

MINUTES
OXNARD PLANNING COMMISSION
June 16, 2022

A. ROLL CALL

1. At 6:00 p.m., the regular meeting of the Oxnard Planning Commission convened in the Council Chambers.
2. Chair Chavez, Vice Chair Arruejo, Commissioners Connelly, Lopez, Sanchez and Nash were present. Commissioner Meyer was absent.
3. Staff members present were: Joe Pearson II, Interim Planning & Environmental Services Manager; Randy Baez, Associate Planner; Vyto Adomaitis, Community Development Director; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist; and Roy Solis, Office Assistant II.
4. Chair Chavez presided and called the meeting to order.

B. PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES

1. Commissioner Lopez led the pledge of allegiance

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. No public comments were received for items not on the agenda.

D. CONSENT AGENDA

1. None

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. None of the Planning Commissioners had any ex parte communications to report for Item F-1, F-2, and F-3.

F. PUBLIC HEARING

1. **Project Name: Villa Ristorante Alcohol Special Use Permit- PLANNING AND ZONING (PZ) PERMIT** No. 22-510-02 (Special Use Permit - Alcohol); located at 1601 South Victoria Avenue, Suite 160-B (APN: 188-0-272-205). A request to sell beer, wine and distilled spirits (Type 47 ABC License) for on-site consumption at a proposed 3,423 square-foot restaurant (Villa Ristorante) with two outdoor patios measuring approximately 350 square-feet each on a 2.6-acre site within the Coastal Planned Unit Community (CPC) zone. The applicant is requesting that alcohol sales and consumption be allowed from 7:00 AM to 1:00 AM. The project is exempt from environmental review pursuant to Section

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in a meeting, you should contact the office of the City Clerk at (805) 385-7803. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to the meeting.

Written materials relating to an item on this agenda that are distributed to the Planning Commission within 72 hours before the item is to be considered at its regularly scheduled meeting will be made available for public inspection at 214 South C Street, during customary business hours.

15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Matthew Olufs, Designated Agent, on behalf of property owner Seabridge Partners, P.O. Box 15928, Beverly Hills, CA 90209.

City Staff: Randy Baez, Associate Planner

Recommendation: That the Planning Commission:

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b. Adopt 2022-27 approving Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions.

Randy Baez provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/DT9idSvfeDw>

City staff, including: Randy Baez, Associate Planner; Joe Pearson II, Interim Planning & Environmental Services Manager; Vyto Adomaitis, Community Development Director; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist, were available for questions.

The applicant team, Matt Olufs (Compass First, Inc. and The Law Office of Matthew Olufs) and Andy Lowe (Business Owner) did not provide a presentation and were available for questions.

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

Public verbal comment was received from Jim Gilmer for Item F-1.

Public written comment was received from Matt Olufs prior to the meeting this comment was distributed to the Planning Commission, summarized at the meeting, and made available to the public at the meeting.

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

Discussion ensued among the Commissioners and staff, including support for allowing the sale of alcoholic beverages in their original containers and not requiring the cash register to be secured to the bar; ABC restrictions on alcohol sales hours; Traffic and parking management in the shopping center; expects the restaurant will be a success based on owners other restaurants.

MOTION:

Commissioner Nash moved and Commissioner Lopez seconded a motion to Find the Project to be Categorically Exempt from

environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and Adopt Resolution 2022-27 approving Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol), subject to certain findings and conditions with the inclusion of the following edits:

1. The Recitals shall be edited to add the following:
 - a. WHEREAS, on June 16, 2022, the Planning Commission of the City of Oxnard ("Planning Commission") conducted a duly notice public hearing to consider an application for Planning and Zoning Permit No. 22-510-02 (Special Use Permit - Alcohol), filed by Matthew Olufs in accordance with Section 16-530 through 16-553 of the Oxnard City Code and City Council Resolution No. 11,896; and
2. Condition numbers 15, 22, 24, 39, 53, and 59 shall be edited as follows:
 - a. 15. Sales of alcohol may only occur between the hours of 7:00 A.M. and 11:00 P.M. Consumption of alcohol shall end by 12 a.m. (midnight) (see provision for extension of service hours in "Special Conditions", Condition #66) (PL/PD)
 - b. 22. Permittee shall offer an assortment of food items to customers at all times that alcohol is being served. A menu of food items, including appetizers, entrees and desserts, shall be available at up to at least half an hour before the stoppage of alcohol sales, or 10:30 p.m. all times that alcohol is available for sale least half an hour before the stoppage of alcohol sales, or 10:30 p.m., and employees will encourage guests to purchase and consume food items along with their alcoholic beverages, as part of its commitment to responsible beverage service. Prior to this time the menu shall not be reduced in number or substance at any time alcohol is being served other than for reasonable, unforeseen reasons (lack of product...). Any changes or replacements to the proposed product offering shall be of a similar or greater quantity and any permanent reduction of menu items is prohibited. (PD)
 - c. 24. Alcohol shall be served in containers that are distinct from the beverage cups or containers used for coffee or other non-alcoholic beverages shall be served in standard sizes that are consistent with the industry and shall not be served by the pitcher or similar high-capacity containers exceeding 25 oz. total. The sale or service of alcohol in their original container (bottle or can) is prohibited, except for containers for beer and wine. The design of containers for the service of alcoholic beverages shall be approved by the Chief of Police or his designee.

- d. ~~39. All sales of alcohol must include a purchase of food. Sales of alcoholic beverages shall be incidental to the sale of food. Employees shall make a good faith effort to ensure that all customers are being served alcoholic beverages are also on the premises for the purpose of consuming food items. (PD)~~
 - e. ~~53. This provision may be waived under a "Special Event Letter" as outlined under Police Special Conditions. Entertainment as defined by Oxnard City Ordinance 11-185 is prohibited except music which creates ambiance consistent with the normal operation of the business. Performers, televised events and other types of entertainment intended to attract customers to the business are prohibited.~~
 - f. ~~59. A bar service window within the building footprint is allowed as long as alcoholic beverages are stored out of reach of customers in the patio side of the window. There shall not be any outdoor or patio bar (portable or otherwise) where alcoholic beverages are stored or served. (PD)~~
3. Condition numbers 18, 21, and 43 shall be deleted:
- a. ~~18. The business shall have a grease interceptor as required by the Wastewater Division.~~
 - b. ~~21. The premises shall be equipped and maintained in good faith as a bona fide eating establishment and shall possess, in operative condition, such conveniences for cooking and storage of foods such as stoves, ovens, broilers, refrigeration or other devices, as well as pots, pans or containers which can be used for cooking or heating foods on the type of heating device employed. The dining area shall possess the necessary utensils, table service, and the condiment dispensers with which to serve meals to the public. (PL/PD)~~
 - c. ~~43. A copy of these conditions and a log of employees who have completed Responsible Beverage Service training must be maintained on the premises and made available upon the demand of by any representative of the Oxnard Police Department.~~
4. Add a condition after Condition #53:
- a. 54. When security personnel are present or required per Oxnard City Code, Permittee shall maintain accurate records of all security personnel on the premises at any given time and make those available to the police upon demand. These records shall, at a minimum, provide the name, date of birth, copies of security guard credentials or license and any other permits or certifications related to security work. This would include copies of permits for weapons or other tools the guard may be authorized to carry. Security personnel shall remain in compliance with updated training related to their work as set

forth by any existing or future state and/or local regulations.
(PD)

5. Remaining Conditions to be renumbered.

VOTE:

Chair Chavez, and Commissioners Connelly, Lopez, Sanchez, and Nash voted in favor. Vice Chair Arruejo voted against. The motion carried 5:1:1:0:0¹. Commissioner Meyer was absent.

2. **Project Name: El Rio Market Alcohol Special Use Permit- PLANNING AND ZONING (PZ) PERMIT No. 21-510-03 (Special Use Permit - Alcohol);** located at 2585 East Vineyard Avenue (APN: 132-0-043-190). A request for approval of a Special Use Permit (SUP) to sell beer, wine, and distilled spirits for off-sale consumption (Alcohol Beverage Control (ABC) License Type 21) at an existing 2,115 square-foot commercial suite within a 13,247 square-foot building for an existing convenience store/market on a 0.84-acre site located at 2585 North Vineyard Avenue (APN: 132-0-043-190) within the General Commercial - Planned Development (C-2-PD) zone. Alcohol sales shall be limited to 7:00 a.m. to 12:00 a.m. daily. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of the California Environmental Quality Act (CEQA) Guidelines. Filed by Ted Barnes, Designated Agent, on behalf of property owner Anh Gurfield, TR, 2318 Fox Hills Drive #202, Los Angeles, CA 90064.
City Staff: Randy Baez, Associate Planner

Recommendation: That the Planning Commission:

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and
- b. Adopt Resolution 2022-28 approving Planning and Zoning Permit No. 21-510-03 (Special Use Permit - Alcohol), subject to certain findings and conditions.

Randy Baez provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda:<https://youtu.be/38WHOD7AOG4>

City staff, including: Randy Baez, Associate Planner; Joe Pearson II, Interim Planning & Environmental Services Manager; Vyto Adomaitis, Community Development Director; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist, were available for questions.

The applicant Ted Barnes did not provide a presentation and was available for questions.

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

¹ In Favor: Against: Absent: Abstain: Recused

No public verbal or written comment was received for Item F-2.

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

MOTION:

Vice-Chair Arruejo moved and Commissioner Connelly seconded the motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and Adopt Resolution 2022-28 approving Planning and Zoning Permit No. 21-510-03 (Special Use Permit - Alcohol), subject to certain findings and conditions with the inclusion of the following edits:.

1. Condition number 44 shall be edited as follows:

- a. 44. Alcohol sales shall be limited to 76 a.m. to 12 a.m. ~~(midnight)~~. If the business operates during hours beyond 76 a.m. to 12 a.m. ~~(midnight)~~ all displays and refrigerators containing alcoholic beverages shall be secured with an approved locking system during the hours when alcohol sales is prohibited so as to prevent customer access to these products.

VOTE:

Chair Chavez, Vice Chair Arruejo, and Commissioners Connelly, Lopez, Sanchez, and Nash voted in favor. The motion carried 6:0:1:0:0². Commissioner Meyer was absent.

3. **Project Name: Mountain Mike's Pizza Alcohol Special Use Permit- PLANNING AND ZONING (PZ) PERMIT No. 22-510-01 (Special Use Permit - Alcohol);** located at 1105 South Victoria Avenue (APN: 188-0-250-245). A request to sell beer and wine (Type 41 ABC License) for on-site consumption at a proposed 2,420 square-foot restaurant (Mountain Mike's Pizza) with an outdoor patio measuring approximately 300 square-feet on a 2.92-acre site located at 1105 South Victoria Avenue (APN: 188-0-250-245) within the Coastal Planned Unit Community (CPC) zone. The proposed standard hours of alcohol sales and consumption are from 11:00 AM to 11:00 PM. The project is exempt from environmental review pursuant to Section 15301 (Existing Facilities), Class 1 of CEQA Guidelines. Filed by Bobby Singh, Designated Agent, on behalf of property owner ROIC California, LLC., 11250 El Camino Real, Ste. 200, San Diego, CA 92130.

City Staff: Randy Baez, Associate Planner

Recommendation: That the Planning Commission:

- a. Find the Project to be Categorically Exempt from environmental review pursuant to the

² In Favor: Against: Absent: Abstain: Recused

California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and

- b. Adopt Resolution 2022-29 approving Planning and Zoning Permit No. 22-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions.

Randy Baez provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: <https://youtu.be/xfMekYpikr0>

City staff, including: Randy Baez, Associate Planner; Joe Pearson II, Interim Planning & Environmental Services Manager; Vyto Adomaitis, Community Development Director; Ken Rozell, Chief Assistant City Attorney; Scott Swenson, Safer Neighborhoods & Alcohol Compliance Specialist, were available for questions.

The applicant Bobby Singh did not provide a presentation and was available for questions.

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

No public verbal or written comment was received for Item F-3.

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

MOTION:

Vice-Chair Arruejo moved and Commissioner Dr. Lopez seconded the motion to Find the Project to be Categorically Exempt from environmental review pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15301 (Existing Facilities); and Adopt Resolution 2022-29 approving Planning and Zoning Permit No. 22-510-01 (Special Use Permit - Alcohol), subject to certain findings and conditions.

VOTE:

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

G. STUDY SESSION/REPORTS

1. None.

H. PLANNING COMMISSION BUSINESS

1. Commissioner Nash recommended that the Planning Commission present a letter of appreciation to prior Planning and Environmental Services Manager Scott Kolwitz.

³ In Favor: Against: Absent: Abstain: Recused

2. Commissioner Dr. Lopez stated he was appreciative of his fellow commissioners and staff. Congratulations to the youth promoting or graduating today. Impressed by the Oxnard Police Department helping out with the graduations. Stated that the Commission should consider a Accessory Dwelling Unit (ADU) study session at a future meeting, as it has become a hot topic in the community.
3. Chair Chavez supported having a future ADU study session and a Brown Act regulations update. June 17, 2022 is dump the pump day, so local transit agencies will be offering free rides to promote transit use.

I. COMMUNITY DEVELOPMENT STAFF UPDATES

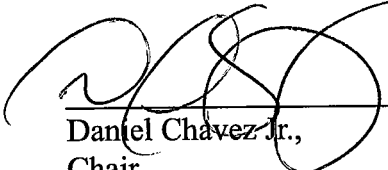
1. Vyto Adomaitis, Community Development Director thanked Roy Solis and Joe Pearson II for coordinating running the meeting and commented that the State of the City event would be occurring the following day on June 17, 2022.
2. Joe Pearson II, Interim Planning & Environmental Services Manager announced:
 - a. The South Oxnard Aquatic Center will be going to Community Workshops on June 29 and August 1, 2022 at South Oxnard Center. Information is posted on the City website.
 - b. The Climate Action and Adaptation Plan (CAAP) study session will be coming to the Planning Commission.

J. ADJOURNMENT

1. At 7:27 p.m., the Planning Commission concurred to adjourn.

FUTURE MEETINGS

Regular Meeting: Thursday, July 7, 2022, 6:00 p.m., Council Chambers



Daniel Chavez Jr.,
Chair

ATTEST _____
Joe Pearson II,
Interim Planning & Environmental Services Manager

