions available and applicable under State and local laws for any violations committed by the commercial cannabis business or persons related to, or associated with, the commercial cannabis activity. Additionally, when there is determined to be an imminent threat to public health, safety or welfare, the city manager, or his or her designee(s), may take immediate action to temporarily suspend a commercial cannabis business permit issued by the city, pending a hearing before the city manager, or his or her designee(s).

SEC. 11-495. ~~CRIMINAL~~ PENALTIES.

Each and every violation of the provisions of this article may at the discretion of the district attorney or city attorney be prosecuted as an infraction or misdemeanor and upon conviction be subject to imprisonment in the county jail for a period of not more than six months, or both such fine and imprisonment. Each commercial cannabis business may be cited for any violation of any law and/or any rule, regulation and/or standard adoption pursuant to this article. A fine not to exceed $10,000 for the first violation, $15,000 for the second violation and revocation of the permit for a period of two years after which time the business operator would have to reapply. The fine for operating an unlicensed and/or unpermitted commercial cannabis business shall be $30,000 per day and the issuance of a notice to appear in court. Each day a violation is committed or permitted to continue shall constitute a separate offense. At the discretion of the city manager or his or her designee, higher or lower fines or penalties may be recommended based on the facts of individual cases where generally supported by aggravating or mitigating circumstances. Aggravating factors may include, but are not limited to: prior disciplinary history, nature and severity of the act(s), violations, offenses, or crime(s) under consideration, actual or potential harm to the public, actual or potential harm to any consumer, prior warning letters, licensee involvement, premises in high crime area, lack of cooperation by licensee in investigation, appearance and actual age of minor, continuing course or pattern of conduct. Mitigating factors may include, but are not limited to: length of licensure at subject location without prior discipline problems, positive action by licensee to correct problem, documented training of licensee and employees and cooperation by licensee in investigation.

SEC. 11-496. REMEDIES CUMULATIVE AND NOT EXCLUSIVE.

The remedies provided herein are not to be construed as exclusive remedies. The city is authorized to pursue any proceedings or remedies provided by law.

SEC. 16-163. INDUSTRIAL LAND USES BY ZONE: INDUSTRIAL LAND USE MATRIX.

The allowed land uses in the industrial zoning districts are identified in the following table, subject to the limitations identified in the Notes Section.

Industrial Land Use Matrix
Key: Blank: Not Allowed P: Permitted Use (Requires a Zone Clearance) SUP: Special Use Permit DDR: Development Design Review Permit

Land Use	Zone District					
	CM	***BRP***	***M-L***	***M-1***	***M-2***	***Notes***
Administrative, executive, and/or corporate offices which are a part of a predominantly industrial operation, including governmental offices and facilities	P	P	P	P	P	
Administrative, financial, professional, medical, and general office services	P	P	SUP			
Adult businesses, except adult motels		P	P	P	P	Refer to section 16-337
Adult day care facilities	P	P				
Adult motels	P					Refer to section 16-336
Agricultural and construction vehicle sales with incidental repair and service	SUP		DDR	DDR		
Agricultural, limited to growing of crops	P	P	P	P	P	
Aircraft modification, storage, repair, and maintenance				P	P	
Aircraft sales	P	P	P	P		
Alcohol sales: on-site, off-site, and wine tasting	SUP	SUP	SUP	SUP		
Ambulance base facilities	P	P	P	P	P	
Appliance repairs	P		P	P		
Asphalt or concrete manufacture or refining					DDR	
Assembly or repair of small electrical and electronic equipment	P		P	P		
Assisted living residential facility		SUP				
Auction houses	P	P	P	P	P	
Boat building and repair				P	P	
Boiler repair and maintenance				P	P	
Book binding	P	P	P	P	P	

Bottling/canning plants			P	P	P	
Breweries, microbrew (less than 60,000 barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, craft (more than 60,000 barrels, less than 2 million barrels). A SUP is required if including tasting rooms	DDR	DDR	DDR	DDR		
Breweries, large (more than 2 million barrels)				DDR	DDR	
Brick, tile, or terra cotta manufacture				DDR	DDR	
Business furniture, supplies, and	P	P	P			

equipment sales						
Cabinet or carpenter shops	P		P	P	P	
Cafeterias accessory to permitted uses for the convenience of persons employed on the premises		P	P	P	P	
Carpet, rug, and dry-cleaning plants	P		P	P	P	
Cement, glass, lime, gypsum, or plaster manufacture					DDR	
Ceramic products	P		P	P	P	
Children's day care facility serving more than 15 children	SUP	SUP				
Churches	SUP	SUP	SUP	SUP	SUP	Refer to section 16-162(B)
Coffee shops, cafes	P	P	DDR	DDR	DDR	
Cold storage facilities including agricultural freezers and ice production and sales			P	P	P	
Commercial and retail uses	P	DDR	DDR	DDR		Refer to section 16-171
Commercial Cannabis Activities						
Cultivation		DDR	DDR	DDR	DDR	Refer to sections 11-473 and 16-173

Distribution		DDR	DDR	DDR	DDR	~~See section 16-173; Article XVII Chapter 11~~Refer to sections 11-473 and 16-173
Manufacturing		DDR	DDR	DDR	DDR	~~See section 16-173; Article XVII Chapter 11~~Refer to sections 11-473 and 16-173
Retail		SUP				~~See section 16-173; Article XVII Chapter 11~~Refer to sections 11-473 and 16-173
Testing		DDR	DDR	DDR	DDR	~~See section 16-173; Article XVII Chapter 11~~Refer to sections 11-473 and 16-173
Commercial recreational and entertainment uses, such as batting cages, gymnasiums, boxing gyms, escape rooms, bowling alleys, skating rinks, and similar recreational uses as determined by the planning manager	DDR	DDR	DDR	DDR		
Computer and business machine sales and service	P	P	P			
Convenience markets and drugstores	P	DDR				
Corporate training and professional development facilities including ancillary outdoor activities	P	P	P	P	P	
Day care facilities accessory to industrial uses		DDR	DDR	DDR		
Day care facilities (over 12 children) as a principal use	DDR	DDR				

Distribution, warehousing, and wholesaling	P	P	P	P	P	
Drive-through services	SUP	SUP	SUP			
Drop forge industries					DDR	
Dwelling unit, one per establishment, for security or management when located on the premises where such person is employed in such capacity and accessory to an industrial use	DDR		DDR	DDR	DDR	
Electric motor rebuilding	P		P	P	P	
Electrical and lighting supply	P		P			
Electronic and computer repair	P	P	P			
Emergency shelter for families	SUP		P			
Emergency shelter, permanent	SUP		P			
Emergency shelter, temporary	SUP		P			
Employment agencies	P	P				
Energy generation, distribution, storage, and support facilities, including electrical and gas utilities	SUP	SUP	SUP	SUP	DDR	
Explosives, manufacture or storage					DDR	
Farmworker housing	SUP		P	P	P	
Feed sales	P		P	P		
Fertilizer manufacture					DDR	
Firearm and ammunition sales			SUP			Refer to Chapter 16, Division 19
Fish smoking, processing, curing, or canning				DDR	DDR	
Florists	P	P				
Freight classification yard, including truck and bus storage and maintenance				DDR	P	
Furniture manufacture and assembly	P		P	P	P	

Furniture upholstery shops	P		P	P		
Garbage, offal, or dead animal reduction or dumping					P	
Garment manufacturing		P	P	P	P	
Gas bulk storage, manufacturing, and distribution of flammable liquids and all gases					DDR	
General office, including legal, professional, medical, consulting, or similar	P	P				
Indoor firearm range			SUP			Refer to Chapter 16, Division 20
Iron, steel, brass, or copper foundry or fabrication plant				SUP	DDR	
Kennels and animal boarding	DDR		DDR	DDR	DDR	
Kennel day care	P		P	P	P	
Laboratories, research only		P	P			
Laundry, commercial	P		P	P	P	
Light metal fabrication (for example, sheet metal, wrought iron, and the like)	P		P	P	P	
Lumber yards with incidental sales of building and hardware supplies (outside	SUP			SUP	P	

storage)						
Machine shops	P		P	P	P	
Manufacture and assembly of electrical and electronic instruments, devices, and components	P	P	P	P	P	
Manufacturing and maintenance of electric neon signs	P		P	P	P	
Manufacturing, compounding assembly, or treatment of articles or merchandise from prepared materials such as, but not limited to, canvas,			P	P	P	

cloth, stones, wood products, and leather						
Manufacturing, compounding, processing, packaging, or treatment of food products such as, but not limited to, bakery, dairy, fruits and vegetables, and honey			P	P	P	
Marine equipment sales with incidental repair and service	P		P	P	P	
Medical product sales	P	P	P			
Medical: hospitals and medical centers		SUP				
Metals recycling and storage, including sales				SUP	DDR	
Mini-warehouses and self-storage facilities	SUP		SUP	SUP	SUP	Refer to Resolution No. 6446
Mobile home sales and display	DDR		DDR	DDR	DDR	
Motels, hotels, and convention facilities	SUP	SUP				
Multifamily Residential uses up to 30 dwelling units per acre on parcels identified in the AHD additive zone, subject to the provisions in section 16-420		SUP				
Off-site non-accessory signs or billboards					SUP	Refer to section 16-608(G)
Oilcloth or linoleum manufacture					P	
Outdoor storage or assembly as a primary use					SUP	
Outdoor storage, incidental/accessory to uses otherwise permitted			DDR	DDR	DDR	
Paint, oil, shellac, turpentine, and varnish manufacture					DDR	
Paper and pulp manufacture					DDR	
Pawnshops	SUP					
Petroleum bulk plants and distribution				SUP	DDR	
Petroleum refining					DDR	
Photographic studios and services	P	P	P			

Planning mills				SUP	DDR	
Plastic manufacture				P	P	
Plumbing supply	P		P	P		
Printing shop, lithographing, photocopying, blueprinting, and publishing	P	P	P	P	P	
Product assembly plants and production facilities primarily engaged in final or	P	P	P	P	P	

partial assembling of packaging of premanufactured, treated, or fabricated components, materials, or products						
Public service uses - communications, fire and police, water, and other governmental or public facilities	DDR	DDR	DDR	DDR	DDR	
Radio or television broadcasting station	P	P	P	P	P	
Railroad support services				SUP	DDR	
Recycling collection: collection recycling facility for the acceptance of materials from the public including a bulk or single-feed reverse vending machine, a kiosk unit, or a permanent building				DDR	DDR	
Recycling mobile unit: mobile recycling unit used for the collection of recycled materials including the bins, boxes, or containers for the collection of recyclable materials	DDR		DDR	DDR	DDR	
Recycling processing facility: processing facility for ferrous and non-ferrous materials including the preparation of material for efficient shipment which includes baling, briquetting, flattening, grinding, crushing, mechanical sorting, shredding, cleaning, and re manufacturing. Outdoor bin storage allowed for the collection of recycled materials				SUP	SUP	

Refrigeration and air conditioning repair and service	P		P	P	P	
Research and development, experimental or developmental laboratories		P	P	P	P	
Research, development, and clinical laboratories and uses including associated incidental and outpatient clinics		P				
Restaurants and delicatessens	P	P	P	DDR	DDR	
Rock crusher or distribution of rock, sand, or gravel					DDR	
Sale of building and hardware supplies within a building	P		P	P	P	
Specialized commercial retail centers oriented toward major transportation elements such as freeways, expressways, and other major transportation corridors. Specialized commercial uses include promotional, discount, factory outlet, and off-price shopping centers, as well as centers that are tourist-oriented or oriented to other specialized markets. Specialized commercial uses may also include general commercial uses in special or unique settings		SUP				

Stationery and office supplies	P	P				
Supportive housing	SUP					
Taxidermist	P		P	P		
Textiles manufacturing			P	P	P	
Trade schools, public and private schools and colleges, dance, and performing arts studios	P	P	DDR			
Transitional housing	SUP					
Vehicle assembly				SUP	DDR	

Vehicle and equipment dismantling and recycling, including sale of parts and vehicles					SUP	
Vehicle rental agencies	DDR	DDR	DDR			
Vehicle repair, including engine overhaul, body and fender work, transmission, radiator repair, painting, and upholstering	P		P	P	P	
Vehicle service stations	SUP	SUP	SUP	SUP	DDR	
Vehicle storage				SUP	SUP	
Veterinarians with on-site kennels	DDR		DDR	DDR	DDR	
Veterinarians with no on-site kennels	P		P	P	P	
Welding shops			P	P	P	
Wine production facility			SUP	P	P	
Wine tasting with or without cafes		SUP	SUP	SUP		

SEC. 16-173. DEVELOPMENT DESIGN REVIEW PERMIT REQUIRED FOR SPECIFIC COMMERCIAL CANNABIS ACTIVITIES.

(A) A commercial cannabis business for cultivating, manufacturing, testing and/or distribution of cannabis may be permitted in the business and research park (BRP) zone, the limited manufacturing (M-L) zone, the light manufacturing (M-1) zone, and the heavy manufacturing (M-2) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a development design review (DDR) permit.

(B) A commercial cannabis business for retail uses may ~~by~~be permitted in the business and research park (BRP) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a special use permit.

(C) A commercial cannabis business for retail uses may be permitted in the planned development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a special use permit (SUP). A commercial cannabis business for cultivating, manufacturing, testing and/or distribution of cannabis may be permitted in the planned development (additive) zone, provided that the owner has first obtained a commercial cannabis business permit pursuant to article XVI, chapter 11 of the Oxnard city code and a development design review (DDR) permit.

Attachment

D. VCAPCD Letter dated July 6, 2023.

Ventura County
Air Pollution
Control District

4567 Telephone Rd
Ventura, California 93003

tel 805/303-4005
fax 805/456-7797
www.vcapcd.org

Ali Reza Ghasemi, PE
Air Pollution Control Officer

VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT
Memorandum

TO: City of Oxnard Planning Commission

DATE: July 6, 2023

FROM: Nicole Collazo, Air Quality Specialist, VCAPCD Planning Division NC

SUBJECT: Public Comment for City of Oxnard Planning Commission's July 6, 2023 meeting, Re: Agenda Item F3

Ventura County Air Pollution Control District (APCD) would like to submit a public comment on Agenda Item F3, the proposed Cannabis Zoning Text Amendments, for the City of Oxnard's (City) Planning Commission hearing on July 6, 2023.

APCD and other nearby air districts have been following closely how cannabis operations are being permitted in various jurisdictions, particularly processing and manufacturing operations, due to the high potential of odor impacts and public nuisance concerns. Public nuisance for air pollution is defined in the California Health and Safety Code Section 41700 as "*no person can discharge air contaminants that cause injury, nuisance or annoyance to any considerable number of persons or the public, or discharge air contaminants that endanger the comfort, health or safety of such persons*.". As a result, this has been codified into APCD Rule 51, *Nuisance*, which most commonly pertain to considerable and verifiable dust and odor complaints. Cannabis operations are also typically permitted with APCD for emergency diesel-powered generators, boilers/water heaters, and solvents containing reactive organic compounds used in the extraction/manufacturing process. Note- odors from the growing and harvesting of cannabis and hemp are considered agricultural operations and therefore exempt from odor enforcement and permitting requirements, per CA Health and Safety Code Section 41705, *Emission Limitations*, and APCD Rule 51, *Nuisance*.

While we understand that this item before your commission today is an amendment to an existing cannabis ordinance, of which we were not consulted on for odor and permitting requirements as it pertains to APCD when first adopted, we would like to make a good-faith effort to recommend changes to either existing or proposed cannabis ordinance language, in order to be consistent with APCD requirements and to reduce the potential for odor complaints from any nearby sensitive receptors. We submit the following recommendations.

1) Section 11-473, Location and Design of Cannabis Business. We respectfully request the setback distance for schools to be revised to 1,000 feet, in order to be consistent with California Health and Safety Code 42301.6, which requires public notice for air pollution applications if within 1,000 feet of a school. The setback distance should also apply to other sensitive receptors, such as residences. The California Health and Safety Code defines sensitive receptors as hospitals, schools,

and day care centers. APCD, however, also includes residences for the purposes of CEQA and assessing air quality impacts of discretionary development, and for complaint purposes.

2) Section 11-484 Operating Requirements for Cannabis Manufacturing: Edibles and Other Cannabis Products; Sale or Distribution of Edible and Other Cannabis Products. The use of solvents, such as those containing N-butane, isobutane, ethanol, propane, heptane, or any other volatile organic compound (VOC), requires an APCD Permit to Operate, unless an exemption is found in APCD Rules and Regulations. Such an exemption should be approved by the APCD's Engineering Division. Please include this requirement in Section 11-484. Applicants should call the APCD Engineering Division at 805-303-3683 or email engineering@vcapcd.org prior to construction and/or operation of solvents requiring a permit to operate from the air district. As previously mentioned, other operations, such as the use of boilers and fossil-fueled engines may also need an APCD permit. It is best to also add a new requirement to "check in" with APCD during the permit issuance process with City divisions to ensure the proper permits are issues prior to construction and installation and avoid risk of a notice of violation of APCD Rule 10, *Permits Required*.

3) We recommend the following new requirement, possibly under Section 11-478, Miscellaneous Operating Requirements, or Section 11-484:

"All electricity (except for emergency power) shall be obtained from a commercial electric utility service. Fossil fuel-fired electrical generators shall only be used as emergency power."

This appears to be included in the cannabis ordinances adopted by Santa Barbara County and City of Goleta. There are known health risks from diesel engine use, such as exposure to diesel particulate matter (DPM), which is considered a toxic air contaminant (TAC) and captures up to 80% of the overall cancer risk from mobile sources in California. In addition, if the cannabis operation is "non-growing" and an APCD permit is required, our Engineering Division would require grid electricity as Best Available Control Technology, or BACT. Note- Even if the operation is exclusively for the growing of the cannabis crop (agricultural), an air permit would be required if diesel engine emissions exceed thresholds in APCD Rule 23.J.16, *Exemptions from Permit*. Therefore, it is best if ordinance does not allow the use of prime (non-emergency) diesel-powered engines.

Thank you for the opportunity to comment on your commission's agenda item. Should you have any questions, you may contact me at nicole@vcapcd.org.

cc: John Harader, Supervising Air Quality Engineer, Engineering Division, APCD (via email)

Attachment

E. Aug. 3, 2023 Staff Presentation.

Amendments to Chapters 11 and 16 of the Oxnard City Code and Commercial Cannabis Cultivation Regulations

Planning and Zoning (PZ) Permit No. 23-580-02

Kathleen Mallory, Planning & Sustainability Manager
Matthew Simpkins, Management Analyst
Community Development Department

Planning Commission
August 3, 2023

CITY OF OXNARD CALIFORNIA

Overview and Background

- Purpose of item is to:
  - Present proposed Zone Text Amendments (ZTA's) to Chapters 11 and 16 to address changes needed as a result of implementation of the City's existing cannabis regulations; and
  - Create new regulations to permit indoor commercial cannabis cultivation in up to six (6) locations in the City.
- Item continued from July 6th meeting due to receipt of two comments, one comment letter, and one error that necessitated the need to continue the item and release an updated version of the proposed ordinance.

Analysis

- Aug. 3rd staff report addresses comments received after publication of the July 6th staff report and provides recommended changes to the proposed Chapters 11 and 16.
- Comment letter from Ventura County Air Pollution Control District
- Changes to the proposed Ord. as follows:
  - Section 11-487(I)(2) - Operating Requirements for Cultivators
  - Section 11-473(B) - Modify Identified Locations where Indoor Commercial Cannabis Cultivation is Permitted Consistent with Committee Direction

Analysis

- Comment letter from Ventura County Air Pollution Control District received July 6th.
  - Changing definition of sensitive use and boundary
  - Adding requirements or “check in” with VCAPCD; and not allowing generators (with the exception of an emergency).
- Staff response:
  - 2019, the Oxnard City Council made the decision to utilize the State’s 600-feet buffer requirement.
  - *The City would apply a standard condition of approval that requires an applicant to “check in” with VCAPCD. This check in will also enable VCAPCD to ensure that gasoline powered generators are not permitted.*

Analysis

- Two additional Chapter 11 changes:
  - Section 11-487(I)(2) - Add Language to the Operating Requirements for Cultivators (Minor change - requested by City Public Works Dept.):

"A monthly and yearly projected water usage plan. The plan shall include water conservation and recycling measures for capture and reuse of on site water, ~~and~~ water treatment plan <u>and wastewater discharge plan</u>. Said plan shall be reviewed and approved by the City. <u>Every attempt should be made by the licensee to connect to the City's recycled water line when feasible".</u>

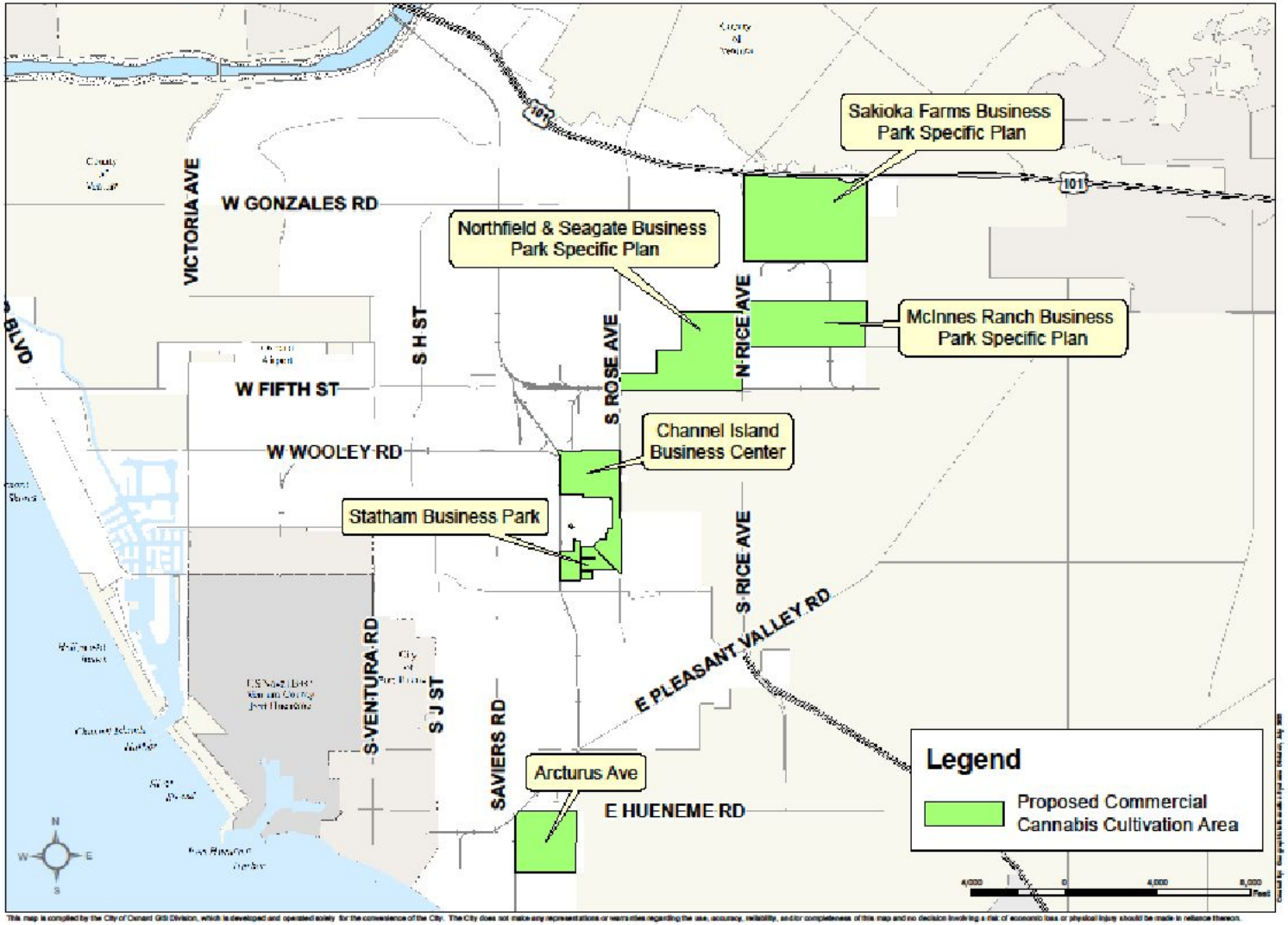
Analysis

- Two additional Chapter 11 changes, continued:
  - Section 11-473(B) - Modify Identified Locations where Indoor Commercial Cannabis Cultivation is Permitted Consistent with July 24, 2023 Committee Direction (legislative format):

"Cultivation is conceptually permitted on property zoned limited manufacturing (ML), light manufacturing (M1), heavy industrial (M2), and business and research park (BRP). Cultivation may also be located in the following ~~specific plan~~ areas subject to relevant specific plan requirements: ~~Northeast Community Specific Plan~~, Sakioka Farms Business Park Specific Plan; ~~Camino Real Business Park~~, McInnes Ranch Business Park Specific Plan; Arcturus Ave.; ~~and~~ Northfield & Seagate Business Park Specific Plan; Channel Island Business Center; and Statham Business Park."

2023 Proposed Cultivation Locations

Proposed Commercial Cannabis Cultivation Locations



Next Steps

- Ordinance changes will be presented to City Council in September 2023.
- With approval of the indoor commercial cannabis cultivation regulations, Staff will begin preparing application paperwork and develop the review protocol.
- The process to secure indoor cannabis cultivators is envisioned to take approximately 12 months.

Recommendation

That the Planning Commission:

a) Open the public hearing and receive public testimony.

b) Adopt Resolution 2023-XX recommending that the City Council approve amendments to the OCC pertaining to regulation of cannabis manufacturing, distribution, testing, and retail dispensaries; and an amendment to OCC Chapters 11 and 16 to allow up to five (5) indoor commercial cannabis cultivators in six (6) identified areas of the City.

CITY OF
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Questions?