MCELFRESH LAW, INC.

May 4, 2026

Dane Thompson, Senior Planner
City of Oceanside
Development Services Department
Planning Division

RE: Oceanside Retail LLC
Storefront Retail Application CUP26-00002
3671 Mission Avenue, Oceanside, CA 92058
OZO Article 36 Waiver Request

Dear Mr. Thompson:

I represent Oceanside Retail LLC (the "Applicant" and "MedLeaf"), the entity formed by the owners of MedLeaf, LLC, in its conditional use permit (the "CUP") application to the City of Oceanside to open a cannabis storefront retail outlet at 3671 Mission Avenue in the City of Oceanside (the "Site"). As part of this application, we request that the City of Oceanside grant a Waiver of Locational Requirements, per Section 3605, of the Oceanside Zoning Ordinance (the "OZO"), to allow this project to proceed.

The City Can Make the Required Findings for a Waiver of Locational Requirements Under Article 36

Article 36, Separation of Regulated Uses, of the OZO ("Article 36"), allows the City of Oceanside to regulate the location of uses of land could potentially harm public health, safety, and welfare, if allowed to proliferate without adequate review. The City of Oceanside has included cannabis facilities in its list of Regulated Uses at Section 3602, along with uses such as liquor stores, bars, and arcades. As part of Article 36 review, applicants for Regulated Uses must address whether they are within specified distances of residential districts, Sensitive Land Uses such as schools, parks, and preschools, and other Regulated Uses. Recognizing that given the proximity of some residential zones to commercial ones, the substantial number of Regulated Uses in Article 36, and the proximity of many Sensitive Land Uses to commercial areas, the City of Oceanside allows for a Waiver of Locational Requirements for most distance buffers under Section 3605 (the "Waiver").

To approve a Waiver, the City must find that if the Waiver is granted, it will not be contrary to public interest, it will comply with the spirit or intent of Article 36, and it will not impair or harm nearby properties, the zoning district, or revitalization. The City can make all required Article 36 findings and grant the Applicant's Waiver.

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Site Description

3671 Mission Avenue, the Applicant's Site, supports granting a Waiver with the security and operating conditions that the Applicant will have to meet as a licensed cannabis retail outlet, the Site's planned design, and the Site's location. The Site is a standalone building with its own surrounding parking lot and driveway, as shown in the Site Photos submitted with the CUP application. This layout means the Applicant can monitor access to its Site, and ensure that only patrons, employees, and others with business at the Site are entering. The Site is on the same side of Mission Avenue and within blocks of the Oceanside Police Department at 3855 Mission Avenue; proximity to the Police Department will deter any people who may consider targeting the Site for theft.

As part of the development of the Site, the Applicant will improve its physical security. Per state and local law, the Applicant will add security lighting covering the Site, an alarm system, surveillance cameras that record at all times inside and outside of the building and the surrounding area, storage of that footage for ninety days, and armed security. As part of its CUP application, MedLeaf has prepared a security plan specific to this Site that incorporates these physical conditions and daily security practices, which we ask the City to consider as part of this Waiver application.

In addition to physical security and daily practices, the Applicant will ensure it operates a safe and well-regulated cannabis facility by complying with state and local laws and regulations for operations. These include, but are not limited to, announced and unannounced inspections by both state and local regulators, strict recordkeeping requirements, identification and age verification for patrons, cash handling, secure storage of inventory, packaging and labeling standards for inventory, and advertising rules. Further, the City of Oceanside prohibits cannabis consumption by anyone at a licensed cannabis facility, and state and local law also prohibit the sale, consumption, and distribution of alcohol there as well.

As for the Applicant, the ownership team have run the City's only licensed nonstorefront cannabis retail business for years, bringing experience in following local and state cannabis rules, a deep understanding of working with the City of Oceanside, and a track record of serving the community by operating a licensed, safe, and regulated cannabis business.

In addition to protecting public health, safety, and welfare with its site design, security conditions, and history of high performance, the Applicant satisfies the goals of the City of Oceanside's zoning and commercial district with its selected Site. The City has zoned the Site as General Commercial District ("CG"), which has the full range of retail and service businesses that Oceanside allows, including those that are tightly regulated to ensure legal and safe operation such as a cannabis facility. Further, per the General Plan, the goals of commercial districts include strengthening the City's economy and providing employment opportunities close to home. As part of its scored storefront application to the City, the Applicant has pledged to hire residents – and it has a history of doing so already under MedLeaf's delivery license.

The Site Can Operate Safely Without Interfering with Sensitive Land Uses

The Applicant asks that the City grant a Waiver under Section 3605 because a daycare and a preschool fall within the 1,000-foot radius specified at Section 3604 of the OZO, as shown on the attached Exhibit A, Waiver Map. Specifically, Kiddie Academy of Oceanside is at 3766 Mission Avenue, #10, and Garden Day School is at 3815 Mission Avenue, #105. While Section 3604 has a radius measurement for childcare facilities, the City of Oceanside specifies a legal path of travel measurement between cannabis retail outlets and middle and high schools of 1,000 feet, and 550 feet for elementary schools.[1] If Kiddie Academy and Garden Day were schools, this Site would easily meet the required legal path of travel buffer: for Kiddie Academy, the legal path of travel is approximately 2,470 feet, and for Garden Day, 1,065 feet.

For a pedestrian to walk from the Site to Kiddie Academy, the closest legal path of travel requires them to cross Mission Avenue in two steps: first, the pedestrian must cross to a pedestrian island across a lane vehicles use to turn right from Mission Avenue to El Camino Real; and second, the pedestrian must navigate a crosswalk cover all five lanes of traffic on Mission Avenue. From there, the pedestrian must walk along the sidewalk on Mission Avenue, or walk through the MarketPlace Del Rio Shopping Center, to reach Kiddie Academy.



[1] The City of Oceanside has the authority to grant a Waiver to allow the Applicant to proceed at the Site under its Zoning Ordinance and under California Business and Professions Code section 26054, subdivision (b), which allows a local jurisdiction to specify its own distance and measurement between a cannabis facility and K-12 schools and daycare centers.

In addition to the length of the legal path of travel between Kiddie Academy and the Site, Mission Avenue acts as a natural barrier deterring people from directly, and illegally, crossing the street between the Site and the MarketPlace Del Rio Shopping Center.



Views of Mission Avenue from Site Driveway



View Across Mission Avenue from Site Toward Kiddie Academy





View from Kiddie Academy of Mission Avenue and Site

The road, and multiple restaurants and other business within the shopping center, prevent direct access and visual sightlines between the Site and Kiddie Academy. The two businesses cannot directly observe each other's activities or sites, they do not share a common parking lot or easy vehicle access, and legal pedestrian access requires a walk of over 2,400 feet.

As for Garden Day, while it is on the same side of the street as the Site, the pedestrian walking path is 1,065 feet. Multiple lots and the shopping center at 3753 Mission Avenue separate them physically and visually, and a pedestrian walking between the locations must cross El Camino Real in two steps: first, the pedestrian must cross to a pedestrian island across a lane vehicles use to turn right from Mission Avenue to El Camino Real; and second, the pedestrian must navigate a crosswalk cover all five lanes of traffic on El Camino Real.



Pedestrian Pathway to Garden Day School at Intersection of El Camino Real and Mission Avenue

As with Kiddie Academy, the Site and Garden Day cannot directly observe each other, they do not share a common parking lot, and both legal vehicle and pedestrian access require effort.

Given the physical barriers, visual screening, and separation between the Site and the childcare facilities, the City can make the findings under Section 3605 to grant the Waiver. By granting the Waiver for the Site, the City serves the public interest by protecting public health, safety, and welfare, alongside the jobs, safe access to cannabis, and revenue that a regulated cannabis facility brings. Further, granting the Waiver keeps with the spirit and intent of Article 36 of the Oceanside Zoning Ordinance, which includes properly regulating uses such as cannabis facilities to ensure that they operate safely and do not interfere with surrounding uses, neighborhoods, or Sensitive Land Uses.

The Site Can Operate Without Interfering with Residential Districts

The Applicant asks that the City grant a Waiver because residential districts are within the 1,000-foot radius specified at Section 3604 of the OZO, as shown on the attached Exhibit A, Waiver Map. For residential districts across Mission Avenue from the Site, MedLeaf incorporates the discussion above regarding legal paths of travel and crosswalks, including that the five lanes of Mission Avenue function as a barrier. As for sightlines, the MarketPlace Del Rio Shopping Center, auto repair businesses, and the SecurCare Self Storage on Mission Avenue shield residential districts from directly seeing the Site.



View of Mission Avenue in Both Directions from Site

As for pedestrian access at Fireside Street, a person could cross at the traffic signal at the intersection of Mission Avenue and Fireside Street. However, a person crossing there encounters only an unpaved path in both directions on Mission Avenue, preventing legal pedestrian travel.



Traffic Signal at Intersection of Mission Avenue and Fireside Street



Traffic Signal at Intersection of Mission Avenue and Fireside Street

Thus, the only legal pedestrian path of travel from the residential districts north of the businesses on Mission Avenue is at the intersection of Mission Avenue and El Camino Real.

As for residential districts behind the Site and San Luis Rey Mission Expressway/State Route 76, a hill, a gully, and the four lanes of SR-76 function as a barrier preventing direct access or visual sightlines. Given these barriers, and that legal pedestrian and vehicle access require navigating hills, multiple lanes of traffic, and large crosswalks, the City can conclude that MedLeaf's operations at the Site will not affect these residential districts.

With limited pedestrian access, visual and physical buffer of businesses on Mission Avenue, and the extensive regulations and security conditions that MedLeaf must satisfy at the Site, the City can make the findings required at Section 3605 to grant the Waiver. In addition to the findings for public interest and the spirit and intent of Article 36, the City can find that the Site, as a well-regulated cannabis facility with extensive state and local security conditions, will not impair nearby properties or residential neighborhoods, or negatively affect any revitalization for the area.

The Applicant Can Operate a Safe and Well-Regulated Facility
Amid Surrounding Regulated Uses

Under Article 36, a Waiver application must discuss surrounding Regulated Uses within a 1,000-foot radius. As shown on Exhibit A, for this Site, that includes a liquor store (Mike's Liquor #2, 3549 Mission Avenue), a tattoo establishment (Freddy V's American Tattoo, 3753 Mission Avenue, Unit 118), a massage business (Sunny Ocean Spa, 3753 Mission Avenue, #102), and a firearms range (Splitz Second Shooting, 3753 Mission Avenue, Suite 103).

As discussed above, the Site is a standalone building, with its own driveway and parking lot. Only people visiting the cannabis facility will have reason to enter the Site, and they will leave promptly after completing their purchase, shift, or other business. This will allow the Applicant to maintain safety and stop any possible loitering or other nuisance behaviors. The Applicant will have security cameras recording inside and outside the building and at the Site, along with armed security and lighting. These measures, along with that cannabis retail outlets are one of the most regulated uses in the State of California, will ensure the safety of employees, patrons, and the surrounding area. Proximity to the Oceanside Police Department will also deter loitering and possible theft. Staff will regularly sweep the

parking lot to remove any trash, ensure patrons depart after completing their purchases, and verify that security cameras are in good working order.

In addition to the Site's layout and the Applicant's security measures, the Applicant will ensure safety because of physical separations between the Site and nearby Regulated Uses. Several businesses separate the Site from the liquor store, which is approximately 543 feet away measured in a radius. The other Regulated Uses are in the same shopping center at 3753 Mission Avenue. A KFC restaurant separates the Site and the part of the shopping center containing the Regulated Uses, and the shopping center at 3753 Mission has its own driveway and parking lot.

Because of these factors, the City can make the required findings for the Article 36 Waiver. The location of the Site, combined with the security and site control measures described in this Waiver application and the conditional use permit application, will not help create an adult-entertainment area (none of these Regulated Uses qualify as such), interfere with surrounding uses or residential districts, deter revitalization or economic growth, or undermine the integrity of the General Commercial District.

Conclusion

The Applicant asks the City of Oceanside to grant its Article 36 Waiver to allow them to operate a licensed cannabis retail outlet at 3671 Mission Avenue, along with the related conditional use permit application. The City can make the required findings for the Waiver under Section 3605:

- **The Waiver will not be contrary to the public interest.** With its Site design, security plan, and history of performance with the City of Oceanside in regulated cannabis, the Applicant's operations at the Site will ensure public health, safety, and welfare are protected. At the same time, the business will satisfy the City's goals under its General Plan and General Commercial Zoning to promote economic growth, community benefits, and local jobs.

- **The Waiver will not be contrary to the spirit or intent of Article 36.** Article 36 seeks to properly regulate the location of uses such as cannabis facilities to ensure they operate safely and do not interfere with surrounding uses, neighborhoods, or Sensitive Land Uses. Given the physical barriers, visual screening, and separation between the Site and the childcare facilities, residential districts, and other nearby Regulated Uses, the City keeps with the spirit and intent of Article 36 by granting the Waiver.

- **Granting the Waiver will not impair nearby property or the integrity of the underlying district.** The Site will have one of the most regulated business types in the State of California, a cannabis retail outlet, and will meet all security conditions. As a standalone building with its own parking lot and entrance, the Site's layout will allow the Applicant to control access and ensure safety. As for the district, the Site is in a General Commercial District, which is the proper zone for regulated uses.

- **By granting the Applicant's Waiver, the City will not encourage the development of an adult-entertainment area, promote community blight, or negatively affect revitalization.** Rather, by granting the Waiver, the City will allow a well-regulated business with extensive security

conditions to occupy the Site, and place the cannabis facility at a location separated physically from other Regulated Uses, all of which have separate driveways and entrances.

If you have questions about this Waiver, please contact my office at 858-756-7107 or jessica@mcelfreshlaw.com.

Thank you.

Sincerely,

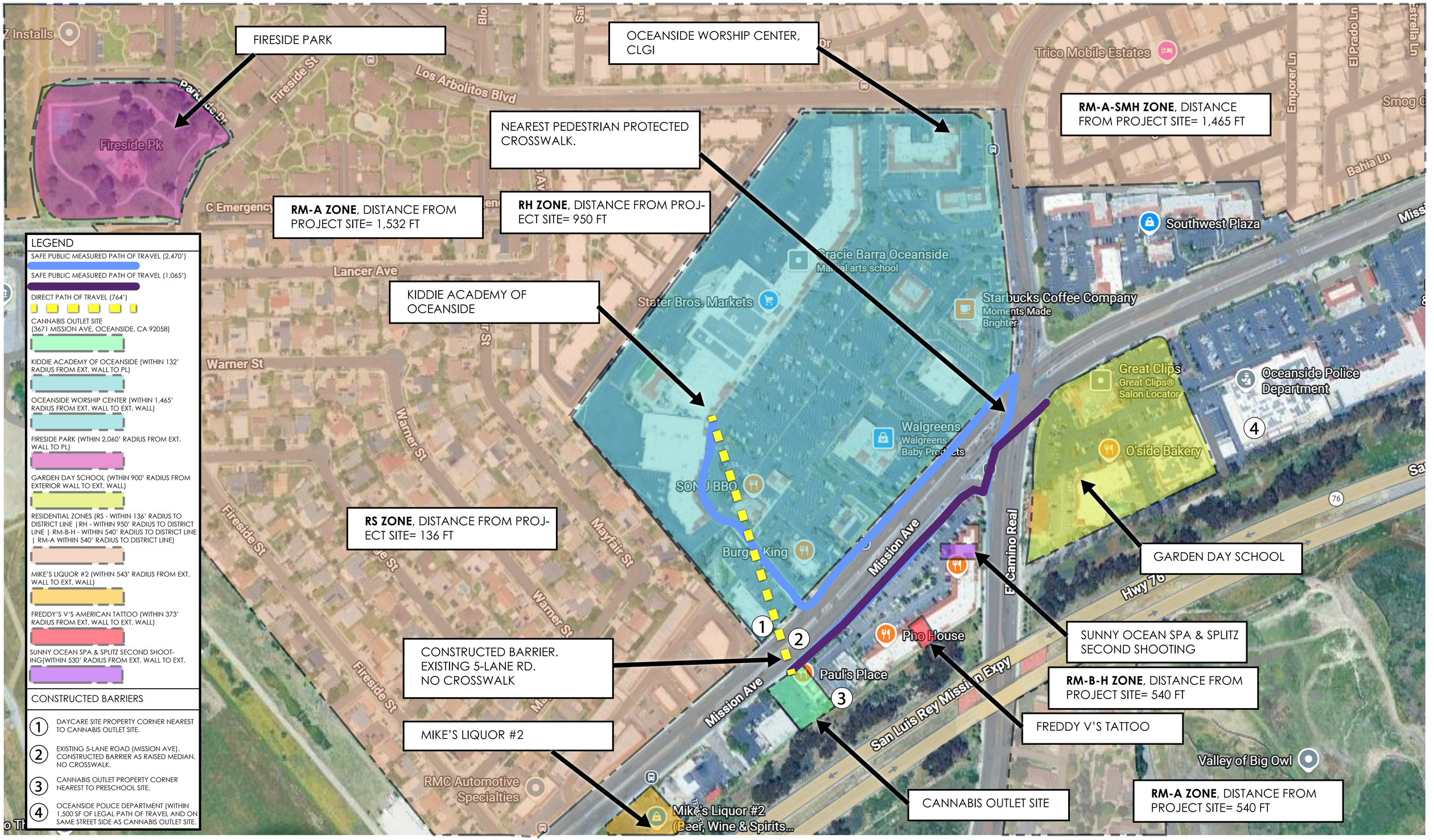


Jessica C. McElfresh

EXHIBIT A

TECHNE

ARCHITECTURE & DEVELOPMENT



LEGEND

- SAFE PUBLIC MEASURED PATH OF TRAVEL (2,470')
- SAFE PUBLIC MEASURED PATH OF TRAVEL (1,065')
- DIRECT PATH OF TRAVEL (764')
- CANNABIS OUTLET SITE (3671 MISSION AVE, OCEANSIDE, CA 92058)
- KIDDIE ACADEMY OF OCEANSIDE (WITHIN 132' RADIUS FROM EXT. WALL TO PL)
- OCEANSIDE WORSHIP CENTER (WITHIN 1,465' RADIUS FROM EXT. WALL TO EXT. WALL)
- FIRESIDE PARK (WTHIN 2,060' RADIUS FROM EXT. WALL TO PL)
- GARDEN DAY SCHOOL (WTHIN 900' RADIUS FROM EXTERIOR WALL TO EXT. WALL)
- RESIDENTIAL ZONES (RS - WITHIN 136' RADIUS TO DISTRICT LINE | RH - WITHIN 950' RADIUS TO DISTRICT LINE | RM-B-H - WITHIN 540' RADIUS TO DISTRICT LINE | RM-A WITHIN 540' RADIUS TO DISTRICT LINE)
- MIKE'S LIQUOR #2 (WITHIN 543' RADIUS FROM EXT. WALL TO EXT. WALL)
- FREDDY'S V'S AMERICAN TATTOO (WITHIN 373' RADIUS FROM EXT. WALL TO EXT. WALL)
- SUNNY OCEAN SPA & SPLITZ SECOND SHOOTING(WITHIN 530' RADIUS FROM EXT. WALL TO EXT.

CONSTRUCTED BARRIERS

1. DAYCARE SITE PROPERTY CORNER NEAREST TO CANNABIS OUTLET SITE.
2. EXISTING 5-LANE ROAD (MISSION AVE). CONSTRUCTED BARRIER AS RAISED MEDIAN. NO CROSSWALK.
3. CANNABIS OUTLET PROPERTY CORNER NEAREST TO PRESCHOOL SITE.
4. OCEANSIDE POLICE DEPARTMENT (WITHIN 1,500 SF OF LEGAL PATH OF TRAVEL AND ON SAME STREET SIDE AS CANNABIS OUTLET SITE.