DATE: August 10, 2020

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department – Planning Division

SUBJECT: CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP19-00020) AND A WAIVER OF LOCATIONAL CRITERIA FOR A MEDICAL CANNABIS MANUFACTURING FACILITY WITHIN AN EXISTING STRUCTURE LOCATED AT 1629 ORD WAY – LEFT COAST, LLC – APPLICANT: ALEXANDRIA KOMETAS

RECOMMENDATION

Staff recommends that the Planning Commission, by motion:

1. Confirm issuance of a Class 1 Categorical Exemption per the California Environmental Quality Act (CEQA), Article 19, Section 15301 “Existing Facilities,” and

2. Adopt Planning Commission No. 2020-P14, recommending City Council approval of a Conditional Use Permit (CUP19-00020) and a Waiver of Locational Criteria for a proposed medical cannabis manufacturing facility at 1629 Ord Way.

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. The site is located within the Peacock Neighborhood Planning Area. The building is part of an industrial park that was 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.

**Project Description:** The proposed project consists of a request of a Conditional Use Permit (CUP19-00020) and a waiver of locational requirements to operate a medical cannabis manufacturing facility. The proposal consists of dividing the building at 1629 Ord Way into two tenant spaces and Left Coast, LLC would occupy the southern unit, of approximately 6,400 square feet. The business would manufacture vaporizer cartridges, isolate, tinctures, and topicals for medical use only. The business is not allowed direct on-site sales to the public.

The proposed medical cannabis manufacturing facility is classified as a Regulated Use under the City’s Zoning Ordinance, which requires a Conditional Use Permit approved by 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
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 medical cannabis manufacturing facility will operate completely within the existing building. The facility will utilize air filtration systems and the building will be negatively pressurized to prevent air and odor leaks. The manufacturing processes will not generate noise, vibration, glare, odors, heat, or other emission outside of the structure. In the event the facility were to generate perceptible odors, the City would have the ability to reassess the CUP and establish additional conditions of approval as appropriate.

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 manufacturing 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. Manufacturing will occur indoors and the site will have 24-hour security monitoring and video surveillance with alarms to guard against theft.
2. Zoning Compliance

Zoning Ordinance Article 13 (Industrial Districts) allows medical cannabis manufacturing use, as defined in Article 4, subject to compliance with Zoning Ordinance Article 36, the Local License requirements in Chapter 7 of the Oceanside City Code, and all applicable state licensing requirements. Article 41 of the City's Zoning Ordinance 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 "regulated uses" such as medical cannabis uses, as well as criteria for granting a Waiver of Locational Criteria. Staff has evaluated the proposed medical cannabis delivery use with respect to the required Conditional Use Permit findings and the criteria for granting a "Waiver of Locational Criteria" 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 manufacturing processes will not generate noise, vibration, glare, odors, heat, or other emission outside of the structure. By staff's assessment, conditions placed on the proposed project will ensure that there are no illicit or illegal activities on site.

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 9 parking spaces are required for Left Coast, LLC and a total 18 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 particular adverse impacts to the neighboring businesses and residential zoning district.
Article 36 – Separation of Regulated Uses

Article 36 Regulated Use provisions were created to assure that an over-concentration of such uses would not occur and that residential neighborhoods would be protected for 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.

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 Criteria: Article 36, Section 3604 of the Zoning Ordinance provides that medical 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 150’ to the nearest residential district to the south, 870’ to the north, and 450’ to the northwest. The existing building is approximately 350’ from a church, and 550’ from a massage establishment.

The applicant is allowed to request approval of a "Waiver of Locational Criteria" 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 believes that the proposed use will not constitute an over-concentration of regulated uses or impact sensitive uses. As stated earlier, the existing building is approximately 150’ to the nearest residential district to the south, 870’ to the north, and 450’ to the northwest. However, building to building distance to the nearest residential use is about 370’ to the south, across the Sprinter rail tracks that have a fence, 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 .3-mile walk. The existing building is
approximately 350' from a church, and 550' 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. As such, staff believes a waiver of locational requirements is warranted.

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


Chapter 7, Article XIII (Medical Cannabis Facilities) of the Municipal Code describes local licensing of medical 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.

Left Coast, LLC originally submitted a local license application in December of 2018. The application completed four phases of review and was granted a local license in May of 2019. The business is required to renew this license on an annual basis. On July 10th, 2020, the City Manager's office confirmed the renewal of local license.

In January of 2020, City staff was notified that Left Coast, LLC had begun operations prior to obtaining the required permits. The applicant has stopped all operations on the site and has worked with the City to address concerns regarding improper operations that formed the basis for the prior recommendation of denial of the CUP, per the staff report dated May 18, 2020. The site will not be allowed to operate until all necessary tenant improvements and additional required permits are obtained. The conditional use permit will be conditioned to allow the City to conduct inspections at any time and without advance notice.

4. State Licensing

The medical manufacturing facility is required to obtain and annually renew a state license issued by the California Department of Public Health, Manufactured Cannabis Safety Branch. The project will be 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.
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 one comment in opposition to the project in response to the City’s Notice of Application. The project was originally scheduled for the May 18th Planning Commission hearing and there were 26 comments received in the form of emails or voicemails, 21 comments in opposition of project approval and 5 comments in support of project approval.

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. The applicant hosted a community meeting on January 24th, 2020, which was attended by 22 members of the public (see Attachment No. 3)

SUMMARY

The proposed medical 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. 2020-P14 recommending City Council approval of Conditional Use Permit (CUP19-00020) and a Waiver of Locational Requirements for a proposed medical cannabis manufacturing facility to be located at 1629 Ord Way.

PREPARED BY:

Stefanie Cervantes
Planner II

SUBMITTED BY:

Jeff Hunt
City Planner

JH/SC/fil

Attachments:

1. Planning Commission Resolution 2020-P14
2. Site Plans (Online)
3. January 24th, 2020 Community Meeting Sign-In Sheet (Online)
4. Public comments (Online)
5. Waiver of Locational Requirements Petition/Community Outreach Plan
6. On-site notice and affidavit (Online)
7. Description and Justification (Online)
8. Other Attachments – Application Page, Legal Description, Notice of Exemption (Online)
PLANNING COMMISSION
RESOLUTION NO. 2020-P14

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

APPLICATION NO: CUP19-00020
APPLICANT: LEFT COAST, LLC
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 medical cannabis manufacturing 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 10th
day of August, 2020 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:
<table>
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<tr>
<th>Description</th>
<th>Authority for Imposition</th>
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<tbody>
<tr>
<td>Public Facility (Commercial/Industrial)</td>
<td>Ord. No. 91-09</td>
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<td></td>
<td>Reso. No. 15-R0638-1</td>
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<tr>
<td>School District Fee (Commercial/Industrial)</td>
<td>OUSD Reso. # 13(12-13) CUSD Reso. # 27-1718 Ord # 91-34 VUSD Reso. # 19-46</td>
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<tr>
<td>Traffic Signal &amp; Thoroughfare (Commercial/Industrial)</td>
<td>Reso. No. 16-R0324-1</td>
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<td>Drainage and Flood Control Fee</td>
<td>Ord. No. 85-23</td>
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<td>Reso. No. 16-R0638-1</td>
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<td>Wastewater System Capacity Buy-in Fee (Non-Residential and Multi-Family Residential)</td>
<td>Reso. No. 87-97</td>
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<td>Ord. No. 15-OR0479-1</td>
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<td>City Code 32.7.29</td>
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<tr>
<td>Water System Capacity Buy-in Fee (Residential and Non-Residential)</td>
<td>Reso. No. 87-96</td>
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<td>Ord. No. 15-OR0480-1</td>
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<td></td>
<td>City Code 37.7.37</td>
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<tr>
<td>San Diego County Water Authority (Residential and Non-Residential)</td>
<td>SDCWA Ord. 2017</td>
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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:

For the Conditional Use Permit:

1. The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the IL (Limited Industrial) district, in that the uses is conditionally permitted within the IL zoning district, will be conducted within an existing building that conforms to applicable development standards, and will generate no customer traffic.

2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintain 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, in that the use will not generate customer traffic, will not produce noise, vibration, or heat, and will utilize order absorbing systems.

3. The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

For the Locational Waiver:

1. It will not be contrary to the public interest, in that the project site will be inspected by City staff or designee on a regular basis.

2. It will not be contrary to the spirit or intent of Article 13 or Article 36 of the Zoning Ordinance, in that the use will not result in blight or interference with nearby residential districts.

3. It will not impair nearby property or the integrity of the underlying district, in that the use will be conducted within an existing building and will not generate customer traffic.

4. It will not encourage the development of an adult entertainment area or otherwise promote community blight, in that the use is not intended for adult entertainment.
5. It will not negatively impact any governmental programs of redevelopment, revitalization, or neighborhood preservation, in that no such programs exist in this neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby RECOMMEND APPROVAL of Conditional Use Permit CUP19-00020 and a waiver of locational criteria subject to the following conditions:

**Building:**

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

The 2016 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that applied for a building permit on or after January 1, 2017, and remains in effect until the effective date of the 2019 triennial edition which will be January 1, 2020.

Beginning on January 1, 2020, Oceanside Development Services (ODS) is required by State law to enforce the 2019 Edition of California Building Standards Codes (a.k.a., Title 24 of the California Codes of Regulations).

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

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

- Part 2.5: The 2019 California Residential Code (CRC).
- Part 6: The 2019 California Energy Code
• Part 9: The 2019 California Fire Code (CFC)

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.

All architects, engineers, designers, developers, owners and contractors MUST be familiar with the codes in effect at the time of plan submittal. ODS, as required by State law, CANNOT approve projects that do not comply with the codes in effect at the time of plan submittal. All projects submitted before or on December 31, 2019 are permitted to comply with the 2016 Edition of the California Building Standards Code.

2. The building plans for this project shall be prepared by a licensed architect or engineer.

3. Site development, parking, access into buildings and building(s) interiors shall comply WITH ALL CURRENT State of California Accessibility Code. Path of travel requirements.

When alterations or additions are made to an existing buildings or facilities, an accessible path of travel to the specific area of alteration or addition shall be provided. The primary accessible path of travel shall include:

A. A primary entrance to the building or facility,
B. Toilets and bathing facilities serving the area,
C. Public telephones serving the area, and
D. Signs.

1. Interior accessible path of travel shall address all the following:
   A. Accessible routes to all functional areas.
   B. Common use circulation paths with employee work areas.
   C. Clear width of walking areas.

2. Door or gate information should include:
   A. Required clear width dimensions.
   B. Maneuvering clearances.
   C. Level landings on each side of doors or gates.
   D. Required threshold dimensions and geometry.
E. Door or gate hardware should not require tight grasping, pinching, or twisting of the wrist.

F. Required smooth surface dimensions on push side of the door within the finish floor or ground.

3. Restroom information should include:
   A. Turning space within the room.
   B. Door swing not in the clear space of any fixture (except for a single user).
   C. Mirrors and accessories.
   D. Clear floor space at fixtures.
   E. Compartment configuration side and end entry, toe clearances.
   F. Side and rear grab bars.
   G. Accessible lavatories (sinks), heights and knee clearances.
   H. Restroom symbols on doors.
   I. Shower compartments (if any) must be accessible.
   J. Drinking fountains.

4. Miscellaneous elements include:
   A. Dressing and locker rooms.
   B. Storage.
   C. Exit signs (tactile)
   D. Signs.
   E. Benches.
   F. Dining or break room tables.


5.408.1 Construction waste diversion. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.
5.408.1.1 Construction waste management plan. Where a local jurisdiction does not have a construction and demolition waste management ordinance that is more stringent, submit a construction waste management plan that:

A. Identifies the construction and demolition waste materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvage for future use or sale.

B. Indicates if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).

C. Identifies diversion facilities where construction and demolition waste material collected will be taken.

D. Specifies that the amount of construction waste and demolition materials diverted shall be calculated by weight or volume, but not by both.

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

6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be fully shielded.

7. The building plans for this project shall include any hazardous classification by class, division or zones and group, and show boundaries of the hazardous area(s). All Wiring in hazardous areas shall comply with the Code provisions for such areas.

8. Occupancy and Construction Type of the proposed facility, and such occupancy designation shall be clearly identified by the applicant on the construction plan documents consistent with the requirements of CBC Chapter 6.

9. Interior finish requirements based on occupancy type of group. Interior wall and ceiling finishes shall have a flame spread index not greater than that specified in CBC Table 803.9 for the group and location designated. Interior wall and ceiling finish materials tested in accordance with NFPA 286 and meeting the acceptance criteria of CBC § 803.1.2.1, shall be permitted to be used where a Class A classification in accordance with ASTM E 84 or UL 723 is required. CBC § 803.9.

10. Portable fire extinguishers shall be installed in F, B, H, and U occupancy groups per CFC § 906. The size and distribution of portable fire extinguishers shall be in accordance with CFC § 906.
11. The storage, use and handling of all hazardous materials shall be in accordance with CFC Chapter 50 and California Health and Safety Code requirements. The maximum allowable quantity (MAQ) of hazardous materials per control area will be established using CFC § 5003.1.

12. All electrical equipment must be listed and labeled by a Nationally Recognized Testing Laboratory (NRTL).

13. Cannabis manufacturing facilities shall submit as a part of their permit application a comprehensive description of the program and all processes proposed for the operation and production at the facility. The documentation shall, as applies, include (but not be limited to) all the following:

a) A written narrative that specifies all means, methods, materials, and equipment to be used for extracting, heating, washing, infusing, cooking, baking or otherwise combining, or changing the form of the cannabis plant; all methods and equipment used for testing any cannabis or cannabis product; all methods, materials, and equipment used for processing and packaging the final product; all means, methods, and quantities for storage of raw and processing materials, and final products.

b) A description of all toxic, dangerous, hazardous, volatile, flammable, or other materials regulated by the CBC, CFC, or any other federal, state, or local government codes and standards that will be used, stored, processed, or created at the facility; the quantities of such materials used at each location within the facility; and the manner and quantity in which such materials will be stored.

c) Material Safety Data Sheets for all proposed toxic, dangerous, hazardous, volatile, or health hazard materials proposed for storage and use within the facility.

14. All Plant Processing and Extraction facilities shall comply with CFC Chapter 38.

15. Type 6 (non-volatile) manufacturing facilities shall comply with CBC, Chapter 3 requirements based upon Use and Occupancy Classification for a Factory Industrial, F-1, Moderate-Hazard Occupancy. High pressure CO2 extraction may require classification as a High Hazard H-2 Occupancy based upon system pressure and/or volume. CBC § 306 and 307.
16. Structural Calculations, Energy Calculations, & California Title 24 Energy Form(s) shall be required at time of plans submittal to the Building Division for plan check.

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

   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year’s Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

   b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

**Water Utilities:**

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

19. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Recycled Water Design and Construction Manual or as approved by the Water Utilities Director.

20. The property owner shall maintain private water and wastewater utilities located on private property.

21. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at developer’s expense.
The following conditions shall be met prior to the approval of engineering design plans.

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

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

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

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

25. Show existing and proposed utility easements on site plan of building plans.

26. Show location and size of existing and proposed water meter(s) on site plan of building plans. Show waterline from proposed meter to connection point to building or residence.

27. Provide table of fixture count and flow calculations per the latest adopted California Plumbing Code to size water meter and service lines on site plan of building plans. If adjacent units are served off the same water meter, include them in the water demand calculations.

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

29. Provide a map of the existing/proposed sewer system in the building, include the size of the exiting sewer lateral and where it ties into the main. A oversized clean out shall be installed on section of drain(s) leaving the cannabis facility, before it enters the adjacent suite, and a second oversized cleanout shall be installed in the landscaped area, before the lateral enters the existing sewer easement. Reference the make and model of the oversized cleanouts on plans.

30. Provide drainage fixture unit count per the latest adopted California Plumbing Code to size sewer lateral for property.
31. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to the City at the time of Building Permit issuance per City Code Section 32B.7.

**Fire:**

32. At time of building permit submittal, a third-party qualified consultant/Fire Protection Engineer review shall be submitted. Oceanside Fire Department must approve the qualified consultant/Fire Protection Engineer prior to accepting report. Report must be completed within one year of building permit initial submittal.

**Solid Waste:**

33. Applicant indicates utilizing a split bin for trash and recycling which allows for space of an additional organics dumpster. However, only one dumpster is shown in plans. Plans are approved with the condition that the organics dumpster is added. The City of Oceanside reserves the right to review program and services levels and request increases if deemed necessary. The City of Oceanside Municipal Code Chapter 13 requires that Oceanside residents, businesses and multifamily projects are to separate all recyclable material from other solid waste. Additionally, the State of California regulations requires all California businesses participate in Mandatory Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826 & SB 1383) as outlined in the Oceanside Solid Waste code.

**Planning:**

34. This Conditional Use Permit is granted for the following use only: a medical cannabis manufacturing facility within an existing building located at 1629 Ord Way. The project proposes to split the existing building and the use is only allowed in the southern unit. Any change in the use of the premises, not in substantial conformance with this approval, will require a revision to the Conditional Use Permit or a new Conditional Use Permit and approved by the Planning Commission.

35. The Conditional Use Permit is subject to review by the Planning Commission from the date of commencement of operations to determine the business compatibility with surrounding land uses. The Commission may add new conditions and/or delete and/or modify existing conditions as it deems necessary to protect the general health, safety and welfare of residents in the area or surrounding land uses.
36. This Conditional Use Permit shall lapse two years after the effective date of approval by City Council unless implemented in accordance with the City of Oceanside Zoning Ordinance or unless a time extension is granted.

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

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

39. This Conditional Use Permit approves only a medical cannabis manufacturing business as shown on the plans and exhibits presented to the Planning Commission for review and recommendation to the City Council. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit. Interior changes to floor plans may be reviewed through the Substantial Conformity process.

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

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

42. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permit CUP19-00020. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.
43. The permittee shall be responsible for trash abatement on the site, and shall keep the site free of litter, trash and other nuisances.

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

45. Exterior trash enclosure shall be locked.

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

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

48. The hours-of-operation for this business operation are limited to 7:00 a.m. to 9:00 p.m., Monday to Saturday. No operations shall be allowed on Sundays. These hours may be further limited by the Planning Commission upon review of any valid issues or complaints pertaining to the hours of operation.

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

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

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

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

53. Prior to issuance of a business license, applicant must submit copy of state license application and approval. Any inconsistencies between City and State approval may be called for review by the Planning Commission.
54. Prior to issuance of a business license, applicant must demonstrate implementation all necessary security measures as indicated on Local License MCF-1265182 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.

55. Applicant shall make the medical 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.

56. 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.

57. Applicant shall ensure medical 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.

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

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

60. Prior to operations, the facilities must obtain all required local, county, and state licenses.
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. 2020-P14 on August 10, 2020 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

______________________________
Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

______________________________
Jeff Hunt, Secretary

I, JEFF HUNT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2020-P14.

Dated: ________________________

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

______________________________  Date: ______________________
Applicant Signature