OXNARD PLANNING COMMISSION
Thursday, October 19, 2023

A. ROLL CALL

1. At 6:00pm the Oxnard Planning Commission convened in the Oxnard Chambers.
2. Chair Arruejo, Vice Chair Dr. Stewart, Commissioners Chavez, Dr. Lopez, Nash and Zielsdorf were present. Commissioner Connelly was absent.
3. Staff members present were: Joe Pearson II, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; Serena Gonzalez, Assistant Planner; and Miriam Loera, Administration Services Specialist.
4. Chair Arruejo presided and called the meeting to order.

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

1. Commissioner Chavez

C. PUBLIC COMMENTS - On Items Not On The Agenda

1. None

D. CONSENT AGENDA

1. None

E. EX PARTE DECLARATIONS FOR PUBLIC HEARING ITEMS

1. Chair Arruejo made a site visit to the appellants home to view the proposed location of the hot tub.

F. PUBLIC HEARING

1. **Project Name: Appeal of 1215 Capri Way Amendment**; PLANNING AND ZONING PERMIT No. 23-400-01 (Coastal Development Permit); Located at 1215 Capri Way (APN 191-0-091-285; Lot 57 of Tract No. 4380). Appeal of the Community Development Director's decision to deny a request for a Coastal Development Permit (CDP) Amendment in order to remove the condition that prohibits a rooftop spa and allow for the placement of a spa on the existing roof deck of a beachfront single-family residence. The project site is a 5,284 square-foot beachfront home within the Oxnard Shores Neighborhood in the Beachfront Residential (R-BF) zoning district and the Coastal Zone. The proposed project is exempt from environmental review, pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved") of the California Environmental Quality Act. Filed by property owner Ben and Michelle Mandelbaum.

City Staff: Serena Gonzalez, Assistant Planner

Recommendation: That the Planning Commission:

a. Find the Project to be Statutorily Exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and

b. Adopt a Resolution 2023-33 denying the Appeal and upholding the Community Development Director's Denial of Planning and Zoning Permit No. 23-400-01 (Coastal Development Permit).

Serena Gonzalez, Assistant Planner provided the required Measure M pre-recorded presentation video outlining the request which was posted with the agenda: https://youtu.be/xn6NsjSmnSQ

City Staff and Consultants Including: Joe Pearson, Planning & Environmental Services Manager; Ken Rozell, Chief Assistant City Attorney; and Serena Gonzalez, Assistant Planner were available for questions.

The applicant team including: Fred Gaines, Gary Rosen, Ben Mandelbaum, and Michelle Mandelbaum gave a presentation and were available for questions.

MAIN MOTION:

Commissioner Nash moved and Vice Chair Dr. Stewart seconded the motion to increase the speaking of the applicant time from default of ten minutes to twelve minutes.

AMENDMENT TO THE MAIN MOTION:

Vice Chair Stewart moved and Commissioner Nash seconded a motion to amend the main motion to increase the speaking time of the applicant from default time of ten minutes to fifteen minutes.

AMENDMENT TO THE MAIN MOTION VOTE:

Vice Chair Stewart, Commissioners Dr. Lopez, Nash and Zielsdorf voted in favor. Chair Arruejo and Commissioner Chavez voted against. Commissioner Connelly was absent. The motion carried 4:2:1:0:0[1].

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

MAIN MOTION VOTE:

Vice Chair Stewart, Commissioners Dr. Lopez, Nash and Zielsdorf voted in favor. Chair Arruejo and Commissioner Chavez voted against. Commissioner Connelly was absent. The motion carried 4:2:1:0:0[2]

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

Verbal comments were received by public speakers in favor of the appeal project: Sol Majer, Jeff Weiss, Rabbi Dov Muchnik, Soloman Goldner, Brian Dror, Daniel Voss, Ari Goldner, Perri Leftkowitz, AJ Mandelbaum, Fred Cervantez and Gary Rosen, Bob Yurik, Sienna Marie Cesna and Jesus Torres.

Verbal comments were received by public speakers against the project: David Lavfer, Walter Hagedohm, Diane Delaney

MOTION:

Commissioner Nash moved and Vice Chair Dr. Stewart seconded the motion to have Mr. Walter Haghadon and before Diane Delaney and increase the speaking time of Diane Delaney from default of three minutes to five minutes.

MOTION VOTE:

Vice Chair Stewart, Commissioners Dr. Lopez, Nash and Zielsdorf voted in favor. Chair Arruejo and Commissioner Chavez voted against. Commissioner Connelly was absent. The motion carried 4:2:1:0:0[3]

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

Verbal comments and questions were received by the Chair and Commissioners regarding safety, deed restrictions, religious freedom, alternative locations for the hot tub, location of other hot tubs in the area, noise, permit violations, privacy, and dispute between neighbors.

Discussion ensued among the Commissioners and staff about several topics, including: fairness of the Commissioners, public speakers participation, hot tub, appeal process, existing restriction on hot tub placement, history of violations on the property.

MOTION:

Commissioner Chavez moved and Commissioner Nash seconded the motion to find the Project to be Statutorily Exempt from the requirements of the

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

California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15270 ("Projects Which are Disapproved"); and adopt Resolution 2023-33 denying the Appeal and upholding the Community Development Director's Denial of Planning and Zoning Permit No. 23-400-01 (Coastal Development Permit).

MOTION VOTE:

Chair Arruejo, Vice Chair Stewart, Commissioners Chavez, Nash and Zielsdorf voted in favor. Commissioner Dr. Lopez voted against. Commissioner Connelly was absent. The motion carried 5:1:1:0:0[4]

F. STUDY SESSION/REPORTS

1. None

G. PLANNING COMMISSION BUSINESS

1. Commissioner Dr. Lopez commented on exceptions of processes and following policies.
2. Commissioner Chavez agreed with Dr. Lopez on remaining on a path and sticking to the processes in place for Planning Commission Meetings. He also announced that tonight would be his last night as a commissioner due to him running for City Council.
3. Vice Chair Dr. Stewart spoke about supporting the Brow Act but also being consistent with meeting processes and policies.
4. Commissioner Nash thanked staff and the City Attorney for their support. He thanked Commissioner Chavez for his service as a Commissioner.
5. Chair Arruejo thanked Commissioner Chavez for his service as a Commissioner.

H. COMMUNITY DEVELOPMENT STAFF UPDATES

1. Joe Pearson II thanked Commissioner Chavez for his service as a Commissioner and spoke about the Planning Commission bylaws and about items for the November 2nd meeting.

I. ADJOURNMENT

1. At 8:30 pm., the Planning Commission concurred to adjourn.

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

FUTURE MEETINGS

Regular Meeting: Thursday, November 2, 2023, 6:00 p.m, Oxnard Chambers

Ronald Arruejo,
Chair

ATTEST
Joe Pearson II,
Planning & Environmental Services Manager