

Notice of Exemption

Appendix E

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044
County Clerk
County of: Stanislaus
1021 I Street
Modesto, CA 95354

From: (Public Agency): City of Oakdale
455 S. Fifth Avenue
Oakdale, CA 95361
(Address)

Project Title: MJUP Amendment No. 2021-29

Project Applicant: Empire Wellness, Inc.

Project Location - Specific:
547 Armstrong Way, Oakdale, CA 95361

Project Location - City: Oakdale Project Location - County: Stanislaus

Description of Nature, Purpose and Beneficiaries of Project:
The Project consists of the operation of a Cannabis Manufacturing (Type 7 License) facility and business in an existing building located at 547 Armstrong Way, Oakdale, CA 95361.

Name of Public Agency Approving Project: City of Oakdale

Name of Person or Agency Carrying Out Project: Empire Wellness, Inc.

- Exempt Status: (check one):
[] Ministerial (Sec. 21080(b)(1); 15268);
[] Declared Emergency (Sec. 21080(b)(3); 15269(a));
[] Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
[X] Categorical Exemption. State type and section number: 15301 (Existing Facilities)
[] Statutory Exemptions. State code number:

Reasons why project is exempt:
The Project will occupy an existing building and install only minor exterior site improvements such as striping for parking spaces, etc. The business will be self contained within the existing building.

Lead Agency
Contact Person: Mark Niskanen, City Planner Area Code/Telephone/Extension: 209/845-3641

- If filed by applicant:
1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? Yes No

Signature: [Handwritten Signature] Date: 10/21/21 Title: City Planner

Signed by Lead Agency Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code. Date Received for filing at OPR:
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

RECORDED AT THE REQUEST OF:
CITY OF OAKDALE

WHEN RECORDED, MAIL TO:

CITY CLERK
CITY OF OAKDALE
280 NORTH THIRD AVENUE
OAKDALE, CA 95361



Stanislaus County Recorder
Donna Linder, County Clerk-Recorder
DOC - 2021-0099630

Friday, October 22, 2021 12:54:26

Customer: Public

Total Paid: \$0.00

Receipt #: 2021037179

JAC/CHKQZV2/1-11

THIS SPACE RESERVED FOR THE
RECORDER'S OFFICE



**IN THE PLANNING COMMISSION
OF THE CITY OF OAKDALE
PLANNING COMMISSION RESOLUTION 2021-16**

**A RESOLUTION OF THE CITY OF OAKDALE PLANNING COMMISSION
APPROVING AN AMENDMENT TO MAJOR USE PERMIT NO. 2018-07 (MJUP 2020-07) –
TO ALLOW FOR CANNABIS MANUFACTURING, PROPERTY LOCATED AT 547
ARMSTRONG WAY, OAKDALE, CA
ASSESSOR PARCEL NUMBER 064-039-083**

**THE CITY OF OAKDALE PLANNING COMMISSION DOES HEREBY RESOLVE
THAT:**

WHEREAS, a request has been submitted by Mr. Darron Silva of Empire Health and Cali Kosher, Inc./Empire Wellness, Inc. (1631 Fig Avenue, Patterson, CA 95361) Applicant on behalf of Mr. Cary Hahn (600 Woods Court, Modesto, CA 95356) Property Owner of Record as to Assessor Parcel Numbers 064-039-083 to locate and operate a cannabis manufacturing business. The Subject Property is designated by the Oakdale General Plan for Industrial (IND) land uses is zoned L-M, Limited Industrial; and,

WHEREAS, the Oakdale Planning Commission on June 6, 2018, adopted Major Use Permit (MJUP) No. 2018-07 which allowed for the operation of a commercial cannabis dispensary located at 633 Armstrong Way. MJUP No. 2018-07 permitted the Applicant to file an application for an amendment to MJUP No. 2018-07 to allow for cannabis cultivation and manufacturing on properties located at 547 Armstrong Way; and,

WHEREAS, the Applicant filed an application to amend MJUP 2018-07 on March 27, 2020; and,

WHEREAS, City staff has reviewed said application in accordance to the City's 2030 General Plan and Municipal Code; and,

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WHEREAS, the project is exempt from additional environmental review pursuant to Section 15301 of the CEQA Guidelines; and,

WHEREAS, the Planning Commission held a duly noticed public hearing on Wednesday, October 20, 2021

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission that it hereby finds and determines as follows:

- a. The Project is consistent with the 2030 General Plan. The project site is designated for Industrial (IND) land uses per the 2030 General Plan. The 2030 General Plan states, "The IND designation accommodates a broad range of limited, light, and heavy industrial uses including manufacturing and assembly, processing, warehousing and distribution, research and development, office and other job creating uses. Supporting commercial and other employee-serving uses are permitted." Notable 2030 General Plan Policies include Policy NO. LU-5.1 – "Promote recruitment of a diverse range of new industrial users and retention and intensification of existing users."
- b. The Project is deemed a reasonable extension of existing development patterns in the area. The project is considered to be an infill project occupying an existing building surrounded by industrial uses on all sides.
- c. The Project site for the use has adequate access and the parcel is of a size and shape to accommodate the proposed use and all yards, open spaces, setbacks, walls and fences, parking areas, landscaping and other features pertaining to the application. The project allows for primary access to Armstrong Way via an existing driveway. The site is of sufficient size to accommodate the use.
- d. Based on the Project conditions, the granting of this amendment to MJUP 2018-07 will not be detrimental to the health, safety, peace, comfort, and general welfare of persons residing or working in the area and that the proposed use is similar to and compatible with the neighboring uses in the area.
- e. The Project has been reviewed in compliance with CEQA and the appropriate determination has been made. The project is exempt from additional review pursuant to Section 15301 (Existing Facilities) of the CEQA Guidelines.

NOW, THEREFORE, BE IT FINALLY RESOLVED BY THE OAKDALE PLANNING COMMISSION THAT THE ABOVE-RECOMMENDED FINDINGS AND THE INDIVIDUAL ACTIONS AS DESCRIBED ABOVE ARE ADOPTED SUBJECT TO THE CONDITIONS OF APPROVAL PROVIDED HEREIN AS EXHIBIT A.

THE FOREGOING RESOLUTION IS HEREBY ADOPTED THIS 20th DAY OF OCTOBER, 2021.

AYES:	Havard, Ivey, Heron, Richardson, Velasco	(5)
NOES:		(0)
ABSTAIN:		(0)
ABSENT:		(0)



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Signed:

Amy Velasco, Chairperson
Planning Commission

Attest:

Colleen Andersen, Secretary
Planning Commission



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EXHIBIT A
CONDITIONS OF APPROVAL

Project Conditions

General

1. The Project Proponent, at their sole expense, defend, indemnify and hold harmless the City of Oakdale, its agents, officers, directors and employees, from and against all claims, actions, damages, losses, or expenses of every type and description, including but not limited to payment of attorneys' fees and costs, by reason of, or arising out of, this development approval. The obligation to defend, indemnify and hold harmless shall include but is not limited to any action to arbitrate, attack, review, set aside, void or annul this development approval on any grounds whatsoever. The City of Oakdale shall promptly notify the developer of any such claim, action, or proceeding.
2. Approval of this amendment to Major Use Permit No. 2018-07 shall only apply to the Type 7 (Manufacturing) license as defined by the State of California. Should the Project Proponent obtain other cannabis license for the Project location, an amendment to Major Use Permit No. 2018-07 will be required.
3. The Project shall be in conformance with all City Ordinances, rules regulations, and policies. The conditions listed below are particularly pertinent to this approval but shall not be construed to permit violation of other laws and policies.
4. Use of the property shall be limited exclusively to the cannabis manufacturing operation unless amended by the applicant and approved by the Planning Commission through the Use Permit Amendment process.
5. Security fencing shall be installed along the entire perimeter of the Project site, including fencing separating the Subject Parcel from the parcel to the west. The design and type of security fencing shall be reviewed and approved by the Public Services Director.
6. Prior to the issuance of a Certificate of Occupancy and where applicable, the applicant shall install solid fencing and/or screening along the project site perimeter. Fencing/screening materials to be used shall be approved by the Public Services Director or his designee and/or the Police Department. The design of said fencing shall be in compliance with the City's *Industrial Development Design Expectations*.
7. Prior to the issuance of a Certificate of Occupancy, the applicant shall submit a landscaping and improvement plan that includes landscaping improvements, including all appropriate re-planting and re-stock of landscape beds that have degraded over time. These plans shall comply with AB1881 (Water Use Efficiency) requirements and the irrigation system must comply with the City's Watering Schedule and SWPPP regulations.
8. If applicable, at the time of issuance of a Building Permit, the Project Proponent shall pay development impact fees at the established and adopted rate. Such fees may



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include but are not limited to, sewer and water connection fees, community facility fees, building permit and plan check fees.

9. Prior to the issuance of a Building Permit, the developer shall submit a lighting plan that includes the location and design of the proposed lighting fixtures for review and approval by the Public Services Director, if needed.
10. Prior to the issuance of a Certificate of Occupancy, the applicant shall contact the Public Services Department and/or the Police Department for an inspection.
11. Any signage proposed shall conform to the Section 36-26, Sign Ordinance, of the City's Municipal Code. A Sign Permit must be applied for and approved prior to installation of any new signs. There is an \$85.00 fee associated with the Sign Permit Application.
12. The Project Proponent shall comply with the terms of the Amended and Restated Development Agreement between the City of Oakdale and Cali Kosher, Inc. as approved by the City Council and Ordinance No. 2021-1276.

Building and Fire

13. No construction shall occur on-site prior to the issuance of a building permit.
14. New and existing buildings shall have approved address numbers placed in a position to be plainly legible and visible from the street or road fronting the property. See standard details 10-D through 10-D-5.
15. Fire extinguishers are required; location, type and size shall meet California Fire Code requirements.
16. The main electrical service disconnect must be accessible from the exterior of the building. See standard detail 10-P.
17. All driveways and building corners will be accessible to City Fire Apparatus. Fire lanes and no parking areas will be provided and identified as required by the Fire Marshal. Prior to issuance of a building permit, a site plan scaled to 1:30 must be submitted, reviewed, and approved to ensure turning radius, no parking areas, and circulation meet the City of Oakdale standard detail 10-Q.
18. New construction projects shall be required to submit an 8 ½" x 11" document and an electronically submitted "detail" page for emergency responder data files for review and approval by the fire code official before final inspection. Detail page shall include a site plan showing:
 - a. Property, site layout
 - b. Roads, fire access lanes, and building access points
 - c. Premises identification (Address, building identification, suites, room numbers, etc.)
 - d. Fire Hydrant and Fire Department Connection (FDC) locations
 - e. Knox product locations



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- f. Fire alarm control locations
- g. Fire riser locations
- h. Hose valve locations
- i. "Main Electrical" and "Main Gas Disconnect" locations
- j. Hazardous materials storage

Public Works

- 19. If applicable, the applicant shall provide Site Grading and Drainage Plans prior to construction or site preparation.
- 20. If applicable, all improvements shall be designed and constructed in accordance with the most recent edition of the City of Oakdale Development Standards and all applicable state and local ordinances, standards and requirements. Should a conflict arise, the governing specification shall be determined by the City Engineer.
- 21. If applicable, an encroachment permit shall be required for any construction work in the public right of way (for the two new driveways), in easements, or on lands to be dedicated to the City of Oakdale upon completion of the improvements. The encroachment permit shall be obtained prior to the start of said work.

Police Department

- 20. Entrance: The main entrance shall be located and maintained clear of barriers, landscaping, and similar obstructions so that it is clearly visible from public streets or sidewalks.
- 21. Storage: The warehouse and manufacturing facility shall have adequate locked storage on the all the buildings on the property, identified and approved as a part of the security plan, for after-hours storage of cannabis. Cannabis shall be stored at the property in secured rooms that are completely enclosed or in a safe that is bolted to the floor.
- 22. Odor Control. The warehouse and manufacturing facility shall have an air treatment system that prevents odors generated from the storage of marijuana on the dispensary property from being detected by any reasonable person of normal sensitivity outside the property.
- 23. Security Plans. The warehouse and manufacturing buildings shall comply with a security plan that is approved by the police chief that includes, but is not limited to, building security specifications, lighting, alarms, and adequate state licensed security personnel to patrol the buildings and area in order to preserve the safety of persons and to protect the business from theft.
- 24. Background Checks. All warehouse and manufacturing employees including security personnel and delivery personnel shall undergo a background clearance with the Oakdale Police Department consisting of a questionnaire (completed under penalty of perjury), Livescan fingerprinting, Criminal History Check, and interview, prior to issuance of an Employee Permit (37-12 (d) (1)).



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25. Criminal History: No person who has been convicted of a felony, or who is currently on parole or probation for the sale or distribution of a controlled substance, shall operate the anything at the warehouse or manufacturing facility; manage or handle the receipts, expenses, or medical marijuana of the facilities. A conviction within the meaning of this section means a plea or verdict of guilty or a conviction following a plea of nolo contendere.
26. Employee Permits will include a photograph and thumbprint and will be in the possession of the employee at all times while on the premises of the warehouse and manufacturing facility and subject to inspection by Oakdale Police Department Personnel at any time.
27. Security Cameras. Security surveillance cameras and a video recording system shall be installed to monitor the interior, main entrance, and exterior of the warehouse and manufacturing facility and the property area to discourage loitering, crime, and illegal or nuisance activities. The camera and recording system must be of adequate quality (minimum 1280 x 720 pixels with at least 15 frames per seconds), color rendition, and resolution to allow the identification of any individual present in the dispensary area. The camera system shall be accessible via remote access by the business owner and the Oakdale Police Department.
28. Security Video Retention. Video from the security surveillance cameras shall be maintained for a period of not less than 90 days and shall be made available to the Oakdale Police Department upon request.
29. Alarm System. Professionally and centrally-monitored fire, robbery, and burglar alarm systems shall be installed and maintained in good working condition with battery back-up.
30. Concealed. The warehouse and manufacturing facility shall not allow or permit cannabis to be visible from the building exterior.
31. Emergency Contact. The warehouse and manufacturing facility shall provide the city manager and police department with the current name and primary and secondary telephone numbers of at least one 24-hour on-call manager to address and resolve complaints and to respond to operating problems or concerns associated with the dispensary. The warehouse and manufacturing facility shall make good faith efforts to encourage neighborhood residents to call this person to solve operating problems, if any, before any calls or complaints are made to the city.
32. Site Management. The warehouse and manufacturing facility shall prevent and eliminate conditions in the warehouse and manufacturing facility area that constitute a nuisance.
33. Trash, Litter, Graffiti. The warehouse and manufacturing facility shall maintain the sidewalks within 20 feet of the warehouse and manufacturing facility property as well as any parking lots under the control of the warehouse and manufacturing facility. They must keep the area free of litter, debris, and trash. The warehouse and manufacturing facility shall remove all graffiti from the warehouse and manufacturing facility property



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and parking lots under the control of the warehouse and manufacturing facility within 72 hours of its application.

34. **Alcoholic Beverages.** No warehouse and manufacturing facility employee or manager shall cause or permit the sale, distribution, or consumption of alcoholic beverages on the warehouse and manufacturing facility property; hold or maintain a license from the State Division of Alcoholic Beverage Control for the sale of alcoholic beverages; or operate a business on or adjacent to the warehouse and manufacturing facility property that sells alcoholic beverages. No alcoholic beverages shall be allowed or stored on the warehouse and manufacturing facility property.

35. Record Keeping Requirements:

The warehouse and manufacturing facility shall have the following documents available on the premises at all times and shall make the documents available to the Oakdale Police Department and any enforcement agency upon request:

- (1) The valid state license issued by the California Bureau of Cannabis Control;
- (2) Any other valid license issued by a state cannabis licensing agency;
- (3) The valid license, permit, or other approval issued by the City of Oakdale;
- (4) The premises diagram;
- (5) The current standard operating procedures;
- (6) Shipping manifests;
- (7) Employee records, including evidence of employee qualifications and training procedures and logs; and
- (8) Any other record or documentation required to be kept pursuant to law.

The required records shall be maintained on the premises in a manner immediately accessible to the Oakdale Police Department and any enforcement agencies upon request for a period of seven (7) years. Outdated standard operating procedures shall not be accessible to onsite employees. All documentation shall be maintained in English.

36. Video Surveillance Requirements:

- (a) At a minimum, licensed premises shall have a digital video surveillance system with a minimum camera resolution of 1280 × 720 pixels. The video surveillance system shall be able to effectively and clearly record images of the area under surveillance.
- (b) The video surveillance system shall be accessible via remote access by the business owner and the Oakdale Police Department.
- (c) To the extent reasonably possible, all video surveillance cameras shall be installed in a manner that prevents intentional obstruction, tampering with, and/or disabling.
- (d) Areas that shall be recorded on the video surveillance system include the following:



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- (1) Areas where cannabis or cannabis products are weighed, packed, stored, quarantined, loaded and/or unloaded for transportation, prepared, or moved within the premises;
 - (2) Limited-access areas;
 - (3) Security rooms;
 - (4) Areas containing surveillance-system storage devices shall contain at least one camera to record the access points to such an area; and
 - (5) The interior and exterior of all entrances and exits to the premises.
- (e) The surveillance system shall record continuously 24 hours per day and at a minimum speed of 15 frames per second.
 - (f) All recording and monitoring equipment shall be located in secure rooms or areas of the premises in an access-controlled environment.
 - (g) All surveillance recordings shall be kept on the licensee's recording device for a minimum of 90 days.
 - (h) All video surveillance recordings are subject to inspection by the Oakdale Police Department and shall be copied and sent, or otherwise provided, to the Department upon request.
 - (i) The video recordings shall display the current date and time of recorded events. Time is to be measured in accordance with the U.S. National Institute of Standards and Technology standards. The displayed date and time shall not significantly obstruct the view of recorded images.

37. Security Plan Requirements:

Every warehouse and manufacturing facility shall develop and implement a security plan approved by the police chief. At a minimum, the security plan shall include a description of the security measures to be taken to:

- (a) Prevent access to the manufacturing premises by unauthorized personnel and protect the physical safety of employees. This includes, but is not limited to:
 - (1) Establishing physical barriers to secure perimeter access and all points of entry into a manufacturing premises (such as locking primary entrances with commercial-grade, non-residential door locks, or providing fencing around the grounds, driveway, and any secondary entrances including windows, roofs, or ventilation systems);
 - (2) Installing a security alarm system to notify and record incident(s) where physical barriers have been breached;
 - (3) Establishing an identification and sign-in/sign-out procedure for authorized personnel, suppliers, and/or visitors;
 - (4) Maintaining the premises such that visibility and security monitoring of the premises is possible; and
 - (5) Establishing procedures for the investigation of suspicious activities.



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- (b) Prevent against theft or loss of cannabis and cannabis products. This includes but is not limited to:
- (1) Establishing an inventory system to track cannabis and cannabis products and the personnel responsible for processing it throughout the manufacturing process;
 - (2) Limiting access of personnel within the premises to those areas necessary to complete job duties, and to those time-frames specifically scheduled for completion of job duties;
 - (3) Supervising tasks or processes with high potential for diversion (including the loading and unloading of cannabis transportation vehicles); and
 - (4) Providing designated areas in which personnel may store and access personal items.
- (c) Secure and back up electronic records in a manner that prevents unauthorized access and that ensures the integrity of the records is maintained.

38. Additional Warehouse and Manufacturing Facility Site Security Considerations:

1. Alarm Systems (Both perimeter, fire, and panic) at all sites with 24-hour back up power.
2. Camera Systems (360 degrees perimeter and interior point of service) similar to a bank minimum camera resolution of 1280 × 720 pixels (see video surveillance section above).
3. Perimeter lighting systems (motion sensor) for after-hours security.
4. Any observed or suspected criminal violations shall be immediately reported to the Oakdale Police Department.
5. On-site security personnel to be trained and outfitted with body worn cameras by the Oakdale Police Department. Security personnel will operate within the guidelines and policies of the Oakdale Police Department. All related body worn hardware, software, and data will be retained and secured by the Oakdale Police Department pursuant to existing policy and law.
6. POS systems that report sales and have IP access for remote monitoring sharing with city administration.
7. Approved track and trace system with back up manual process with data sharing to police department.
8. All camera systems shall allow for IP access for remote monitoring and recording.
9. All alarm systems must have remote monitoring.

Gilton Solid Waste

39. The location, size, and design of the trash enclosure shall be approved by Gilton Solid Waste prior to the issuance of a Building Permit. In accordance with AB1826 and AB341, the Developer shall provide a large enough enclosure for an organic bin, recycling bin, and trash bin.



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EXHIBIT B

SITE PLAN

