

Jericho Moulder

From: Lat Artist <latartist174@gmail.com>
Sent: Sunday, August 16, 2026 8:20 AM
To: City Council; Peter Weiss; Rick Robinson; Esther Sanchez; Jimmy Figueroa; Eric Joyce; City Clerk
Subject: Agenda Item 16, File 26-1611

EXTERNAL MESSAGE: Use caution when opening attachments, clicking links, or responding. When in doubt, please contact CustomerCare@oceansideca.org

Dear Council members:

Please support staff-recommended Option 1, retain Oceanside's adopted four-storefront license limit and conduct the blind public lottery among the three applicants tied for the final available license.

Option 2 would do more than resolve a tie. It would create two additional licenses after the Phase 3 rankings became known and award them to the applicants who collectively requested that the lottery be postponed.

Although the Council has legal authority to modify the license cap, that authority should be exercised reasonably and based on a demonstrated public need. The staff report does not identify operating data, a market analysis or another established need showing that Oceanside requires six storefronts. It states that any additional tax revenue is presently too uncertain to project.

The staff report also concludes that the proposed lottery is fair, impartial and within the discretion built into the existing procedures. Because the three tied applicants were determined to be equally meritorious, a blind lottery among those three would not undermine the merit-based process.

Oceanside should not increase the cap simply because the tied applicants requested licenses for everyone. The City should first allow the original four-store program to operate and collect information about neighborhood impacts, public safety, market demand and tax revenue.

If the Council eventually considers expanding beyond four storefronts, it should do so prospectively through a separate and transparent public process supported by actual Oceanside operating data—not as a response to an unexpected tie in the current selection process.

Please: Reject Option 2 and the proposed increase from four licenses to six. Support staff-recommended Option 1. Conduct the blind public lottery for the final available license. Include this correspondence in the administrative record for Agenda Item 16.

Thank you for considering the concerns of Oceanside residents before changing the program's adopted limit.

Thank you

Christina E Rodriguez

1701 bush st, Oceanside ca unit 1j

Stephanie Rojas

From: Kelly Hayes <kelly@khayeslaw.com>
Sent: Tuesday, August 18, 2026 1:04 PM
To: City Clerk
Subject: Ltrr to City Council - Support for Option 2 Storefront Retail Cannabis Licenses
Attachments: Ltrr T. City Council_(2026.08.18).pdf

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Good afternoon,

I am providing the attached correspondence ahead of the City Council Meeting tomorrow evening, as I am unable to attend in person. Please provide the attached correspondence to Council. This is related to Agenda Item #16.

Please let me know if you need me to submit this directly online or in another manner.

Thank you,



Kelly M. Hayes, Esq.
Attorney at Law

Phone: 619-300-5568
Mobile: 860-309-9088
Email: kelly@khayeslaw.com

Law Office of Kelly M. Hayes, APC
1050 University Ave. Suite E107-104
San Diego, CA 92103

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August 18, 2026

Via Email to:

CityClerk@oceansideca.org

Honorable Mayor Sanchez and Members of the City Council
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: Agenda Item 16 (File #26-1611): Storefront Retail Cannabis License Tie-Breaking Procedure, Support for Option 2 on Behalf of Green Venture Farms, Inc.

Dear Mayor Sanchez and Members of the City Council:

This firm represents Green Venture Farms, Inc. in connection with the City's storefront retail cannabis licensing program. We write in support of the Staff Report's Option 2, which would resolve the Phase III tie by issuing local licenses to all three finalists, rather than eliminating two of them by blind lottery. Each of these applicants earned a perfect Phase II score and an identical second-place ranking through the Council's own merit-based, anonymous ranked-choice process.

A lottery would resolve that tie by chance, undoing the very process the Council adopted to avoid random outcomes. Option 2 is the more consistent choice. When Phase II produced a tie at the advancement cutoff, the City advanced every tied applicant rather than cutting anyone by chance. Applying that same principle here, by advancing all three equally meritorious finalists, treats applicants alike and honors the Council's original rejection of a lottery in favor of merit.

The Municipal Code gives the Council clear authority to do this. Section 7.117(b) allows the Council to raise the license cap by resolution, and Section 7.122 already guards against speculation or over-proliferation: a licensee forfeits its local license if it fails to secure a CUP within twelve months, or fails to commence operations within eighteen months of CUP approval.

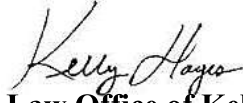
Staff has even prepared and provided you with a Resolution to proceed with Option 2. That draft resolution recognizes that licenses that never become operational are automatically forfeited. Thus, approving Option 2 does not guarantee six stores, it gives the City its best chance of reaching the four-store program the Council already intended, at a density still more conservative than neighboring jurisdictions.

August 18, 2026

Page 2 of 2

On behalf of Green Venture Farms, we respectfully ask the Council to adopt Option 2 and the accompanying resolution (Attachment 3). This approach is fair to all three tied applicants, faithful to the process the Council built, and the surest path to the storefront cannabis program the Council set out to create. Thank you for your consideration.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Kelly Hayes".

Law Office of Kelly M. Hayes, APC

Kelly M. Hayes, Esq.

Stephanie Rojas

From: Kenneth Cohen <kencohen713@yahoo.com>
Sent: Saturday, August 15, 2026 7:16 AM
To: City Council; Esther Sanchez; Rick Robinson; Jimmy Figueroa; Peter Weiss; City Clerk
Subject: No more then retail 4 licenses in oceanside

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City council,

I am a long standing Oceanside resident submitting this comment on Agenda Item 16 (August 19, 2026). I respectfully request that the Council reject Option 2, maintain the existing four-storefront cannabis license cap, and adopt staff's recommended Option 1 (a blind lottery to resolve the tie).

I also object to the proposed CEQA determination that increasing the cap from four to six licenses is "not a project" under CEQA. This objection is submitted pursuant to Public Resources Code section 21177 for inclusion in the administrative record.

The staff report relies on CEQA Guidelines sections 15378(b)(5) and 15060(c)(3), characterizing the action as administrative and deferring environmental review to later CUP proceedings. That approach is inconsistent with *Union of Medical Marijuana Patients, Inc. v. City of San Diego* (2019) 7 Cal.5th 1171.

In *Union*, the California Supreme Court held that authorizing cannabis storefronts is a CEQA project because it is an essential step toward establishing retail uses with reasonably foreseeable physical impacts, including construction and traffic. The Court further held that later conditional use permits do not negate the CEQA significance of the initial authorization decision.

Option 2 is not merely a tie-breaking mechanism. It is a substantive policy change increasing the City's storefront cap by 50 percent and authorizing two additional potential retail businesses beyond the existing program. Under Public Resources Code section 21065 and CEQA Guidelines section 15378, the issuance of such licenses is a governmental action that may foreseeably lead to physical environmental effects.

Those reasonably foreseeable effects include construction and tenant improvements, increased vehicle trips and delivery activity, traffic and parking impacts, and associated energy, noise, air quality, and waste impacts, particularly when considered cumulatively with existing authorized storefronts.

The absence of finalized locations does not eliminate these impacts. The staff report itself contemplates up to six operating storefronts, and the possibility that some applicants may not secure sites does not negate the reasonable foreseeability that additional stores will be developed.

While site-specific CUP review may address localized impacts, it does not substitute for program-level CEQA review of a decision that increases the number of authorized retail outlets. Under Union, the existence of later discretionary approvals does not render the initial authorization non-project activity.

The record also does not support reliance on the “common-sense exemption” (CEQA Guidelines § 15061(b)(3)). That exemption requires certainty that no significant environmental effect may occur. The staff report provides no traffic, environmental, or cumulative impact analysis sufficient to meet that standard for a six-storefront program.

If the City intends to rely on any CEQA exemption, it must clearly identify it and support it with substantial evidence in the record before approval.

Finally, expanding the cap before any of the original four storefronts are operational is premature. The City lacks real-world data on traffic, parking, public safety, neighborhood compatibility, and cumulative impacts that should inform any future expansion decision.

For these reasons, I request that the Council:

1. Reject Option 2 and any increase to the four-storefront cap;
2. Decline the proposed “not a project” CEQA determination;
3. Maintain the existing four-license limit;
4. Adopt staff’s recommended blind lottery for the tie; and
5. If expansion is later considered, require full CEQA review before any additional authorization.

A tie among applicants does not justify expanding the program or bypassing environmental review. The Council should preserve the existing cap and ensure compliance with CEQA before any expansion is considered.

Please include this letter in the administrative record for Agenda Item 16 and distribute it to the Council, City Attorney, and City Clerk.

Thank you,

Kenneth Cohen

2293 Dunstan St, Oceanside, CA 92054
District 3

Stephanie Rojas

From: Thomas Schmiderer
Sent: Monday, August 17, 2026 10:34 AM
To: City Clerk
Subject: FW: No more than 4 cannabis retails!



Thomas Schmiderer
Assistant City Clerk
City of Oceanside

tschmiderer@oceansideca.org
+1 (760) 435-3004
300 N. Coast Highway
Oceanside, CA 92054
www.oceansideca.org

From: lucid flight <flightlucid@gmail.com>
Sent: Monday, August 17, 2026 10:31 AM
To: Esther Sanchez <esanchez@oceansideca.org>; City Council <council@oceansideca.org>
Subject: No more than 4 cannabis retails!

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Hello mayor and city council, please Select a fourth operator through the staff-recommended lottery. Do not use an unexpected tie to increase the program from four to six before Oceanside's first storefront has even opened.

Sincerely

Kevin Cruz

4831 Sol Sitio, Oceanside ca

Jericho Moulder

From: Lauren Carpenter <Lauren@goembarc.com>
Sent: Tuesday, August 18, 2026 3:36 PM
To: City Clerk
Subject: Agenda Item 16 (File #26-1611): Storefront Retail Cannabis License Tie-Breaking Procedure, Support for Option 2
Attachments: img-334a69e5-b89f-4e3c-b66e-6eb5aed54cd2; Oceanside Letter.pdf

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Hello,

Please see attached.

Thank you,



Lauren Carpenter

Chief Executive Officer

916.747.4643 | lauren@goembarc.com

www.goembarc.com | [@embarcsupply](https://www.instagram.com/embarcsupply)



August 17, 2026

Via Email to:

CityClerk@oceansideca.org

Honorable Mayor Sanchez and Members of the City Council
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: Agenda Item 16 (File #26-1611): Storefront Retail Cannabis License Tie-Breaking Procedure, Support for Option 2

Dear Mayor Sanchez and Members of the City Council:

Oceanside Responsible and Compliant Retail LLC (Embarc) supports Option 2 in the Staff Report, which would resolve the Phase III tie by granting local licenses to all three finalists: Embarc, OPCO, and Green Venture Farms. Each finalist received the same score and is ranked in second place under the Council's merit-based scoring process. Deciding the final license slot with a lottery would leave the outcome to chance, the very thing the Council desired to avoid.

Option 2 is the more consistent choice. The Municipal Code gives the Council clear authority to do this. Section 7.117(b) allows the Council to raise the license cap by resolution. Furthermore, Section 7.122 provides a safeguard - a licensee forfeits its local license if it fails to secure a CUP within twelve months, or fails to commence operations within eighteen months of CUP approval. As the draft resolution recognizes, licenses that never become operational are automatically forfeited. Thus, approving Option 2 does not guarantee six stores. It only gives the City its best chance of reaching the four-store program the Council already intended, at a density still more conservative than neighboring jurisdictions.

Notably, Staff's own report confirms that the Council's adopted guidelines never established a process for breaking a tie at the conclusion of Phase III, unlike Phase II, which did. A lottery is not a mechanism the Council previously approved for this circumstance. Resolving it the same way the Council resolved the Phase II tie, by advancing every equally qualified applicant, is the more consistent path.

For these reasons, I respectfully ask the Council to adopt Option 2 and the accompanying resolution (Attachment 3). This approach is fair to all three tied applicants, faithful to the process the Council built, and the surest path forward to the storefront cannabis program the Council set out to create. Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read "Lauren Carpenter", followed by a long, horizontal, wavy line extending to the right.

Lauren Carpenter
CEO, Embarc



August 17, 2026

Via Email to:

CityClerk@oceasideca.org

Honorable Mayor Sanchez and Members of the City Council
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: Agenda Item 16 (File #26-1611): Storefront Retail Cannabis License Tie-Breaking Procedure, Support for Option 2

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Respectfully,

A handwritten signature in black ink, appearing to read "Lauren Carpenter", followed by a long, horizontal, wavy line extending to the right.

Lauren Carpenter
CEO, Embarc

Jericho Moulder

From: Mike Mellano <mike@coastalcannabisco.com>
Sent: Tuesday, August 18, 2026 10:37 AM
To: City Clerk
Subject: Agenda Item 16 (File #26-1611): Storefront Retail Cannabis License Tie-Breaking Procedure, Support for Option 2

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August 17, 2026

Via Email to:

CityClerk@oceansideca.org,

Honorable Mayor Sanchez and Members of the City Council
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: Agenda Item 16 (File #26-1611): Storefront Retail Cannabis License Tie-Breaking Procedure, Support for Option 2

Dear Mayor Sanchez and Members of the City Council:

Green Venture Farms supports Option 2 in the Staff Report, which would resolve the Phase III tie by granting local licenses to all three finalists: Embarc, OPCO, and Green Venture Farms. Each finalist received the same score and is ranked in second place under the Council's merit-based scoring process. Deciding the final license slot with a lottery would leave the outcome to chance, the very thing the Council desired to avoid.

Option 2 is the more consistent choice. The Municipal Code gives the Council clear authority to do this. Section 7.117(b) allows the Council to raise the license cap by resolution. Furthermore, Section 7.122 provides a safeguard - a licensee forfeits its local license if it fails to secure a CUP within twelve months, or fails to commence operations within eighteen months of CUP approval. As the draft resolution recognizes, licenses that never become operational are automatically forfeited. Thus, approving Option 2 does not guarantee six stores. It only gives the City its best chance of reaching the four-store program the Council already intended, at a density still more conservative than neighboring jurisdictions.

For these reasons, I respectfully ask the Council to adopt Option 2 and the accompanying resolution (Attachment 3). This approach is fair to all three tied applicants, faithful to the process the Council built, and the surest path forward to the storefront cannabis program the Council set out to create. Thank you for your time and consideration.

Respectfully,

Michael Mellano

CEO, Green Venture Farms, Inc.

Jericho Moulder

From: Thomas Schmiderer
Sent: Sunday, August 16, 2026 8:03 AM
To: City Clerk
Subject: FW: Do not increase the cannabis retail licenses



Thomas Schmiderer
Assistant City Clerk
City of Oceanside

tschmiderer@oceansideca.org
+1 (760) 435-3004
300 N. Coast Highway
Oceanside, CA 92054
www.oceansideca.org

From: Tim Williamson <williamsont015@gmail.com>
Sent: Friday, August 14, 2026 7:11 PM
To: Eric Joyce <ejoyce@oceansideca.org>; Esther Sanchez <esanchez@oceansideca.org>; Rick Robinson <rrobinson@oceansideca.org>; Jimmy Figueroa <jfigueroa@oceansideca.org>; Peter Weiss <pweiss@oceansideca.org>; City Council <council@oceansideca.org>
Subject: Do not increase the cannabis retail licenses

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Dear Mayor Sanchez and Members of the Oceanside City Council,

I am writing as a concerned resident regarding Agenda Item 16, the storefront cannabis license tie-breaking procedure scheduled for August 19.

I respectfully urge the Council not to increase the number of storefront cannabis licenses from four to six. The four-license limit was established after extensive public discussion and was represented to residents as the appropriate size for Oceanside's initial storefront program. Increasing that limit by 50% during the selection process would be a major policy change—not simply a procedural solution to an unexpected tie.

The fact that three applicants received the same ranking does not justify expanding the entire program. The City can resolve the tie fairly through the blind public lottery recommended by staff while honoring the limit previously approved by the Council.

Approving two additional licenses before any of the original four storefronts have opened would be premature and irresponsible. The City does not yet have real-world information about their effects on surrounding neighborhoods, traffic, public safety, code enforcement, youth exposure, or the local retail market. Nor does the City know whether the projected tax revenue will outweigh the additional administrative and enforcement responsibilities.

Oceanside can always consider additional storefronts in the future after the original four locations have opened and the City has had an opportunity to evaluate their actual impacts. There is no responsible reason to rush that decision now merely because the selection process produced a tie.

Please follow the staff recommendation, maintain the four-license limit, and resolve the tie through a transparent blind lottery.

Thank you for considering the concerns of Oceanside residents.

Respectfully,

Timothy Williamson

138 Cregar St, Oceanside

Jericho Moulder

From: Thomas Schmiderer
Sent: Monday, August 17, 2026 6:48 PM
To: City Clerk
Subject: Fwd: Option 2 Creates Unnecessary Litigation Risk—Please Select Option 1

Thomas Schmiderer, MMC, MPA
Assistant City Clerk
(760) 435-3004
(760) 576-8860 – Cell
TSchmiderer@oceansideca.org

Sent from my iPhone

Begin forwarded message:

From: victoria Ludlow <victorialudlow32@yahoo.com>
Date: August 17, 2026 at 5:28:04 PM PDT
To: Esther Sanchez <esanchez@oceansideca.org>, City Council
<Council@oceansideca.org>, Jonathan Borrego <JBorrego@oceansideca.org>
Subject: Option 2 Creates Unnecessary Litigation Risk—Please Select Option 1

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When in doubt, please contact CustomerCare@oceansideca.org

Honorable Mayor and Members of the Oceanside City Council:

I am writing as a concerned member of the public to respectfully urge the City Council to reject Option 2 and select Option 1 for Item 16.

The City established a competitive, merit-based process under which the two highest-ranked Phase 3 applicants would receive the available licenses. That process produced one clear first-place applicant and a three-way tie for the remaining license.

Option 2 would not merely resolve that tie. It would retroactively change the consequences of the completed competition by awarding licenses to all three second-place applicants.

The first-place applicant earned a higher ranking than every other Phase 3 applicant. Under the process as administered, the first-place applicant reasonably expected to compete against only one licensee selected from the three-way tie. Option 2 would instead force the first-place applicant to compete against all three tied applicants.

That substantially dilutes the economic and competitive value of earning first place. The first-place applicant would receive the same ultimate licensing benefit as three applicants who did not earn first place, while being subjected to two additional competitors created only after the final rankings became public.

Option 2 could expose the City to a petition for writ of mandate under California Code of Civil Procedure sections 1085 and/or 1094.5, together with requests for declaratory and injunctive relief. A challenger could allege that increasing the license cap after completion of the competitive process constitutes:

- An arbitrary and capricious exercise of municipal discretion;
- A prejudicial abuse of discretion;
- A post hoc modification of material selection criteria;
- Unequal and inconsistent treatment of applicants participating in the same competitive process;
- A decision unsupported by findings demonstrating a rational connection between the established selection criteria and the award of two additional licenses; and
- Unfair impairment of the first-place applicant's reasonable reliance on the announced structure and competitive consequences of the licensing process.

The City's own staff report recognizes that any modification of Phase 3 must not be arbitrary and must be rationally supported by the administrative record. The record establishes that the process was designed to identify two successful Phase 3 applicants—not four—and that the tied applicants were competing for one final allotted license.

The mere existence of a tie does not provide a rational basis for disregarding the established license limitation. A tie for one license should be resolved by selecting one of the tied applicants. It should not result in the automatic creation of two additional licenses, particularly when that outcome was requested by the very applicants who would personally benefit from it.

If Option 2 is adopted, the first-place applicant could argue that it has suffered a concrete competitive injury and seek a temporary restraining order or preliminary injunction preventing the additional licenses from being issued while the City's decision is reviewed. Even if the City ultimately prevailed, the resulting litigation could delay implementation of the entire licensing program and impose unnecessary legal costs on the City.

Option 1 avoids that risk. A blind lottery applies equally to all three tied applicants, preserves the merit-based first-place result and resolves the tie without changing the number of licenses after the rankings are known. It is also the option recommended by City staff as fair and impartial.

For these reasons, I respectfully request that the City Council preserve the integrity of its competitive process, avoid unnecessary litigation exposure, reject Option 2 and select Option 1.

Sincerely,
Victoria Ludlow