



COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH DIRECTOR OF PLANNING & BUILDING

October 11, 2022

VIA ELECTRONIC MAIL

Atten: Kayla Mikel
Golden State Nectar, LLC
1151 Pike Lane Unit 1
Oceano, CA 93445

SUBJECT: Substantial Conformance Determination for Project Modification MOD2022-00058 to Minor Use Permit DRC2018-00107 for Golden State Nectar, LLC.

Dear Ms. Mikel,

This letter relates to the Project Modification Application MOD2022-00058 to Minor Use Permit DRC2018-00107 for Golden State Nectar, LLC. Based on the information provided, the Planning and Building Department has determined that the proposed changes are in substantial conformance with the approved development and County Code Section 22.64.050. A review of the proposed changes and reason for the determination are provided below.

Description of Proposed Changes:

Project Modification to Minor Use Permit DRC2018-00107 Garden State Nectar, LLC is to allow the addition of seven new employees for a total of ten employees and to add two additional delivery vehicles for a total of five vehicles. One vehicle will be reserved as a standby, should one of vehicles need service. Additionally, the project modification is to allow the change of the approved hours of operation from 12:00 p.m. to 8:00 p.m., Monday through Friday, and 10:00 a.m. to non-storefront hours to be 7:00 a.m. to 9:00 p.m. but all retail deliveries of cannabis goods are limited to the hours of 8:00 a.m. to 8:00 p.m., seven days a week.

Basis for Substantial Conformance Determination:

1. The proposed changes cannot result in any new or increased environmental impacts.
 - a. The addition of seven new employees for a total of ten employees and the additional two delivery vehicles to the fleet for a total of five vehicles will not increase environmental impacts.
 - b. The change of the approved hours of operation from 12:00 p.m. to 8:00 p.m., Monday through Friday, and 10:00 a.m. to on-storefront hours to be 7:00 a.m. to 9:00 p.m. but all retail deliveries of cannabis goods are limited to the hours of 8:00 a.m. to 8:00 p.m., seven days a week will not increase environmental impacts.

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2. The proposed changes cannot result in the need to modify any of the conditions of approval.
 - a. No conditions of approval will be modified.
 3. The proposed changes cannot result in any changes to the aspects of the project that were a specific consideration of the review authority.
 - a. The elements proposed in this substantial conformance were not specific considerations of the review authority. Therefore, the proposed changes are acceptable.

Special Requirements:

The proposed modifications shall comply with all original conditions from Conditional Use Permit DRC2018-00107, as well as the following requirements:

1. **Prior to commencing activities**, the applicant shall demonstrate compliance with the Conditions of Approval associated with the Conditional Use Permit DRC2018-00107 as shown in Attachment A.
2. **At the time of application for a construction permit**, this letter and a copy of the Conditions of Approval from the Conditional Use Permit DRC2018-00107 shall be provided with the construction permit application.
3. **Indemnification**, the applicant shall, as a condition of approval of this land use permit application, defend, hold harmless and indemnify, at his or her sole expense (including attorney's fees, with Counsel approved by the County), any action brought against the County of San Luis Obispo, its present or former officers, agents, or employees, by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to approval or implementation of this land use permit. The applicant shall reimburse the County for any court costs and attorney fees that the County may be required by a court to pay as a result of such action, but such participation shall not relieve the applicant of his obligation under this condition. Upon request of the County, the applicant shall also enter into a separate agreement with the County (the "Indemnity Agreement"), in a form approved by County Counsel, agreeing to defend, indemnify, save and hold harmless the County, its present or former officers, agents, or employees, against actions by a third party challenging either its decision to approve this land use permit or the manner in which the County is interpreting or enforcing the conditions of this land use permit, or any other action by a third party relating to or arising out of the approval or implementation of this land use permit. The agreement shall provide that the applicant will indemnify the County and reimburse it for any costs and/or attorney's fees which the County incurs as a result of such action, and that the County's participation or non-participation in any such litigation shall not relieve the applicant of his or her obligations under this condition or the agreement. The applicant shall also provide sufficient guarantees for the obligations hereunder as determined by County Counsel. Any violation of this condition, including the applicant's

failure to execute the Indemnity Agreement or breach thereof, or failure to provide sufficient guarantees, is grounds for the County to rescind and/or revoke its approval of this land use permit. These defense and indemnity obligations shall survive any recission, revocation and/or set aside of this land use permit.

If you have any questions regarding this determination, please contact me at emoreno@co.slo.ca.us or (805) 781-5721.

Sincerely,



Elizabeth Moreno, Planner

Cc: Xzandrea Fowler, Environmental Coordinator
Cc: Detective Hernandez, Sheriff Office

Attachments:

Attachment A – Conditions of Approval



Attachment A

**COUNTY OF SAN LUIS OBISPO
DEPARTMENT OF PLANNING & BUILDING
TREVOR KEITH, DIRECTOR**

December 21, 2018

Garden State Nectar
Attn: Kayla Mikel
1220 Bennet Way 84
Templeton, CA 93465

NOTICE OF FINAL COUNTY ACTION

HEARING DATE: December 7, 2018

SUBJECT: **GARDEN STATE NECTAR**
County File Number: DRC2018-00107

LOCATED WITHIN COASTAL ZONE: NO

The above-referenced application was approved by the Hearing Officer, subject to the approved Findings and Conditions, which are attached for your records.

If the use authorized by this Permit approval has not been established or if substantial work on the property towards the establishment of the use is not in progress after a period of twenty-four (24) months from the date of this approval or such other time period as may be designated through conditions of approval of this Permit, this approval shall expire and become void unless an extension of time has been granted pursuant to the provisions of Section 22.64.070 of the Land Use Ordinance.

If the use authorized by this Permit approval, once established, is or has been unused, abandoned, discontinued, or has ceased for a period of six (6) months or conditions have not been complied with, such Permit approval shall become void.

Pursuant to County Land Use Ordinance Section 22.70.050, you have the right to appeal this decision to the Board of Supervisors up to 14 calendar days after the date of the action, in writing, to the Department of Planning and Building. The appeal fee is \$850.00 and must accompany your appeal form. If you have any questions regarding this matter, please contact me at (805) 781-5718.

Sincerely,

Nicole Retana
Planning Department Hearings Secretary
County of San Luis Obispo
Department of Planning & Building

EXHIBIT A – FINDINGS
GARDEN STATE NECTAR (DRC2018-00107)

CEQA Exemption

- A. The project meets the criteria for a Class 1 Categorical Exemption as set forth in the Guidelines for Implementation of the California Environmental Quality Act (CEQA Guidelines) because the project involves the use of an existing facility, with no expansion of use. The project is not located in a sensitive environment, will not have cumulative impacts, will not have a significant effect due to unusual circumstances, will not damage scenic resources, is not located on a hazardous waste site, and will not affect any historical resources. A Notice of Exemption has been prepared pursuant to CEQA Guidelines Section 15061.

Minor Use Permit

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because cannabis dispensary uses are allowed uses and, as conditioned, are consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 22 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the cannabis dispensary does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the cannabis dispensary is an allowed use and will not conflict with, the surrounding lands and uses (Commercial Services) and because the site is more than 1,000 feet from sensitive land uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project. The project is located at 1151 Pike Lane, Suite 1 within the Oceano Urban Reserve Line near the City of Grover Beach. As described in the traffic study conducted by Associated Transportation Engineers dated July 27, 2018, the dispensary is anticipated to generate 8 average daily trips, with no trips occurring during peak hours. The Public Works Department reviewed the project and agrees with their summary that trip impacts would be negligible to County-maintained roadways. The project may be subject to the City of Grover Beach impact fees and is conditioned to comply with the City's requirement prior to establishment of use.

Cannabis Dispensary

- G. The cannabis dispensary, as proposed, will comply with all the requirements of State and County for the dispensing of cannabis, including dual licensure requirements and participation in an authorized track and trace program.

- H. The cannabis dispensary will not be open to the public (mobile deliveries only) and will not be located within six hundred (600) feet from any pre-school, elementary school, junior high school, high school, library, park, playground, recreation or youth center, licensed drug or alcohol recovery facility, or licensed sober living facility.
- I. The cannabis dispensary includes adequate measures that address enforcement priorities for cannabis activities including restricting access to minors and ensuring that cannabis and cannabis products are limited to those obtained from and supplied to other permitted licensed sources within the State and not distributed out of State.

**EXHIBIT B - CONDITIONS OF APPROVAL
GARDEN STATE NECTAR (DRC2018-00107)**

Approved Development

1. This approval authorizes Garden State Nectar to establish and operate a non-storefront cannabis dispensary (mobile delivery) at 1151 Pike Lane, Suite 1 in Oceano, CA 93445. The authorized hours of operation are 12:00 p.m. to 8:00 p.m., Monday through Friday, and 10:00 a.m. to 8:00 p.m. on Saturday and Sunday within the County of San Luis Obispo.

Conditions required to be completed at the time of application for construction permits

Fees

2. **Prior to commencing permitted activities**, the applicant shall obtain a business license through the County of San Luis Obispo Tax Collector's Office prior to operating at the approved location. Business license renewals shall be made annually as required by Title 6 of the County Code.
3. **Prior to commencing permitted activities**, the applicant shall complete all state licensing requirements for a non-storefront cannabis dispensary at the approved location. A copy of the State licensing shall be submitted to the County of San Luis Obispo Planning Department prior to operating at the approved location. A copy of any annual State licensing requirements for a cannabis dispensary at the approved location shall be provided to the County of San Luis Obispo.
4. **Prior to commencing permitted activities**, the applicant shall obtain the appropriate business license for each jurisdiction that the applicant proposes to provide services in and submit to the County of San Luis Obispo Planning Department evidence of compliance with each jurisdiction's business licensing requirements.

Licensing

5. **Prior to commencing permitted activities**, the applicant shall coordinate with the City of Grover Beach to pay any applicable road fees associated with the project. A proof of receipt or letter of good standing from the City of Grover Beach shall be submitted to the County of San Luis Obispo Department of Planning and Building.

Conditions required to be completed at the time of application for construction permits

6. **At the time of application for construction permits**, all project conditions shall be clearly printed on the plans, and construction documents shall be consistent with the currently-adopted California Codes.
7. **At the time of application for construction permits**, all plans and engineering shall be prepared by a California Licensed Architect of Record or Engineer for all design portions of the project that do not meet "conventional construction" as defined by the current building code.

8. **At the time of application for construction permits**, the submitted building plan set shall demonstrate consistency with California State Title 24 energy laws.

Site Development

9. **At the time of application for construction permits**, plans submitted shall show all development consistent with the approved site plan, floor plan, and architectural elevations.
10. **At the time of application for construction permits**, the applicant shall provide details on any existing or proposed exterior lighting, if applicable. The details shall include the height, location, and intensity of all exterior lighting. All proposed lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark in color. Any existing lighting shall be adjusted if necessary to meet similar standards for shielding and color of light hoods.

Fire Safety

11. **At the time of application for construction permits**, the applicant shall obtain a Fire Safety Plan from the Five Cities Fire Authority. All plans submitted to the Department of Planning and Building shall meet the fire and life safety requirements of the California Fire Code and those outlined in the Fire Safety Plan.

Conditions to be completed prior to occupancy or final building inspection /establishment of the use

12. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.

On-going Conditions for the Life of the Project

13. This land use permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 22.64.070 or the land use permit is considered vested. This land use permit is considered to be vested once a construction permit has been issued and substantial site work has been completed. Substantial site work is defined by Land Use Ordinance Section 22.64.080 as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade.
14. All conditions of this approval shall be strictly adhered to, within the time frames specified, and in an on-going manner for the life of the project. Failure to comply with these conditions of approval may result in an immediate enforcement action by the Department of Planning and Building. If it is determined that violation(s) of these conditions of approval have occurred, or are occurring, this approval may be revoked pursuant to Sections 22.74.160 and 22.40.110 and 120 of the Land Use Ordinance.

Access

15. Valid for the life of the project and in accordance with County Code Section 13.08, no activities associated with this permit shall be allowed to occur within the public right-of-way including, but not limited to, project signage; tree planting; fences; etc. without a valid encroachment permit issued by the Department of Public Works.

Operation

16. The applicant shall post on site all required land use permit approval and all required County and State permits and licenses required to operate. Such posting shall be in a central location, visible to the patrons, at the operating site, and in all vehicles that deliver or transport cannabis.
17. The applicant shall maintain clear and adequate records and documentation demonstrating that all cannabis or cannabis products have been obtained from and are provided to other permitted and licensed cannabis operations. The County shall have the right to examine, monitor, and audit such records and documentation, which shall be made available to the County upon request.
18. Garden State Nectar shall operate a non-storefront dispensary in compliance with all required County permits, State licenses, County ordinance, and State law and regulation. Garden State Nectar shall be responsible for the payment of all required fees and taxes.
19. Upon adoption of the County of San Luis Obispo Cannabis Monitoring Program, the operator(s) shall enter the program within (90) days of adoption. Any associated fees shall be paid to the County of San Luis Obispo.
20. No minors or unauthorized personnel shall be permitted inside any restricted access areas under any circumstance.



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December 21, 2018

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