

PLANNING COMMISSION*STAFF REPORT*

DATE: October 24, 2022

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department – Planning Division

SUBJECT: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP21-00010) AND A WAIVER OF LOCATIONAL CRITERIA FOR A CANNABIS DISTRIBUTION FACILITY WITHIN AN EXISTING STRUCTURE LOCATED AT 1629 ORD WAY – HERB GIRL DISTRIBUTION – APPLICANT: HERB GIRL, INC.

RECOMMENDATION

Staff recommends that the Planning Commission, by motion:

1. Adopt Planning Commission Resolution No. 2022-P28, recommending City Council approval of a Conditional Use Permit (CUP21-00010) and a Waiver of Locational Criteria for a proposed cannabis distribution facility at 1629 Ord Way and recommending City Council certification of a Class 1 Categorical Exemption per the California Environmental Quality Act (CEQA), Article 19, Section 15301 "Existing Facilities."

PROJECT DESCRIPTION AND BACKGROUND

Site Review & Background: The business proposes to use an existing industrial building at 1629 Ord Way. The property has a General Plan Land Use designation of Light Industrial (LI) and is zoned Limited Industrial (IL). The surrounding zoning is IL to the north, east, and west and residential to the south, see Exhibit 1 below. The site is separated from residential zones by Oceanside Boulevard, Loma Alta Creek, and the Sprinter rail line. The site is located within the Peacock Neighborhood Planning Area. The building is part of an industrial park approved and constructed in the early 2000s.

On April 11, 2018, the City Council adopted Ordinance 18-0R0199-1 to allow, subject to certain requirements and limitations, commercial medical cannabis businesses, (excluding dispensaries) in specific industrial and agricultural zoning districts, subject to the issuance of a Local License pursuant to Chapter 7, Article XIII of the City Code and approval of a conditional use permit (CUP). On June 20, 2018, the City Council amended Articles 4 and 36 of the Zoning Ordinance to permit waivers of the 1,000-foot separation requirement for commercial cannabis businesses in the industrial districts on a case by case basis.

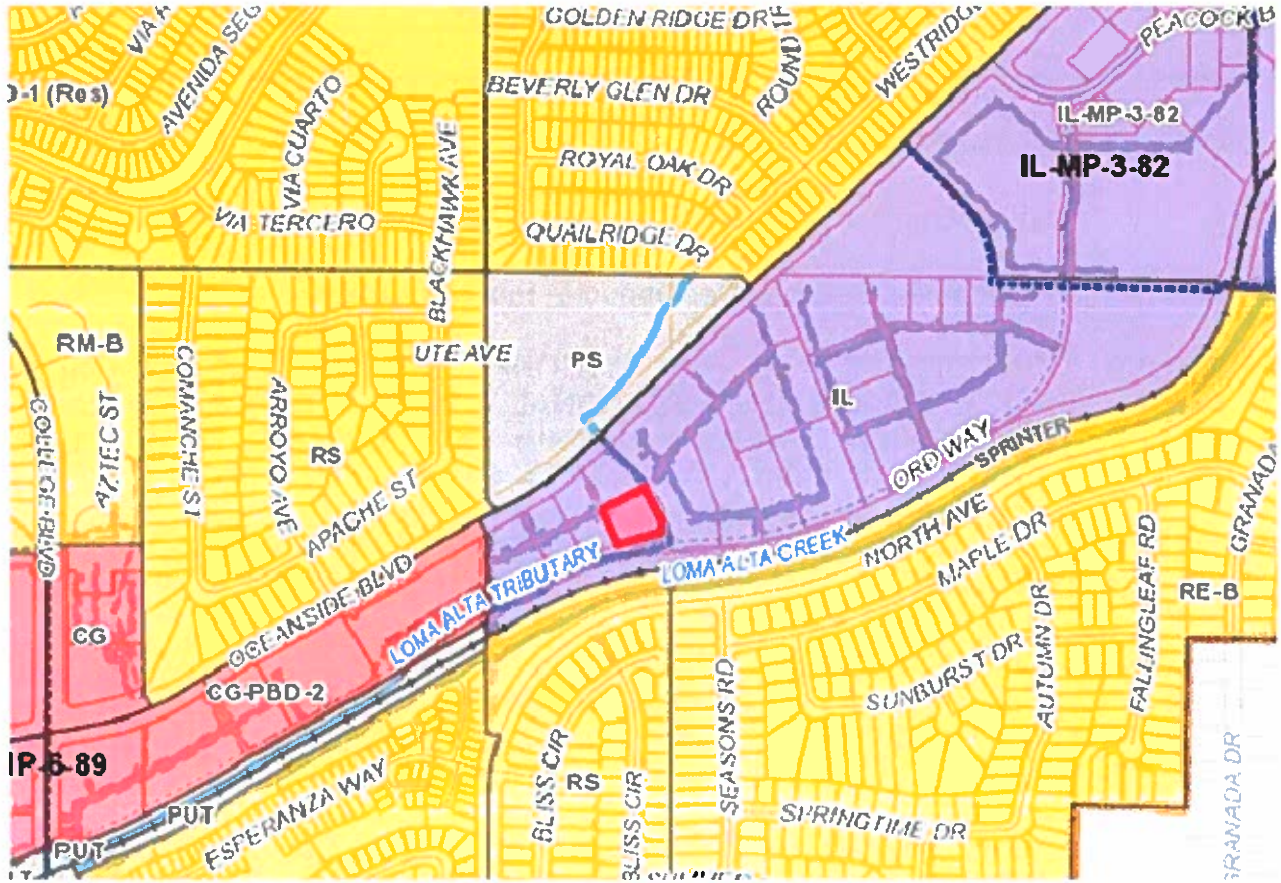


Exhibit 1: Site location with surrounding zoning designation.

Project Description: The proposed project consists of a request for a Conditional Use Permit (CUP21-00010) and a waiver of locational requirements to operate a cannabis distribution facility. The City previously approved CUP19-00020 and CUP20-00015 for another cannabis facility within the same building. Those approvals divided the building at 1629 Ord Way into two tenant spaces. The southern portion is currently occupied by Left Coast, LLC. The northern portion will be occupied by this applicant. This proposal would allow Herb Girl, Inc. to operate a cannabis distribution facility.

The proposed cannabis distribution facility is classified as a Regulated Use under the City's Zoning Ordinance, which requires a Conditional Use Permit to be approved by the City Council. The applicant has requested a "Waiver of Locational Requirements" in accordance with Section 3605 of the Zoning Ordinance.

ANALYSIS

The project is subject to review for consistency with the following plans, policies, and ordinances:

1. General Plan Land Use Element

2. Zoning Ordinance
3. Municipal Code
4. State Licensing

1. General Plan Consistency

The General Plan Land Use Map designates the subject property as LI (Light Industrial) and the Land Use Element establishes the following specific policies for LI-designated properties:

2.12 Light Industrial:

- E. Each industrial use shall provide attenuating structures, devices and procedures to ensure that noise, vibration, glare, odors, heat and other emissions are not perceptible outside its boundaries by the natural senses.*

The proposed cannabis distribution facility will operate completely within the existing building. The distribution process will not generate noise, vibration, glare, odors, heat, or other emission outside of the structure. In the event the facility was to generate perceptible odors, the City would have the ability to reassess the CUP and establish additional conditions of approval as appropriate. Odor mitigation is possible with a variety of air cleaning technologies. In addition, the City's local license provisions protect against odor impacts.

The General Plan Land Use Element also establishes the following land use compatibility policies:

1.12 Land Use Compatibility

OBJECTIVE: To minimize conflicts with adjacent or related land uses.

Policies:

- A. The use of land shall not create negative visual impacts to surrounding land uses.*

As a distribution facility, the use will not generate additional customer traffic in the industrial area. In accordance with the Municipal Code, the site will not have any signage advertising the use. The site will also have 24-hour security monitoring and video surveillance with alarms to discourage and guard against theft as required per Chapter 7 of the City Code.

2. Zoning Compliance

Zoning Ordinance Article 13 (Industrial Districts) allows cannabis distribution use, as defined in Article 4, subject to compliance with Zoning Ordinance Article 36 – Separation of Regulated Uses and Article 41 – Use Permits and Variances, the Local License requirements in Chapter 7 of the Oceanside City Code, and all applicable state licensing requirements. Article 41 establishes specific findings which must be made in order for the City to approve a Conditional Use Permit. In addition, Article 36 establishes Locational

Requirements for buffering sensitive uses from "regulated uses" such as medical cannabis facilities, as well as criteria for granting a Waiver of Locational Requirements. Staff has evaluated the proposed medical cannabis distribution facility with respect to the required Conditional Use Permit findings and the criteria for granting a "Waiver of Locational Requirement" and finds as follows:

Article 41 - Conditional Use Permit (CUP) Findings: Prior to the granting of a conditional use permit by the City, the applicant is required to demonstrate that the following criteria have been or will be met:

- (1) That the proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located.
- (2) That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.
- (3) That the proposed conditional use will comply with the provisions of this ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

The proposed business is located within the Limited Industrial (IL) zoning district. Staff's review has focused upon potential land use incompatibilities associated with the proposed business. The described business operation is deemed to be consistent with typical industrial and manufacturing uses. As noted above, the distribution processes will not generate noise, vibration, glare, odors, heat, or other emission outside of the structure. Conditions placed on the proposed project will ensure that there are no illicit or illegal activities on site, via required financial audits and site inspections.

As a condition of approval, the hours of operation will be limited to 7:00am to 9:00pm, Monday to Saturday. Based on applicable parking standards (1/750 square feet of industry, limited), a total of 11 parking spaces are required for Herb Girl, Inc. and a total 20 for the whole building. The building is surrounded by 22 parking spaces and also has shared parking with the entire complex.

Staff believes that the business operation, in accordance with the applicant's proposal and the conditions of approval, would not impose any adverse impacts to the neighboring businesses or nearby residential zoning districts.

Article 36 – Separation of Regulated Uses

Article 36 - Regulated Uses provisions were created to assure that an over-concentration of such uses does not occur and that sensitive land uses including residential neighborhoods are protected from any adverse impacts of such uses. Regulated uses include, but are not limited to, liquor stores, adult-oriented businesses, bars and cocktail

lounges, tattoo establishments and all cannabis related businesses, except testing labs. As this partial list suggests, most regulated uses provide on-site customer service. The proposed facilities would not be open to the public.

Article 36 also includes Locational Requirements, which specify a minimum separation distance of the proposal from sensitive uses. The proposed use does not meet the minimum separation distances. Thus, a Waiver of Locational Criteria is necessary.

Waiver of Locational Requirements: Article 36, Section 3604 of the Zoning Ordinance provides that cannabis facilities are subject to a minimum separation distance of 1,000 feet to any other regulated use and a 1,000-foot separation from public or private schools, childcare or pre-school facilities, public recreation facilities, churches or similar religious facilities, and residential districts.

The existing building is approximately 185' to the nearest residential district to the south, 865' to the north, and 450' to the northwest. The existing building is approximately 350' from a church, 670' from a massage establishment, and 0' from another regulated use.

The applicant is allowed to request approval of a "Waiver of Locational Requirements" per Section 3605, which requires the following findings be made for any approval:

- (a) The proposed use will not be contrary to the public interest.
- (b) The proposed use will not be contrary to the spirit or intent of Article 13 or Article 36 of the Zoning Ordinance.
- (c) The proposed use will not impair nearby property or the integrity of the underlying district.
- (d) The proposed use will not encourage the development of an adult entertainment area or otherwise promote community blight.
- (e) The proposed use will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation.

Staff finds that the proposed use will not constitute an over-concentration of regulated uses or result in adverse impacts on sensitive uses. As stated earlier, the existing building is approximately 185' to the nearest residential district to the south, 865' to the north, and 450' to the northwest. However, building to building distance to the nearest residential use is about 415' to the south, across the Sprinter rail tracks (which are fenced to prevent public access), and the pedestrian path from door to door is about 1.5 miles. The nearest residential use via pedestrian path is to the northwest, about a 0.3-mile walk. The existing building is approximately 350' from a church, and 670' from a massage establishment. The proposed site is screened from the church and Oceanside Blvd by another industrial building. The site is not open to the public, which will not increase foot traffic or loitering in the area. The facility is also not allowed to operate on Sundays, the busiest day for the church. The proposed facility does share a wall with an existing

regulated use, a cannabis manufacturing and distribution facility. Both businesses are closed to the public and conduct only business to business activity. Allowing two cannabis facilities within the same structure will not encourage the development of an adult area or promote community blight. As such, staff finds a waiver of locational requirements is warranted.

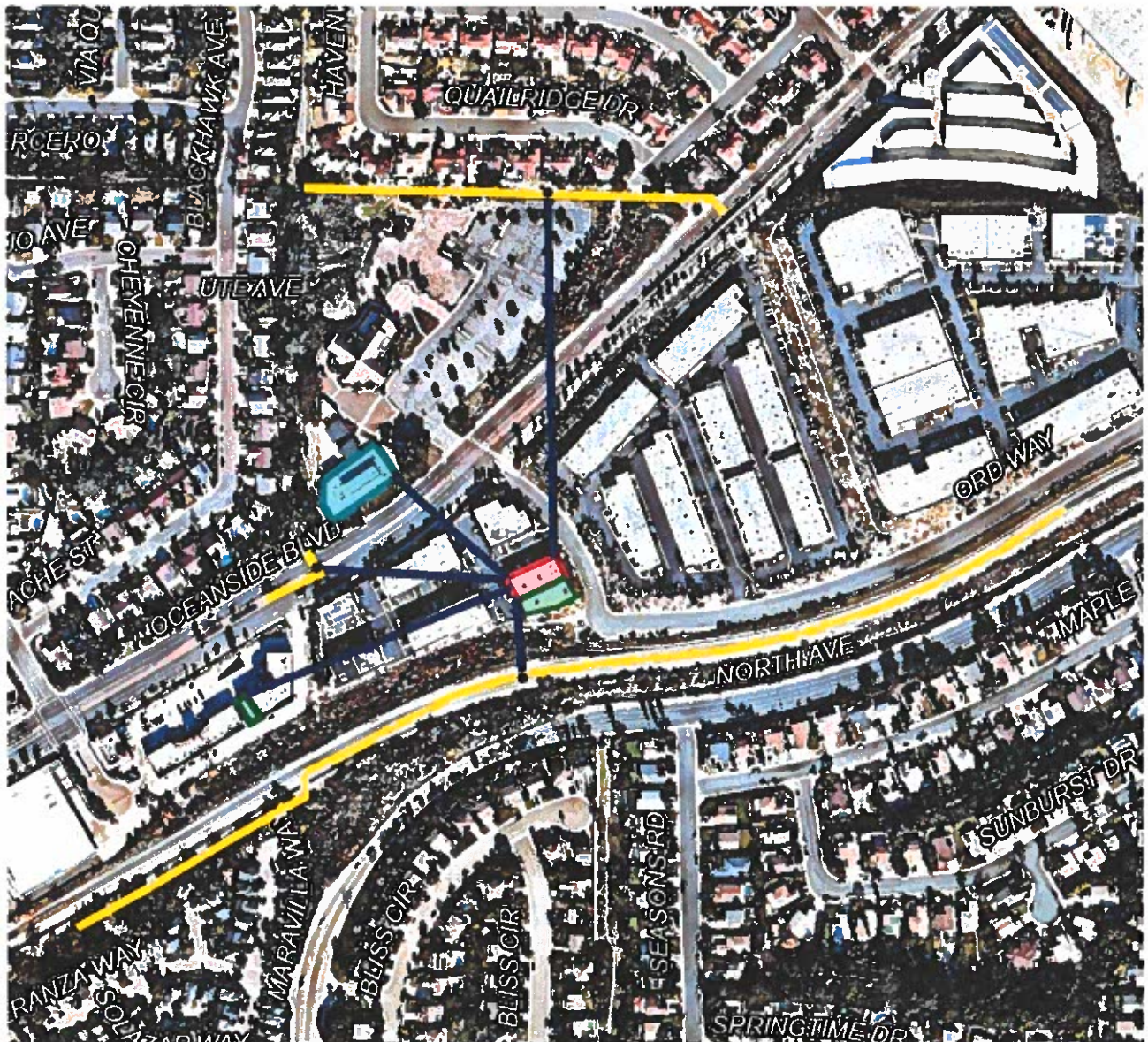


Exhibit 2: The project site is in red. Residential district boundaries are shown by the yellow line. Sensitive uses are shown in aqua. Existing regulated uses are shown in green. Distance between, in a straight line, without regard to intervening structures is shown in navy.

Staff's finds that the project is in compliance with the Zoning Ordinance.

3. Municipal Code

Chapter 7, Article XIII (Cannabis Facilities) of the Municipal Code describes local licensing of cannabis facilities by the City Manager or designee. This section of the Municipal Code also lays out the application process and required documentation, such as operating plans and security plans.

Herb Girl, Inc originally submitted a local license application for cannabis distribution facility in September of 2019. The application completed four phases of review and was granted a local license in August of 2020. The business is required to renew the local license on an annual basis. The business is also required to participate in business audits and on-site inspection on an annual basis.

4. State Licensing

The distribution facility is required to obtain and annually renew a state license issued by the California Department of Cannabis Control. The project has been conditioned to obtain an annual state license prior to issuance of a business license.

5. CEQA

The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) because it qualifies for issuance of a Class 1, Existing Facilities exemption (CEQA Guidelines, Section 15301). The use is proposed in an existing building, with no new additional square footage and only minor tenant improvements are proposed.

PUBLIC NOTIFICATION

Legal notice was published in the newspaper and mailed notices were sent to property owners of record within 1,500 feet and tenants within 100 feet of the subject property and interested parties. Staff received no comments in response to the City's Notice of Application. The applicant was also required to conduct community outreach per City Council Policy 300-14 (Enhanced Notification Program) by providing additional opportunities for public outreach. On May 20, 2022, the applicant held an open house on the project site (see Attachment No. 3). The open house had 6 attendees, almost all attendees had concerns regarding the location being a dispensary and other expressed concerns with odor. The proposed distribution facility is not open to the public and it is prohibited from conducting business to end-users. The facility is only allowed to conduct business with other business per the Local License and State License. The facility is also subject to odor control requirements per Chapter 7 of the City Code.

SUMMARY

The proposed cannabis business will not be detrimental to the surrounding area and the location of the proposed business will not constitute a land use incompatibility. As such, staff recommends that all of the findings necessary for a waiver of locational requirements

be affirmed. Staff recommends that the Planning Commission adopt Resolution No. 2022-P28 recommending City Council approval of Conditional Use Permit (CUP21-00010) and a Waiver of Locational Requirements for a proposed cannabis distribution facility to be located at 1629 Ord Way.

PREPARED BY:



Stefanie Cervantes
Associate Planner

SUBMITTED BY:



Sergio Madera
City Planner

SM/SC/fil

Attachments:

1. Planning Commission Resolution 2022-P28
2. Site Plans (Online)
3. Description and Justification Letter/Waiver of Locational Requirements Petition/Community Outreach Plan
4. Other Attachments – Application Page, Legal Description, Notice of Exemption (Online)

4.01 ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2022-P28

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT AND A WAIVER OF LOCATIONAL REQUIREMENTS FOR A REGULATED USE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: CUP21-00010
APPLICANT: HERB GIRL, INC
LOCATION: 1629 ORD WAY

THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Conditional Use Permit for a Regulated Use and a Waiver of Locational Requirements under the provisions of Articles 13, 36 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

To operate a cannabis distribution facility within an existing industrial building on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day of October, 2022 conduct a duly-advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and the State Guidelines thereto, it has determined that this project is categorically exempt from environmental review pursuant to Article 19, Categorical Exemptions, Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and City ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservation and other exactions as provided below:

Description	Authority for Imposition
Public Facility (Commercial/Industrial)	Ord. No. 91-09 Reso. No. 15-R0638-1
School District Fee (Commercial/Industrial)	OUSD Reso. # 13(12-13) CUSD Reso. # 27-1718 Ord # 91-34 VUSD Reso. # 19-46

Description	Authority for Imposition
Traffic Signal & Thoroughfare (Commercial/Industrial)	Reso. No. 16-R0324-1
Drainage and Flood Control Fee	Ord. No. 85-23 Reso. No. 16-R0638-1
Wastewater System Capacity Buy-in Fee (Non-Residential and Multi-Family Residential)	Reso. No. 87-97 Ord. No. 15-OR0479-1 City Code 32.7.29
Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.7.37
San Diego County Water Authority (Residential and Non-Residential)	SDCWA Ord. 2017

WHEREAS, the fees listed above have been identified by the City as being applicable to the project as proposed. Failure by the City to list an applicable fee above does not alleviate the developer from paying all applicable fees at the time when such fees become due;

WHEREAS, the fee amount to be paid for each category referenced above shall be the amount listed on the schedule of fees published by the Development Services Department at the time when such fees become due and payable;

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code and the City expressly reserves the right to amend the fees and fee calculations consistent with applicable law;

WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee, dedication, reservation or other exaction to the extent permitted and as authorized by law;

WHEREAS, pursuant to Gov't Code §66020(d) (1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020;

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Department, 300 North Coast Highway, Oceanside, California 92054.

WHEREAS, studies and investigations made by this Commission and on its behalf reveal the following facts:

1 For the Conditional Use Permits:

- 2 1. The proposed location of the use is in accord with the objectives of the Zoning
3 Ordinance and the purposes of the IL (Limited Industrial) district, in that the use is
4 conditionally permitted within the IL zoning district, will be conducted within an
5 existing building that conforms to applicable development standards, and will generate
6 no customer traffic. The proposed project is sufficiently parked and is required to adhere
7 to applicable sign regulations.
- 8 2. The proposed location of the conditional use and the proposed conditions under which it
9 would be operated or maintain will be consistent with the General Plan; will not be
10 detrimental to the public health, safety or welfare of persons residing or working in or
11 adjacent to the neighborhood of such use; and will not be detrimental to properties or
12 improvements in the vicinity or to the general welfare of the City, in that the use will
13 not generate customer traffic, will not produce noise, vibration, or heat, and will utilize
14 order absorbing systems. The proposed project is highly regulated by the State, as well,
15 and is required to participate in statewide track-and-trace system, ensuring that all
16 product stored and moved by the applicant complies with all State requirements for
17 testing and packaging.
- 18 3. The proposed conditional use will comply with the provisions of the Zoning Ordinance,
19 including any specific condition required for the proposed conditional use in the district
20 in which it would be located.

21 For the Locational Waiver:

- 22 1. It will not be contrary to the public interest, in that the project site will be inspected by
23 City staff or designee on a regular basis. The project site is subject to annual on-site
24 inspections and business audits.
- 25 2. The proposed project will operate completely indoors and is not allowed any signage
26 that can be interpreted as housing a regulated-use. The project exterior of the building
27 will appear to contain an industrial use and will not result in blight or interference with
28 nearby residential districts
- 29 3. It will not impair nearby property or the integrity of the underlying district, in that the
30 use will be conducted within an existing building and will not generate customer traffic.
31 The project applicant is required to maintain the exterior of their site in a clean and
32 orderly manner.

1 4. The proposed use is not open to the public and will not result the development of an
2 adult entertainment area or otherwise promote community blight. The proposed use is
3 an industrial, distribution use, not an adult entertainment use.

4 5. It will not negatively impact any governmental programs of redevelopment,
5 revitalization, or neighborhood preservation, in that the use will contribute to the City’s
6 employment base, support efficient use of light industrial land, and have no adverse
7 physical or social impacts on nearby residential areas.

8 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
9 RECOMMEND APPROVAL of Conditional Use Permits CUP21-00010 and a waiver of
10 locational requirements subject to the following conditions:

11 **Building:**

12 1. The granting of approval under this action shall in no way relieve the applicant/project
13 from compliance with all Current State and local building codes.

14 The 2019 triennial edition of the California Code of Regulations, Title 24 (California
15 Building Standards Code) applies to all occupancies that applied for a building permit on
16 or after January 1, 2017, and remains in effect until the effective date of the 202 triennial
17 edition which will be January 1, 2023.

18 Beginning on January 1, 2023, Oceanside Development Services (ODS) is required by
19 State law to enforce the 2022 Edition of California Building Standards Codes (a.k.a., Title
20 24 of the California Codes of Regulations).

21 Every three years, the State adopts new model codes (known collectively as the California
22 Building Standards Code) to establish uniform standards for the construction and
23 maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and
24 fire and life safety systems. Sections 17922, 17958 and 18941.5 of the California Health
25 and Safety Code require that the latest edition of the California Building Standards code
26 and Uniform Housing Code apply to local construction 180 days after publication.

27 There are 12 parts to Title 24 and the applicable parts for most Building Division permit
28 applications are listed below.

- 29 • Part 2: The 2019 California Building Code (CBC).
- 30 • Part 2.5: The 2019 California Residential Code (CRC).
- 31 • Part 3: The 2019 California Electrical Code (CEC).
- 32 • Part 4: The 2019 California Mechanical Code (CMC).

- Part 5: The 2019 California Plumbing Code (CPC).
- Part 6: The 2019 California Energy Code
- Part 9: The 2019 California Fire Code (CFC)
- Part 11: The 2019 California Green Building Standards Code (CALGreen Code) This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.

2. The building plans for this project are required to be prepared by a licensed architect or engineer. Project must be built per Building Divisions approved plans.

3. The designer must submit an Area Analysis for the new design.

4. The Occupancy for each Area of the Building must be shown per CBC requirements.

5. An exist plan must be submitted from all areas of the building.

6. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.

7. A complete set of Energy Calculations & California Title 24 Energy Form(s) shall be required at time of plans submittal to the Building Division for plan check.

8. Fire Resistive Construction must be shown to comply with CBC requirements.

9. Plumbing, Electrical, and Mechanical design must meet current code requirements.

10. Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either CAL Green Section 4.408.2 Waste Management Plan, 4.408.3 Waste Management Company or 4.408.4 Waste Stream Reduction Alternative.

The City of Oceanside has adopted the latest version of California's Green Building Standards Code (CALGreen) and requires waste diversion of C&D materials from new construction, commercial renovation, and most residential additions/alterations. To comply with the City of Oceanside's requirements, you must submit a Waste Management Plan before permits are issued and construction begins. To complete your Waste Management Form.

- Demonstrate how your project will fulfill the CALGreen waste diversion Requirement
- Include an estimate of the amount of waste produced during construction and demolition, the actual amount of waste produced, and the ways the different materials will be diverted.

1 After construction is completed and during the final inspection, you will be required to
2 sign an affidavit stating that your project met the C&D diversion requirement in your
3 Waste Management Plan.

4 By diverting C&D materials, you are reusing resources, helping the City of Oceanside
5 reach its city-wide waste diversion goal of 75-90% by 2020, and potentially saving money
6 on your project.

7 11. Water conserving plumbing fixtures. Plumbing fixtures (water closets and urinals) shall
8 comply with the following:

9 A. The effective flush volume of all water closets shall not exceed 1.28 gal/flush
10 (CGC 403.1.1).

11 B. The effective flush volume of wall-mounted urinals shall not exceed 0.125
12 gal/flush. The effective flush volume for all other urinals shall not exceed 0.5
13 gal/flush (CGC 403.1.2).

14 12. Operation and maintenance manual. An operation and maintenance manual will be
15 provided to the building occupant or owner per CGC 4.410.1.

16 13. Duct and mechanical systems protection. At the time of rough installation, during storage
17 on the construction site and until final startup of the heating, cooling and ventilating
18 equipment, all duct and other related air distribution components openings shall be covered
19 with tape, plastic, sheet metals, or other methods acceptable to the enforcing agency to
20 reduce the amount of water, dust or debris, which may enter the system per CGC 4.504.1.

21 14. The manufacturing products and all raw materials must be shown to meet Building Code
22 requirements for use and storage in quantities that meet Table 307.1(1) of the Building
23 Code.

24 15. All Occupancies must be shown on the plan to verify Fire resistive construction, rated
25 walls, corridors, etc.

26 16. The mechanical plans must show exhaust fans for all areas of hazardous fumes.

27 17. The plans must clearly show Hazardous materials that will be used.

28 18. The developer must show compliance with the 2019 CBC for Disabled Access including:

- 29 a. Parking
- 30 b. Access to the Building
- 31 c. Exiting
- 32 d. Bathroom Facilities

1 e. Changes in elevation etc.

2 19. The developer shall monitor, supervise and control all building construction and
3 supportive activities so as to prevent these activities from causing a public nuisance,
4 including, but not limited to, strict adherence to the following:

5 Section 6.25 – Construction hour limitations

6 It shall be unlawful to operate equipment or perform any construction in the erection,
7 demolition, alteration, or repair of any building or structure or the grading or excavation of
8 land during the following hours:

9 A. Before 7:00am and after 7:00pm Monday through Saturday;

10 B. All day on Sunday; and

11 C. On any federal holiday.

12 a. Except that the building official may authorize extended or alternate hours
13 of construction for the following circumstances:

14 i. Emergency work

15 ii. Adverse weather conditions

16 iii. Compatibility with store business hours

17 iv. When the work is less objectionable at night than during daylight
18 hours

19 v. Per direction of the City Manager's Office for projects that have
20 been determined that rapid completion is in the best interest of the
21 general public.

22 **Water Utilities:**

23 20. For developments requiring new water service or increased water service to a property, the
24 landowner must enter into an agreement with the City providing for landowner's
25 assignment of any rights to divert or extract local groundwater supplies for the benefit of
26 the property to receive new or increased water service, in return for water service from the
27 City, upon such terms as may be provided by the Water Utilities Director.

28 21. The developer will be responsible for developing all water and sewer utilities necessary to
29 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
30 the developer and shall be done by an approved licensed contractor at the developer's
31 expense.

32 22. All Water and Wastewater construction shall conform to the most recent edition of the

1 Water, Sewer, and Recycled Water Design and Construction Manual or as approved by the
2 Water Utilities Director.

3 23. The property owner shall maintain private water and wastewater utilities located on private
4 property.

5 24. Water services and sewer laterals constructed in existing right-of-way locations are to be
6 constructed by an approved and licensed contractor at developer's expense.

7 25. Cannabis waste and chemical by products shall not be discharged into sanitary sewer.
8 Facility shall not have trench or floor drains that allow cannabis waste or byproducts to be
9 discharged into the sanitary sewer system.

10 26. The City of Oceanside does not allow water softeners for commercial use as this will
11 impact the City's wastewater treatment plant and future production of recycled water.
12 Discharge to sanitary sewer system is not allowed.

13 The following conditions shall be met prior to the approval of engineering design plans.

14 27. All public water and/or sewer facilities not located within the public right-of-way shall be
15 provided with easements sized according to the Water, Sewer, and Recycled Water Design
16 and Construction Manual. Easements shall be constructed for all weather access.

17 28. Any water and/or sewer improvements required to develop the proposed property will
18 need to be included in the improvement plans and designed in accordance with the Water,
19 Sewer, and Recycled Water Design and Construction Manual.

20 29. No trees, structures or building overhang shall be located within any water or wastewater
21 utility easement.

22 30. All lots with a finish pad elevation located below the elevation of the next upstream
23 manhole cover of the public sewer shall be protected from backflow of sewage by
24 installing and maintaining an approved type backwater valve, per the latest adopted
25 California Plumbing Code.

26 31. Connections to public sewer main with 6-inch or larger sewer lateral will require a new
27 sewer manhole for connection to main per Section 3.3 of Water, Sewer, and Recycled
28 Water Design and Construction Manual.

29 32. Any unused water services or sewer laterals by the proposed development or
30 redevelopment, shall be abandoned in accordance with Water Utilities requirements.

31 The following conditions of approval shall be met prior to building permit issuance.

32 33. City records indicate the site has an existing 1" water meters. Show location and size of

1 existing and proposed water meter(s) on site plan.

2 34. Per City potable water system design guidelines, all commercial water meters shall be
3 protected by an RP backflow assembly. Indicate the size and location of the
4 existing/proposed backflow prevention device on the plans. New backflow devices shall
5 be per City Standard Drawing W-12, and within 18-inches of the meter.

6 35. Provide table of fixture count and flow calculations per the latest adopted California
7 Plumbing Code to size water meter and service lines on site plan of building plans.

8 36. If a larger water meter is required, then the incremental increase in water and sewer buy-in
9 fees between the existing and proposed meter size will be charged. If the existing water
10 service connection is less than the proposed meter size, then the Owner/Developer will be
11 required to abandon the existing water service and show on engineering and building plans
12 the location and size of the new service connection to public main.

13 37. When an existing water meter is to be upsized, the water service line from the main must
14 be at least the same size as the meter. If the existing water service connection is less than
15 the proposed meter size, then the Owner/Developer may be required to abandon the
16 existing water service and show on engineering and building plans the location and size of
17 the new service connection to public main.

18 38. City records indicates the site is served by a 1.5" irrigation meter. Per City potable water
19 system design guidelines, all irrigation water meters shall be protected by an RP backflow
20 assembly. Indicate the size and location of the existing/proposed meter, as well as the
21 backflow prevention device on the plans. New backflow devices shall be per City
22 Standard Drawing W-12, and within 18-inches of the meter.

23 39. Provide size and location of the existing sewer lateral, cleanout, and where the lateral ties
24 into the main on the site plans.

25 40. Provide drainage fixture unit count per the latest adopted California Plumbing Code to size
26 sewer lateral for property.

27 41. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
28 be paid to the City at the time of Building Permit issuance per City Code Section 32B.7.

29 **Fire:**

30 42. Deferred fire sprinkler to the Oceanside Fire Department for review.

31 43. No smoking sign shall be posted throughout.

32 44. Provide description of exit door locking/security devices. Exit doors must be openable

1 from the inside without a key or special knowledge – security devices must comply with
2 CBC and CFC Chapter 10.

3 45. Parking of vehicle inside the building may require occupancy designation other than
4 proposed occupancy. Occupancy classification shall be determined by the California
5 Building Code.

6 46. Storage area must comply with CFC Chapter 32. Note height of storage if the storage is
7 determined to be high piled storage a deferred submittal shall be submitted to the
8 Oceanside Fire Department.

9 47. Storage, use and handling of hazardous materials must comply with quantity limitations of
10 both CBC and CFC.

11 48. Portable fire extinguishers required throughout the building.

12 **Solid Waste:**

13 49. Plans are approved with the condition that the two different businesses occupying the
14 building and sharing the enclosure space demonstrate access to separate services for all
15 three streams (landfill, recycling, and organics).

16 50. The City of Oceanside reserves the right to review program and services levels and request
17 increases if deemed necessary. The City of Oceanside Municipal Code Chapter 13 requires
18 that Oceanside residents, businesses and multifamily projects are to separate all recyclable
19 material from other solid waste. Additionally, the State of California regulations requires
20 all California businesses participate in Mandatory Recycling (AB 341) and Mandatory
21 Commercial Organics Recycling (AB 1826 & SB 1383) as outlined in the Oceanside Solid
22 Waste code.

23 **Police:**

24 51. Must adhere to security plan.

25 **Planning:**

26 52. The Conditional Use Permit is granted for the following use only: a cannabis distribution
27 facility within an existing building located at 1629 Ord Way. The project proposes to
28 occupy an existing tenant space. Any change in the use of the premises, not in substantial
29 conformance with this approval, will require a revision to the Conditional Use Permit or a
30 new Conditional Use Permit and approved by the Planning Commission.

31 53. The Conditional Use Permit is subject to review by the Planning Commission from the
32 date of commencement of operations to determine the business compatibility with

1 surrounding land uses. The Commission may add new conditions and/or delete and/or
2 modify existing conditions as it deems necessary to protect the general health, safety and
3 welfare of residents in the area or surrounding land uses.

4 54. The Conditional Use Permit shall lapse three years after the effective date of approval by
5 City Council unless implemented in accordance with the City of Oceanside Zoning
6 Ordinance or unless a time extension is granted.

7 55. Failure to meet any conditionals of approval for this use shall constitute a violation of the
8 Conditional Use Permit.

9 56. The Conditional Use Permit may be called for review by the Planning Commission if
10 complaints are filed and verified as valid by the Code Enforcement Office or Oceanside
11 Police Department concerning the violation of any of the approved conditions or
12 assumptions made by the application.

13 57. The Conditional Use Permit approve only a cannabis distribution business as shown on the
14 plans and exhibits presented to the Planning Commission for review and recommendation
15 to the City Council. No deviation from these approved plans and exhibits shall occur
16 without Planning Division approval. Substantial deviations shall require a revision to the
17 Conditional Use Permit or a new Conditional Use Permit. Interior changes to floor plans
18 may be reviewed through the Substantial Conformity process. Interior changes to floor
19 plans will also require approval of a modification to the Local License.

20 58. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
21 written copy of the applications, staff report and resolutions for the project to the new
22 owner and or operator. This notification provision shall run with the life of the business.

23 59. Unless expressly waived, compliance with all current zoning standards and City
24 ordinances and policies are required of this use. This approval constitutes the applicant's
25 agreement with all statements contained within the Description and Justification and other
26 materials and information submitted with this application, unless specifically waived by an
27 adopted condition of approval.

28 60. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
29 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
30 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
31 annul an approval of the City, concerning Conditional Use Permit CUP21-00010. The City
32 will promptly notify the applicant of any such claim, action or proceeding against the city

1 and will cooperate fully in the defense. If the City fails to promptly notify the applicant of
2 any such claim action or proceeding or fails to cooperate fully in the defense, the applicant
3 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

4 61. The permittee shall be responsible for trash abatement on the site, and shall keep the site
5 free of litter, trash and other nuisances.

6 62. All cannabis and cannabis-related waste must be stored in a secure manner until it is
7 properly disposed of off-site.

8 63. Exterior trash enclosure shall be locked.

9 64. The building floor plan and business operation shall be substantially the same as those
10 approved by the Planning Commission. These shall be reflected on plans approved by the
11 Building Official and the City Planner.

12 65. All signs associated with this business shall be subject to the provisions of the Zoning
13 Ordinance or the regulations of property-specific sign criteria. The site shall not be
14 allowed any advertising signage.

15 66. A covenant or other recordable document approved by the City Attorney shall be prepared
16 by the developer and recorded prior to issuance of building permits. The covenant shall
17 provide that the property is subject to this resolution, and shall generally list the conditions
18 of approval.

19 67. Prior to the issuance of building permits, compliance with the applicable provisions of the
20 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
21 and approved by the Planning Division. These requirements, including the obligation to
22 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
23 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
24 property.

25 68. Business owner shall maintain a current Local License in full compliance with Chapter 7,
26 Article XIII of the City Code.

27 69. Facility must be in full compliance with Chapter 7, Article XIII of the City Code.

28 70. Prior to issuance of a business license, applicant must submit copy of state license
29 application and approval. Any inconsistencies between City and State approval may be
30 called for review by the Planning Commission.

31 71. Prior to issuance of a business license, applicant must demonstrate implementation all
32 necessary security measures as indicated on Local License MCF-1266992 and required per

Chapter 7, Article XIII of the City Code, including, but not limited to: installation of video surveillance, alarm systems, signage, lighting, commercial grade locks, etc.

72. Applicant shall make the cannabis facility premises, books, records all other documents related to its operation available for inspection by any City officer or official for purposes of determining compliance with all applicable legal requirements.

73. The City reserves the right to inspect the site, security cameras, books, and all other documents related to the operations of the facility without advance notice. No search warrant or subpoena shall be needed to view the materials or access the facility.

74. Applicant shall ensure cannabis maintained at the facility is kept and stored in a secured manner within a limited access area or restricted access area at all times in compliance with the approved site plan.

75. On-site smoking, ingestion, or consumption of cannabis shall be prohibited.

76. Alcohol sales, distribution, or consumption is prohibited.

77. Prior to operations, the facilities must obtain all required local, county, and state licenses

78. A 24-hour contact must be provided to the City. Any changes to contact person or information must be provided to the City within 15 days.

PASSED AND ADOPTED Resolution No. 2022-P28 on October 24, 2022 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Sergio Madera, Secretary

I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2022-P28.

Dated: _____