

PLANNING COMMISSION  
RESOLUTION NO. 2025-P08

A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING  
APPROVAL OF A ZONING TEXT AMENDMENT TO AMEND  
ARTICLES 4, 11, 13, AND 36 OF THE ZONING ORDINANCE  
AND CHAPTER 7 ARTICLE XIII OF THE CITY CODE

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APPLICATION NO: ZA25-00001  
APPLICANT: City of Oceanside  
LOCATION: Citywide

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

WHEREAS, the City of Oceanside, pursuant to its police power, may adopt regulations to protect the health, safety and welfare of the public, Cal. Const. art. XI, § 7, Cal. Govt. Code § 37100, and thereby is authorized to declare what use or condition constitutes a public nuisance; and

WHEREAS, Section 38771 of the California Government Code authorizes the City through its legislative body to declare actions and activities that constitute a public nuisance; and

WHEREAS, in 1970, Congress enacted the Controlled Substances Act (21 U.S.C. Section 801 et seq.) which, among other things, makes it illegal to import, manufacture, distribute, possess, or use marijuana ("cannabis") for any purpose in the United States and further provides criminal penalties for cannabis possession, cultivation and distribution; and

WHEREAS, the People of the State of California have enacted Proposition 215, the Compassionate Use Act of 1996 (codified at Health and Safety Code Section 11362.5 et seq.) (the "CUA"), which exempts qualified patients and their primary caregivers from criminal prosecution under enumerated Health and Safety Code sections for use of cannabis for medical purposes; and

WHEREAS, the California Legislature enacted Senate Bill 420 in 2003, the Medical Marijuana Program Act (codified at Health and Safety Code Section 11362.7 et seq.) ("MMPA"), as amended, which created a state-wide identification card scheme for qualified patients and primary caregivers; and

1 WHEREAS, on October 11, 2015, the Governor signed into law Senate Bill 643,  
2 Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Marijuana  
3 Regulation and Safety Act ("MMRSA"), effective January 1, 2016, which establishes a state  
4 licensing system for medical cannabis cultivation, manufacturing, delivery, and dispensing,  
5 regulating these activities with licensing requirements and regulations that are only applicable if  
6 cities and counties also permit cannabis cultivation, manufacturing, dispensing, and delivery  
7 within their jurisdictions. Under the MMRSA, cities and counties may continue to ban medical  
8 cannabis cultivation, manufacturing, dispensing, and/or delivery, in which case the new law  
9 would not allow or permit these activities within the cities and counties; and

10 WHEREAS, marijuana remains a schedule I substance pursuant to federal law, 21 U.S.C.  
11 § 812, Schedule 1 (c) (10), and federal law does not provide for any medical use defense or  
12 exception (Gonzales v. Raich, 545 U.S. 1 (2005); United States v. Oakland Cannabis Buyers'  
13 Coop., 532 U.S. 483 (2001)); and

14 WHEREAS, in City of Riverside v. Inland Empire Patients Health and Wellness Center,  
15 Inc., 56 Cal. 4th 729 (2013), the California Supreme Court held that neither the CUA nor the  
16 MMPA preempt local regulation; and

17 WHEREAS, the MMRSA expressly allows cities and counties to ban cannabis businesses  
18 consistent with current state law, including City of Riverside v. Inland Empire Patients Health  
19 and Wellness Center, Inc., 56 Cal. 4th 729 (2013); and

20 WHEREAS, the California State Legislature adopted SB 94 in June 2017. The budget  
21 trailer bill took effect immediately and repeals the Medical Cannabis Regulation and Safety Act  
22 ("MCRSA"), passed in 2015, and incorporates many of MCRSA's provisions into Prop 64. The  
23 new comprehensive regulatory system, intended to regulate all commercial cannabis uses, is  
24 called the Medicinal and Adult-Use Cannabis Regulation and Safety Act ("MAUCRSA"). SB  
25 94 clarifies that cities and counties retain full land use authority as to cannabis businesses; cities  
26 and counties may prohibit such businesses entirely, allow only some, or allow them with locally  
27 developed regulations that fit local needs. SB 94 also establishes that local jurisdictions retain  
28 the authority to regulate cannabis businesses, may take enforcement action concerning Fire and  
29 Building Codes, conduct inspections, and implement audits; and

30 WHEREAS, under SB 94, the state is now required to notify a local jurisdiction when it  
31 receives an application for commercial cannabis activity in that jurisdiction. The city or county  
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1 then has 60 business days to notify the state whether the applicant is in compliance with local  
2 regulations. Although proof of authorization from a city or county is not required, an applicant  
3 may voluntarily include this information with its state application. The state is also prohibited  
4 from issuing a cannabis license if issuance would violate any local ordinance; and

5 WHEREAS, on April 11, 2018, the City Council adopted Ordinance 18-OR0199-1 to  
6 allow, subject to certain requirements and limitations, commercial medical cannabis businesses,  
7 (excluding dispensaries) in specified industrial and agricultural zoning districts, subject to a  
8 conditional use permit and the issuance of a Local License pursuant to Chapter 7, Article XIII of  
9 the Oceanside City Code; and

10 WHEREAS, after a duly noticed public hearing conducted on June 20, 2018, the City  
11 Council introduced an ordinance to amend articles 4, 14 and 36 of the Oceanside Zoning  
12 Ordinance to:

- 13 1. allow commercial (adult) cultivation in the Agricultural zone subject to a Local License  
14 and CUP, without a 1000-foot buffer otherwise required in Article 36 on the condition  
15 that cultivation does not exceed 20 percent lot coverage;
- 16 2. to permit waivers of the 1000-foot separation requirement for commercial cannabis  
17 businesses in the Industrial zone on a case by case basis; and
- 18 3. clarify that the existing law does not allow cultivation in the Industrial zone.

19 WHEREAS, on June 20, 2018, the City Council also directed staff to draft amendments  
20 to the Oceanside City Code and Zoning Ordinance to permit no more than two medical cannabis  
21 delivery establishments (M-Type 9) located in Oceanside; and

22 WHEREAS, on August 8, 2018, the City Council adopted Ordinance No. 18-OR0399-1:

- 23 1. eliminating zoning ordinance text limiting medical cannabis cultivation and nursery  
24 facilities to 22,000 square feet per legal lot but retaining the twenty percent lot coverage cap;
- 25 2. eliminating the 1,000-foot buffer between all medical cannabis cultivation and nursery  
26 facilities; and
- 27 3. allowing the waiver of locational requirements for medical cannabis facilities pursuant to  
28 Section 3605 of the Article 36 of the Zoning Ordinance; and 4. clarifying that the land use  
29 classification definition for medical cannabis manufacturing excludes propagation of medical  
30 cannabis; and

1 WHEREAS, on September 5, 2018, the City Council adopted OR0449-1 amending  
2 Chapter 7 of the Oceanside City Code and applicable provisions of the Oceanside Zoning  
3 Ordinance to allow the City to issue no more than two Local Licenses and conditional use permits  
4 for medical cannabis non-storefront delivery establishments (M-Type 9 Non-Storefront Retailer);  
5 and

6 WHEREAS, on August 21, 2019, the City Council adopted a resolution capping the  
7 number of Local Licenses for cultivation to no more than the twelve identified at that council  
8 meeting and directed staff to prepare appropriate amendments to the Oceanside City Code and  
9 Zoning Ordinance to allow the twelve cultivators with Local Licenses and conditional use  
10 permits to engage in cannabis cultivation for adult use; and

11 WHEREAS, on June 24, 2020, the City Council adopted Ordinance 20-OR0463-1 to  
12 allow adult cannabis cultivation in certain districts; and

13 WHEREAS, on August 5, 2020, the City Council approved placing a Cannabis Business  
14 tax on the November 2020 General Municipal Election; and

15 WHEREAS, on November 3, 2020, Measure M Cannabis Business Tax was approved by  
16 the voters; and

17 WHEREAS, on December 16, 2020, the City Council approved Resolution 20-R0707-1  
18 establishing the initial Cannabis Business Tax rates pursuant voter approved Measure M; and

19 WHEREAS, on March 24, 2021, the City Council approved Resolution 21-R0203-1 to  
20 add language to the City Code pertaining to odor control and local license status.

21 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th  
22 day of March, 2025 conduct a duly noticed public hearing as prescribed by law to consider said  
23 text amendments; and

24 WHEREAS, the Planning Commission made recommendations to the City Council to:

- 25 1. Create a separate program for limited cannabis retail sales associated with an active  
26 cannabis cultivation use;
- 27 2. Remove the requirement for applicants to specify and retain a location during the local  
28 licensing process; and
- 29 3. Relax the separation criteria for storefront retailers.

30 WHEREAS, in accordance with the provisions of the California Environmental Quality  
31 Act (CEQA) Guidelines Section 15061(b)(3), the City of Oceanside has determined that the  
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1 proposed project does not have the potential for causing a significant effect on the environment  
2 and therefore is not subject to CEQA review; and

3 WHEREAS, a Notice of Exemption was prepared by the Planning Division of the City  
4 of Oceanside for this project pursuant to the California Environmental Quality Act of 1970 and  
5 State Guidelines;

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

8 FINDINGS:

- 9 1. The Zoning Text Amendment as proposed, conforms to the General Plan of the City, in  
10 that it promotes a balance of land uses and encourages high revenue-generating land uses,  
11 while maintaining community character and neighborhood values through effective land  
12 use planning.
- 13 2. The granting of the Zoning Text Amendment is consistent with the purpose of the Zoning  
14 Ordinance, in that the amendment would allow storefront retail cannabis establishments  
15 in certain zoning districts subject to specific conditions and limitations so as to protect  
16 the health, safety, and welfare of the public

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1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend  
2 approval of Zone Amendment (ZA25-00001) as represented in the attached Exhibit "A".

3 PASSED AND ADOPTED Resolution No. 2025-P08 on March 24, 2025 by the  
4 following vote, to wit:

5 AYES: Morrissey, Malik, Rosales, Balma, Dodds, Anthony, Ogden

6 NAYS:

7 ABSENT:

8 ABSTAIN:

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12 Tom Morrissey, Chairperson  
Oceanside Planning Commission

13 ATTEST:

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Sergio Madera, Secretary

17 I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this  
18 is a true and correct copy of Resolution No. 2025-P08.

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20 Dated: March 24, 2025  
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