



The County of San Diego

Planning Commission Hearing Report

Date:	August 6, 2021	Case/File No.:	PDS2021-POD-21-001
Place:	County Conference Center 5520 Overland Avenue San Diego, CA 92123	Project:	Socially Equitable Cannabis Program (Summary: Ordinance Updates to Enable Ongoing Operation of Existing Medical Marijuana Collective Facilities)
Time:	9:00am	Location:	Districts 2 and 5
Agenda Item:	#01	General Plan:	Limited Impact Industrial, Medium Impact Industrial, and High Impact Industrial
Appeal Status:	Not applicable; Approval by the Board of Supervisors	Zoning:	Limited Impact Industrial Use (M52) and General Impact Industrial Use (M54)
Applicant/Owner:	County of San Diego	Community:	Lakeside Community Plan Area, Ramona Community Plan Area, and Valley Center Community Plan Area
Environmental:	CEQA § 15301, 15303	APNs:	387-150-21-00, 281-521-13-00, 281-065-26-00, 281-121-12-00, 127-222-19-00

A. OVERVIEW

At the direction of the Board of Supervisors (Board), the County of San Diego (County) is developing a socially equitable cannabis program to enable new business opportunities throughout the unincorporated area, such as cannabis retail, cultivation, manufacturing, and testing. County staff is beginning to develop this program, which will take approximately two years to complete. The County has also taken steps to increase enforcement against unpermitted cannabis operations, and on June 9, 2021, the Board directed staff to update the County's regulations related to five existing nonconforming Medical Marijuana Collective Facilities (existing dispensaries) in the unincorporated county located in the communities of Lakeside, Ramona and Valley Center.

The updates to the County's Zoning Ordinance will: (1) allow for existing dispensaries to continue to operate past the date of April 14, 2022; (2) allow for commercial medical and commercial adult use

cannabis sales (i.e., anyone over 21 regardless of medical prescription); (3) allow for alterations to existing structures or expansions up to 10,000 square feet through a ministerial building permit; (4) exempt building alterations and expansions from the requirements of B Designator Community Design Review and S Designator Scenic; and (5) allow the transfer of operating certificates from existing operating certificate holders to others, collectively which will implement the Board directed changes to allow for increased access to legal cannabis at the five existing dispensaries.

The purpose of this report is to provide the information necessary for the Planning Commission to consider the amendments to the County Zoning Ordinance for the five existing dispensaries and to make a recommendation to the Board to adopt, to adopt with modifications, or deny the proposed Zoning Ordinance amendments. Staff will also be providing the Planning Commission an update on related proposed amendments to the County Code of Regulatory Ordinances (Regulatory Code), including allowing the sale of edible cannabis products, drinkable cannabis products, and branded merchandise.

B. RECOMMENDATIONS

Planning & Development Services (PDS) recommends that the Planning Commission take the following actions:

1. Recommend that the Board of Supervisors find that the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Sections 15301 and 15303 since the ordinance amendments result in negligible or no expansion, all public services and facilities are available to allow for maximum development permissible in the General Plan, the area in which the project is located is not environmentally sensitive, expansions are limited to 10,000 square feet or less, and no exceptions to the exemptions apply.
2. Recommend that the Board of Supervisors adopt the attached Form of Ordinance:

AN ORDINANCE AMENDING THE SAN DIEGO ZONING ORDINANCE RELATED TO SECTION 1110 DEFINITIONS, SECTION 6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND SECTION 6976 PROHIBITION OF MARIJUANA FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION 6861 RELATED TO NONCOMFORMING CANNABIS FACILITIES (POD 21-001; REZ XX-XXX) (POD 21-001) (Attachment D – Clean and Attachment E – Strikeout).

C. BACKGROUND

The County has five existing Medical Marijuana Collective Facilities (existing dispensaries), with valid Operating Certificates. The existing dispensaries are a form of medical cannabis organization allowed by the County as of June 30, 2010. They are not-for-profit businesses that can only buy cannabis from and sell cannabis to members of their dispensaries who have medical cards.

In 2016, after hearing concerns regarding dispensaries, the Board requested that staff return with potential options for regulating dispensaries as well as a moratorium prohibiting additional applications to be submitted for new dispensaries. On January 25, 2017, options were presented to the Board, but the Board directed staff to return with an ordinance to place a ban on all medical and non-medical cannabis facilities within the unincorporated areas. On March 15, 2017 and March 22, 2017, the Board amended the County Zoning Ordinances related to medical and non-medical cannabis facilities within

the unincorporated County. This ban included a requirement for the existing dispensaries in unincorporated communities to cease operations by April 14, 2022.

On January 27, 2021, the Board directed a Zoning Ordinance amendment be developed that would allow for a variety of cannabis uses and a social equity program that provides greater opportunities for individuals negatively or disproportionately impacted by cannabis criminalization. On March 3, 2021, the Board received an update on staff progress on the Socially Equitable Cannabis Program (Program) and directed staff to return to the Board in 90 days with another progress report, an analysis of options for compliance with California Environmental Quality Act (CEQA), and options to enable the existing dispensaries in the unincorporated county jurisdiction to continue operations past April 2022.

On June 9, 2021, staff presented the Board options for compliance with CEQA, and the Board directed staff to begin a Program Environmental Impact Report (PEIR) for the development of the Socially Equitable Cannabis Program. During that hearing staff also presented the Board options to facilitate the existing dispensaries' ongoing operations. The Board directed staff to amend the Zoning Ordinance to allow existing dispensaries to continue to operate past the date of April 14, 2022, to allow for commercial adult use cannabis sales, to expand up to 10,000 square feet, and to transfer business licenses. The changes being presented to the Planning Commission today are in response to this Board direction and are specific to the existing dispensaries.

D. REGIONAL SETTING AND EXISTING DISPENSARY LOCATIONS

The names and locations of the five existing dispensaries are as follows:

1. Outliers Collective; 8157 Wing Ave, El Cajon; APN 387-150-21-00

Outliers Collective is located within the Lakeside Community Plan Area and is zoned for General Impact Industrial Use (M54).

Table 1: Outliers Collective Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Incorporated City of El Cajon (Airport Land Use)	M - Manufacturing	Airport Drive	Gillespie Field Airport
East	Medium Impact Industrial (I-2)	M54 – General Impact Industrial	SR-67	Industrial / Equipment Supplier
South	Medium Impact Industrial (I-2)	M54 – General Impact Industrial	W Bradley Ave	Industrial / Commercial Scaffolding
West	Incorporated City of El Cajon (Airport Land Use)	M - Manufacturing	Wing Ave	Gillespie Field Airport



Figure 1: Outliers Collective Vicinity Map (Source: Google Maps)



Figure 2: Outliers Collective Aerial Photo (Source: Bing Maps)

2. Ramona Cannabis Company; 736 Montecito Way, Ramona; APN 281-521-13-00

Ramona Cannabis Company is located within the Ramona Community Plan Area and is zoned for General Impact Industrial Use (M54).

Table 2: Ramona Cannabis Company Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural Residential (SR-1)	A70 – Limited Agricultural	El Paso Street	Single Family Residential / Undeveloped
East	Semi-Rural Residential (SR-1)	A70 – Limited Agricultural	Lamar Street	Equestrian Event Training Facility
South	High Impact Industrial (I-3)	M54 – General Impact Industrial	Montecito Road	Single Family Residential / Undeveloped
West	Semi-Rural Residential (SR-1) and High Impact Industrial (I-3)	A70 – Limited Agricultural and M54 – General Impact Industrial	Rangeland Road	Single Family Residential / Undeveloped



Figure 3: Ramona Cannabis Company Vicinity Map (Source: Google Maps)



Figure 4: Ramona Cannabis Company Aerial Photo (Source: Bing Maps)

3. Releaf Meds; 618 Pine St, Ramona; APN 281-065-26-00

Releaf Meds is located within the Ramona Community Plan Area and is zoned for Limited Impact Industrial Use (M52).

Table 3: Releaf Meds Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Limited Impact Industrial (I-1)	M52 – Limited Impact Industrial	Cedar Street	Industrial / Undeveloped
East	Village Residential (VR-2.9)	A70 – Limited Agricultural	SR-78	Single Family Residence
South	Limited Impact Industrial (I-1)	M52 – Limited Impact Industrial	Oliver Street	Single Family Residence
West	Limited Impact Industrial (I-1)	M52 – Limited Impact Industrial	Maple Street	Single Family Residence

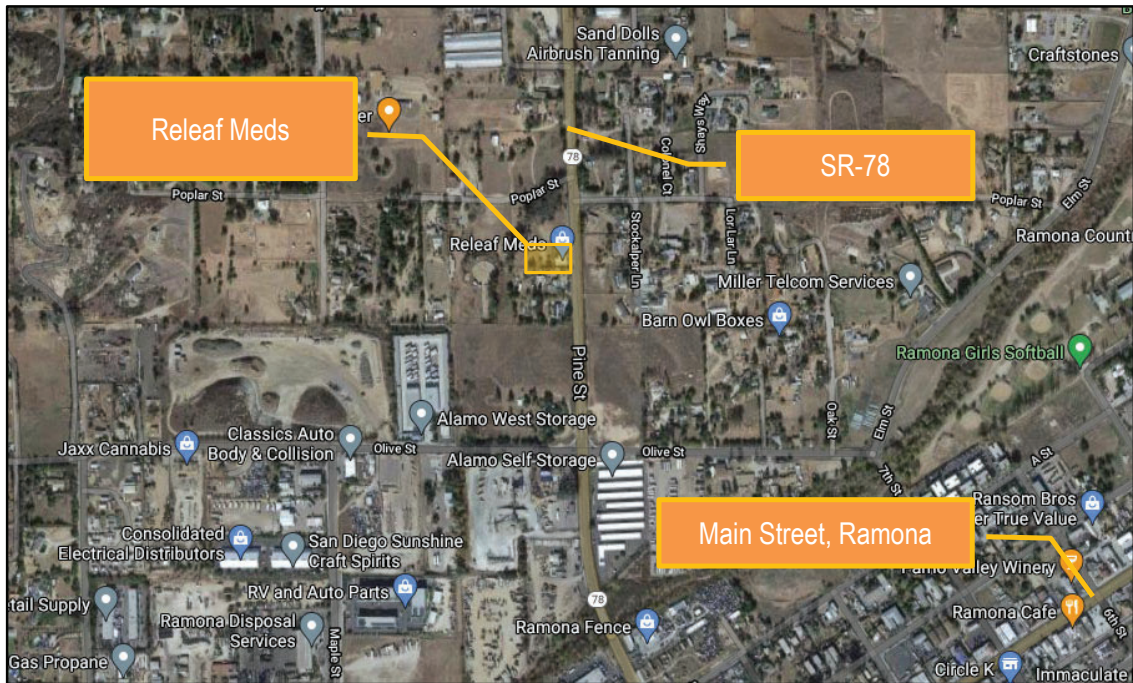


Figure 5: Releaf Meds Vicinity Map (Source: Google Maps)

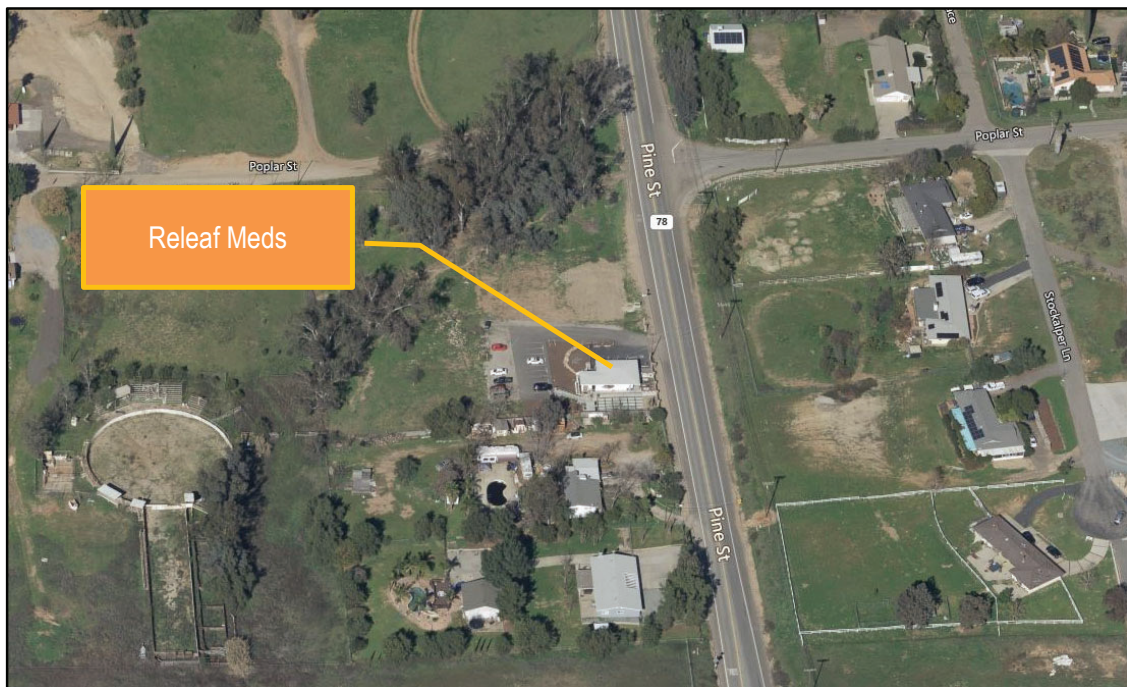


Figure 6: Releaf Meds Aerial Photo (Source: Bing Maps)

4. Olive Tree Wellness Center/JAXX Cannabis; 1210 Olive St, Ramona; APN 281-121-12-00

Olive Tree Wellness Center/JAXX Cannabis is located within the Ramona Community Plan Area and is zoned for General Impact Industrial Use (M54).

Table 4: Olive Tree Wellness Center/JAXX Cannabis Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Public / Semi-Public Facilities	M52 – Limited Impact Industrial	Poplar Street	Single Family Residence and Car Rental and Repair
East	High Impact Industrial (I-3)	M54 – General Impact Industrial	Maple Street	Single Family Residence and Electrical Distributors
South	High Impact Industrial (I-3)	M54 – General Impact Industrial	Walnut Street	Fence and Railing Suppliers
West	High Impact Industrial (I-3)	M54 – General Impact Industrial	Brazos Street	Recycling Facility



Figure 7: Olive Tree Wellness Center/JAXX Cannabis Vicinity Map (Source: Google Maps)



Figure 8: Olive Tree Wellness Center/JAXX Cannabis Aerial Photo (Source: Bing Maps)

5. San Diego Natural/OutCo; 8530 Nelson Way, Escondido; APN 127-222-19-00

San Diego Natural/OutCo is located within the Valley Center Community Plan Area and is zoned for Limited Impact Industrial Use (M52).

Table 5: San Diego Natural/OutCo Surrounding Zoning and Land Uses

Location	General Plan	Zoning	Adjacent Streets	Description
North	Semi-Rural Residential (SR-10)	A70 – Limited Agricultural	Palos Verde Drive and Ritson Road	RV Resort
East	Medium Impact Industrial (I-2)	M52 – Limited Impact Industrial	Rodriguez Road	Single Family Residence
South	Semi-Rural Residential (SR-10)	A70 – Limited Agricultural	Nelson Way	Industrial Storage
West	Semi-Rural Residential (SR-10)	A70 – Limited Agricultural	Old Highway 395	Construction Company



Figure 9: San Diego Natural/OutCo Vicinity Map (Source: Google Maps)



Figure 10: San Diego Natural/OutCo Aerial Photo (Source: Bing Maps)

E. ANALYSIS AND DISCUSSION

Proposed Ordinance Amendments for Existing Dispensaries

During the March 3, 2021 Board meeting, a representative of the existing dispensaries submitted a public comment requesting the County make several modifications to the current Zoning Ordinance to support the existing dispensaries' ongoing operations and ability to serve customers and patients. The Board then directed staff to work with stakeholders and return to the Board on June 9, 2021, with options and recommendations. At the June 9 hearing, the Board directed staff to amend the Zoning Ordinance and Regulatory Code for the existing dispensaries to include the following components:

- Operate past the sunset date of April 14, 2022
- Sell cannabis for adult use,
- Expand up to 10,000 square feet,
- Transfer business licenses to others,
- Sell edible and drinkable cannabis products, and
- Sell branded merchandise.

To implement this direction, changes are required to the Zoning Ordinance and the Regulatory Code as described below. These proposed changes will apply only to the existing dispensaries and will not allow the establishment of new cannabis businesses.

Zoning Ordinance

When the five dispensaries were permitted, the regulations required they be limited to industrial zoned properties, be located 500 feet from residentially zoned properties, 600 feet from certain sensitive land uses such as schools, churches, and playgrounds, and 1,000 feet from other dispensaries. Sites that would have required discretionary permits due to environmental or other factors were ineligible. These restrictions resulted in 20 to 25 available sites, of which there are only five existing dispensaries in operation.

All of the existing dispensaries are located in either the M52 or M54 industrial zones. These zones allow for non-industrial uses such as sales as supporting uses to industrial uses. Since the Zoning Ordinance amendments proposed will not change the previously approved uses, the five existing dispensaries will remain consistent with the zoning and land use designations of the respective areas.

Remove Sunset Date

Based on the June 9, 2021 Board direction, staff has prepared modifications to the Zoning Ordinance to eliminate the sunset date provided in Section 6935. If the amendments are adopted, the dispensaries would continue to operate as nonconforming since the ban on new facilities would still be in place. The updated language would only remove the requirement that dispensaries must cease operations by April 14, 2022. The Sheriff's Department would issue amended operating certificates to the existing dispensaries that decide to expand operations to align with those operational changes, but the Sheriff would not issue operating certificates for new cannabis facilities or new locations. Staff has prepared draft ordinance amendments for this allowance as reflected in Attachments D (clean) and E (strikeout).

Allow for Adult-Use (Recreational) Cannabis Sales

Under the County's current regulations, the five existing dispensaries can only operate under a collective membership model. This means qualified patients and primary caregivers may form a membership and cultivate cannabis collectively or cooperatively for medical purposes. The existing dispensaries are operated on a not-for-profit basis, and only their members can buy cannabis from and sell cannabis to other members. However, as of January 1, 2018, California began issuing licenses to engage in for-profit commercial adult-use (sales to anyone over 21) or medicinal cannabis activity (sales to any cannabis patients, not just members of the dispensary).

The June 9, 2021, Board action directed staff to draft modifications to the Zoning Ordinance to allow for the sale of cannabis on a commercial adult-use basis for the five existing dispensaries. Staff has prepared modifications to the Zoning Ordinance and Regulatory Code which address the Board's direction. Since the state also began issuing licenses to engage in for-profit medicinal cannabis activity and no longer requires dispensaries to follow the collective model, staff has also prepared the Zoning Ordinance and Regulatory Code amendments to allow for for-profit medicinal cannabis activity. This language is reflected in Attachments D and E.

Expand Up To 10,000 Square Feet

Currently, Section 6935 of the Zoning Ordinance prohibits the expansion, enlargement, extension, or alteration of the existing dispensaries. Since 2017, this has prohibited existing dispensaries from obtaining building permits to expand their operations. To facilitate potential expansion, the proposed Zoning Ordinance amendment to Section 6935 and addition of Section 6861, if adopted, will enable the existing dispensaries to expand their operations by applying for a ministerial building permit. The Board directed staff to allow expansions up to 10,000 square feet under a California Environmental Quality Act (CEQA) exemption. Two categorical exemptions allow for expansion of building floor area up to 10,000 square feet. CEQA Categorical Exemption 15301, Existing Facilities, allows for additions to existing structures and Categorical Exemption 15303, New Construction or Conversion of Small Structures, allows for a commercial building not exceeding 2,500 square feet in floor area to be constructed. In urbanized areas, the 15303 exemption also applies to up to four commercial buildings not exceeding 10,000 square feet in floor area. The proposed ordinance amendments allow for both additions to existing structures and new construction in accordance with the CEQA exemptions.

Some of the existing dispensaries are subject to either the Special Area Designator - B ("B Designator") or Special Area Designator - S ("S Designator"), which are community design review and scenic designations. Of the five dispensaries, one is subject to both B and S Designators, three are subject to only the B Designator, and one is not subject to either designator. The B Designator would require the existing dispensaries to obtain a discretionary permit (i.e., a Site Plan) to expand. The S Designator would also require a Site Plan for any exterior alteration or new construction that would be visible from the street. The Board directed staff to prepare a Zoning Ordinance amendment to exempt the existing dispensaries for 10,000 square foot expansions from discretionary review under a CEQA Exemption. Therefore, staff has drafted the ordinances to allow these expansions with a ministerial building permit and be exempt from B and S Designators.

Dispensary expansions beyond this amount will require Site Plan approval which would necessitate additional environmental analysis under CEQA. The proposed amendments also require existing

dispensaries to comply with all applicable Special Area Designators for expansions over 10,000 square feet.

Each existing dispensary currently holds one of the following state licenses: Type 10 Commercial Retailer for Medical or Type 12 Commercial Microbusiness for Medical. A microbusiness is a “one-stop-shop” where a single business can grow, manufacture, distribute, and sell retail cannabis products. Expansions could be used for additional retail space for dispensaries that are licensed as retailers or could be used for indoor cultivation, manufacturing, storage for distribution, or retail for microbusinesses. The proposed ordinance amendments ensure all cannabis activities will be conducted inside buildings and no cannabis will be visible from outside of each property. The proposed ordinance amendments also ensure an existing dispensary may only use centralized water service for cultivation purposes and may not rely on groundwater for cultivation. Expansions for on-site use or lounges are not permitted. Current regulations do not allow the smoking, consumption or ingestion of cannabis on the premises of a dispensary, and these will be maintained. Staff has prepared draft Zoning Ordinance amendments for this allowance as reflected in Attachments D and E.

Transfer of Business Licenses

Currently, Section 6976 of the Zoning Ordinance states, no person shall cause or permit the transfer of ownership of a cannabis facility for medical or non-medical purposes. This is unique to existing dispensaries as they are the only nonconforming use that is not allowed to transfer ownership. This has been interpreted to mean that the Sheriff's Operating Certificate, which is a requirement to operate a cannabis facility in the unincorporated area, is not transferrable to new persons. On June 9, 2021, the Board directed staff to allow for the transfer of business licenses, i.e., allow for the transfer of the Sheriff's Operating Certificate. To transfer an operating certificate, the Sheriff's Department must first screen a new transferee, which includes conducting a background check. Therefore, transferors and new transferees must undertake a process with the Sheriff's Department before a transfer can become official.

Regardless of who holds the operating certificate, they are subject to the same background check requirements and the facilities are subject to the same Zoning Ordinance requirements, local regulations, and state regulations. The proposed amendments eliminate the language precluding transfer of ownership of a cannabis facility from Section 6976. This proposed change is reflected in Attachments D and E.

County Code of Regulatory Ordinances (Regulatory Code)

Allowing Sales of Edible Cannabis Products and Branded Merchandise

The State's Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA), adopted in 2017, allows for the manufacture and sale of edible products provided they are not designed to appeal to children and do not exceed certain tetrahydrocannabinol (THC) limits per serving (Business & Professions Code (B&PC) § 26130). Section 21.2505(f) of the Regulatory Code states that “no food or drink containing Marijuana is allowed” to be sold in the unincorporated region of the County. Based on the June 9, 2021 Board direction, staff has prepared amendments to the Regulatory Code to allow the sale of edible and drinkable cannabis products following the definition of “Edible Cannabis Product” outlined in Business and Professions Code Section 26001(t). An edible cannabis product is intended to

be used, in whole or in part, for human consumption, such as chewing gum. Staff has prepared ordinance amendments to add this new definition and is reflected in Attachments B (clean) and C (strikeout).

As currently written, Section 21.2505 of the Regulatory Code allows the sale of only specific cannabis products at the existing dispensaries. In enforcing the County's regulations for existing dispensaries, the County has historically prohibited the sales of branded merchandise. MAUCRSA regulates advertising and misbranding of commercial products (B&PC § 26121, 26150). State regulations also allow cannabis licensees to sell certain branded merchandise, such as clothing, hats, and water bottles (16 CCR § 5000(b)). Staff has prepared amendments to the Regulatory Code to allow for the sale of branded merchandise. Staff has prepared ordinance amendments for this allowance as reflected in Attachments B and C.

There are additional proposed amendments to the Regulatory Code, if adopted. Updates to the definitions section would include adding definitions for "Commercial Cannabis Microbusiness" and "Commercial Cannabis Retailer" and a new definition for "Edible Cannabis Products" as described above. Other amendments are proposed to the Regulatory Code that would align language to the proposed Zoning Ordinance and update the terms to better follow State law. For example, language is proposed that would clarify that Commercial Cannabis Microbusinesses and Commercial Cannabis Retailers are subject to the existing security and operating requirements that existing dispensaries must follow. Additionally, the term "Marijuana" would be updated to "Cannabis" throughout the Regulatory Code chapter to reflect the State's vernacular. Also, age restrictions would be updated to include that nobody under the age of twenty-one would be allowed at a Commercial Cannabis Microbusiness or Commercial Cannabis Retailer that is licensed to sell adult-use (recreational) cannabis, following State law.

General Plan Consistency

The sites are subject to the Limited Impact Industrial, Medium Impact Industrial, and High Impact Industrial Land Use Designations. The Project is consistent with the following relevant General Plan goals, policies, and actions as describe in Table 6.

Table 6: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
LU-8.3 Groundwater-Dependent Habitat Discourage development that would significantly draw down the groundwater table to the detriment of groundwater-dependent habitat.	The existing dispensaries may only use centralized water service for cultivation purposes and may not rely on groundwater for cultivation.
LU-11.10 Integrity of Medium and High Impact Industrial Uses. Protect designated Medium and High Impact Industrial areas from encroachment of incompatible land uses, such as residences, schools, or other uses that are sensitive to industrial impacts. The intent of this policy is to retain the ability to utilize industrially designated locations by reducing future development conflicts.	The existing dispensary sites are surrounded by existing industrial, commercial, and residential land uses. No known incompatible land uses are proposed in the vicinity of the existing sites that would impact the viability of future operations at the existing dispensaries.

Table 6: General Plan Conformance

General Plan Policy	Explanation of Project Conformance
COS-15.4 Title 24 Energy Standards. Require development to minimize energy impacts from new buildings in accordance with or exceeding Title 24 energy standards.	All expansions will require compliance with Title 24 energy standards at the time of building permit issuance.
S-14.3 Crime Prevention. Coordinate with appropriate agencies and the community to reduce crime in all neighborhoods by improving communication and relationships with communities and through educational programs that address important safety issues.	The existing dispensaries require an operating certificate issued and maintained by the Sheriff's department for legal operations.

F. PUBLIC INPUT

Staff continues to conduct robust stakeholder outreach in developing the Program since receiving the Board's initial direction in January 2021. During public comment at a variety of Board meetings throughout 2021, several members of the community shared concerns regarding increased access to cannabis by teens and young adults, the relationship between cannabis usage and impacts to mental health, and environmental impacts such as excessive water use. Leading up to the Board meeting on June 9, 2021, staff met with a variety of stakeholders including community organizations, academic institutions, public health organizations, tribal governments, legal professionals, cannabis industry members and advocates, federal and state agencies, farmers, environmental stakeholders, and other California cities and counties with cannabis ordinances.

Additionally, in leading the effort to develop a Socially Equitable Cannabis Program, the Office of Equity and Racial Justice (OERJ) has begun an array of stakeholder engagement activities to gather information for the development of a comprehensive Socially Equitable Cannabis Program. Initial community outreach and engagement efforts to further inform the development of the Socially Equitable Cannabis Program included two community stakeholder input sessions hosted virtually by the Office of Equity and Racial Justice on April 23 and April 26, 2021. Interpretation services were offered in Arabic, Chinese, Filipino, Vietnamese and Spanish for each of the meetings. A total of 82 individuals participated over the course of the two feedback sessions and were directly engaged in thoughtful discussions and polling to inform the scope of a successful Socially Equitable Cannabis Program and to inform the prioritization of criteria to develop it.

Leading up to today's Planning Commission hearing, staff has continued to engage with representatives of the existing dispensaries who reiterated their thoughts and opinions provided as public testimony and commentary submissions to the Board on June 9, 2021. Staff also discussed the proposed amendments with the San Diego Regional Chamber of Commerce's Cannabis Working Group and the Building Industry Association, but no major comments or concerns were shared by either group. Staff has met with the San Diego County Fire Protection District and the San Miguel Consolidated Fire Protection District, who shared that the existing facilities would be required to comply with the conditions of their new building permits, including updated automatic sprinkler systems, access requirements, and other related fire code compliance measures should they choose to expand their facilities. At the time of this

writing, staff has also scheduled meetings to discuss these ordinance amendments with the Marijuana Prevention Initiative (MPI), Social Advocates for Youth San Diego (SAY), Americans for Safe Access, and the National Cannabis Industry Association prior to the Planning Commission hearing on August 6.

G. COMMUNITY PLANNING GROUPS (CPG)

Since the Board's initial direction on January 27, 2021, staff has conducted outreach to the Community Planning Group (CPG) and Community Sponsor Group (CSG) Chairs on February 11, 2021 and May 26, 2021, and appeared at several individual CPG/CSG meetings to present a summary of the Board direction and request input. Staff attended meetings with the Borrego Springs CSG on March 4, 2021, and April 1, 2021, the Hidden Meadows CSG on May 27, 2021, the Twin Oaks CSG on June 16, 2021, the Campo/Lake Morena CPG on February 22, 2021, the Fallbrook CPG Ad Hoc Cannabis Subcommittee on February 25, 2021 and July 12, 2021, the Lakeside CPG on March 3, 2021, the Rainbow CPG on February 24, 2021, the Ramona CPG on March 4, 2021, and the Sweetwater CPG and Valle De Oro CPG on March 2, 2021. Regarding the overall Socially Equitable Cannabis Program, all groups shared concerns regarding community character and compatibility with cannabis uses, such as the impacts to residents, businesses, and to sensitive receptors such as nearby schools. The Julian CPG provided a recommendation letter in opposition to reducing the required buffers between any newly permitted commercial cannabis facilities and schools. Several groups emphasized the need for local input during the application process to allow cannabis uses in the community. The CPG/CSG Chairs, Borrego Springs CSG, and the Fallbrook, Lakeside, Campo/Lake Morena and Ramona CPGs shared concerns regarding cannabis operations such as water and energy usage and impacts to community resources. The Campo/Lake Morena CPG provided a recommendation letter in support of rigorous standards for groundwater practices and environmental protections, and the Ramona CPG provided a recommendation letter in support of not allowing cannabis uses in the Ramona Village Center and restricting certain cannabis uses to industrial zones, that outdoor cannabis cultivation require the approval of a discretionary permit, and that buffers apply to agricultural-zoned properties with residences. The CPG/CSG Chairs, the Borrego Springs CSG, and the Fallbrook and Sweetwater CPGs favor the PEIR approach for staff to continue thorough stakeholder engagement and complete a full environmental review.

Staff also conducted outreach to the CPG/CSG Chairs regarding the ordinance amendments to facilitate existing dispensaries' ongoing operations at a meeting on May 26, 2021. This meeting was attended by chairs of the Campo/Lake Morena, Fallbrook, Ramona, Valley Center, Jamul/Dulzura, and Rainbow CPGs. Since receiving the Board's direction on June 9, 2021, staff has also engaged the CPGs that have existing dispensaries in their Community Planning Areas. Staff attended the Ramona CPG meeting on July 1, 2021, and participants expressed concern over the S and B Designator exemptions. The CPG also approved a position letter on cannabis, which is included as part of Attachment F along with other letters received from CPGs over the course of the project. Staff presented to the Lakeside CPG meeting on July 7, 2021, but the presentation was done as part of public commentary and could not be further discussed by the CPG at that time. Staff presented to the Valley Center CPG meeting on July 12, 2021, and participants expressed concerns about increasing access to cannabis in the unincorporated area, exempting the existing dispensaries from environmental review and from the S and B Designators, and allowing the existing dispensaries to expand prior to the implementation of the overall Program. The Valley Center CPG voted to oppose the proposed ordinance amendments for the existing dispensaries 12-3-0-0-0 (12 ayes, 3 noes, 0 abstain, 0 absent, 0 vacant). Staff also presented to the Fallbrook CPG Ad-Hoc Cannabis Ordinance Committee on July 12, 2021, and the full CPG on July 20. Participants

expressed concerns about exempting the existing dispensaries from Site Plan Permit requirements and review by local design review boards. The CPG voted to send a comment letter to the Planning Commission expressing these concerns 13-0-0-2-0 (13 ayes, 0 noes, 0 abstain, 2 absent, 0 vacant). At the time of this writing, staff is also scheduled to discuss the ordinance amendments with the Valle De Oro CPG on August 3, 2021. See Attachment F for the letters received from CPGs over the course of this project.

H. CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed Zoning Ordinance and Regulatory Code changes to allow for expansions and continued operations at the five existing dispensaries have been reviewed for compliance with CEQA, and the proposed actions have met the requirements for an exemption under CEQA pursuant to Section 15301, Existing Facilities, and Section 15303, New Construction or Conversion of Small Structures, of the CEQA guidelines.

Report Prepared By:

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Report Approved By:

Kathleen A. Flannery, Acting Director

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AUTHORIZED REPRESENTATIVE:


KATHLEEN A. FLANNERY, ACTING DIRECTOR

ATTACHMENTS:

- Attachment A Environmental Documentation
- Attachment B AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001; REZ XX-XXX) (CLEAN COPY)
- Attachment C AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED TO MEDICAL MARIJUANA (POD 21-001; REZ XX-XXX) (STRIKE-OUT/UNDERLINE COPY)
- Attachment D AN ORDINANCE AMENDING THE SAN DIEGO ZONING ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION 6861 RELATED TO NONCONFORMING CANNABIS FACILITIES (POD 21-001; REZ XX-XXX) (CLEAN COPY)
- Attachment E AN ORDINANCE AMENDING THE SAN DIEGO ZONING ORDINANCE RELATED TO DEFINITIONS MEDICAL MARIJUANA COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION 6861 RELATED TO NONCONFORMING CANNABIS FACILITIES (POD 21-001; REZ XX-XXX) (STRIKE-OUT/UNDERLINE COPY)
- Attachment F Community Planning Group Letters Received

Attachment A –
Environmental Documentation

NOTICE OF EXEMPTION

TO: Recorder/County Clerk
Attn: James Scott
1600 Pacific Highway, M.S. A33
San Diego, CA 92101

FROM: County of San Diego
Planning & Development Services, M.S. 0650
Attn: Project Planning Division Section Secretary

SUBJECT: FILING OF NOTICE OF EXEMPTION IN COMPLIANCE WITH PUBLIC RESOURCES CODE SECTION 21108 OR 21152

Project Name: COUNTY CODE OF REGULATORY ORDINANCES AND ZONING ORDINANCE CHANGES FOR EXISTING CANNABIS DISPENSARIES (PDS-1017502-CANNABIS ORD DEV/ PDS2021-POD-21-001)

Project Location: Regulatory Code and Zoning Ordinances will be applicable in the unincorporated County of San Diego, but their affect will be limited to the five existing Medical Marijuana Collective Facilities (existing dispensaries), which reside within the Second and Fifth Supervisorial Districts. Names and locations of the five existing dispensaries are as follows:

Outliers Collective	8157 Wing Ave, El Cajon
Ramona Cannabis Co	736 Montecito Way, Ramona
Releaf Meds	618 Pine St, Ramona
Olive Tree Wellness Center/JAXX Cannabis	1210 Olive St, Ramona
San Diego Natural/OutCo	8530 Nelson Way, Escondido

Project Applicant: County of San Diego, Planning and Development Services Address: 5510 Overland Avenue, Suite 310, San Diego, CA 92123

Project Description: The County of San Diego (County) is taking steps to improve access to legal cannabis in the unincorporated areas via Regulatory Code of Ordinances (Regulatory Code) and Zoning Ordinance updates that will affect five existing dispensaries currently operating within the unincorporated area. This project is to make changes to the County Regulatory Code and Zoning Ordinance to (1) allow for five existing medical marijuana dispensaries to continue to operate past the "sunset" date of April 14, 2022, (2) allow for commercial medical and commercial adult use cannabis sales, (3) allow for building alterations and expansions up to 10,000 square feet through a ministerial building permit process, (4) exempt building alterations and expansions from the requirements of B Designator Community Design Review and S Designator Scenic, (5) allow the transfer of Operating Certificates from existing Operating Certificate holders to others, (6) allow the sale of edible and drinkable cannabis products, and (7) allow the sale of branded merchandise.

Agency Approving Project: County of San Diego

County Contact Person: Justin Crumley Telephone Number: (619) 531-4860

Date Form Completed: July 23, 2021

This is to advise that the County of San Diego Board of Supervisors has approved the above-described project on [Date TBD] and found the project to be exempt from the CEQA under the following criteria:

1. Exempt status and applicable section of the CEQA ("C") and/or State CEQA Guidelines ("G"): (check only one)

- ☐ Declared Emergency [C 21080(b)(3); G 15269(a)]
- ☐ Emergency Project [C 21080(b)(4); G 15269(b)(c)]
- ☐ Statutory Exemption. C Section:
- ☒ Categorical Exemption. G Section: 15301, 15303
- ☐ G 15061(b)(3) - It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment and the activity is not subject to the CEQA.
- ☐ G 15182 – Residential Projects Pursuant to a Specific Plan
- ☐ G 15183 – Projects Consistent with a Community Plan, General Plan, or Zoning
- ☐ Activity is exempt from the CEQA because it is not a project as defined in Section 15378.

2. Mitigation measures ☐ were ☒ not made a condition of the approval of the project.

3. A Mitigation reporting or monitoring plan ☐ was ☒ not adopted for this project.

Statement of reasons why project is exempt: The proposed action complies with CEQA because it is: (1) categorically exempt under Section 15301 of the CEQA Guidelines, Existing Facilities, as it involves five existing facilities with negligible or no expansion of existing or former use and additions to the existing structures will not result in an increase of more than

10,000 square feet each and the existing facilities are in areas where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the areas in which the existing facilities are located are not environmentally sensitive; (2) categorically exempt under Section 15303 of the CEQA Guidelines, New Construction or Conversion of Small Structures, as it involves (a) construction and location of limited numbers of new, small commercial facilities or structures that will not involve the use of significant amounts of hazardous substances, and not exceed 2,500 square feet in floor area and/or (b) in urbanized areas, up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use and will not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive and/or (c) construction of accessory (appurtenant) structures; and (3) there are no unusual circumstances or other applicable exceptions to the exemptions and no features that would distinguish this project that would constitute unusual circumstances.

The following is to be filled in only upon formal project approval by the appropriate County of San Diego decision-making body.

Signature: _____ Telephone: _____

Name (Print): _____ Title: _____

This Notice of Exemption has been signed and filed by the County of San Diego.

This notice must be filed with the Recorder/County Clerk as soon as possible after project approval by the decision-making body. The Recorder/County Clerk must post this notice within 24 hours of receipt and for a period of not less than 30 days. At the termination of the posting period, the Recorder/County Clerk must return this notice to the Department address listed above along with evidence of the posting period. The originating Department must then retain the returned notice for a period of not less than twelve months. Reference: CEQA Guidelines Section 15062.

EXHIBIT A

The proposed action complies with the California Environmental Quality Act (CEQA) and State and County CEQA Guidelines because the action is: (1) categorically exempt under Section 15301 of the CEQA Guidelines, Existing Facilities, as it involves five existing facilities with negligible or no expansion of existing or former use and additions to the existing structures will not result in an increase of more than 10,000 square feet each and the existing facilities are in areas where all public services and facilities are available to allow for maximum development permissible in the General Plan, and the areas in which the existing facilities are located are not environmentally sensitive; and (2) categorically exempt under Section 15303 of the CEQA Guidelines, New Construction or Conversion of Small Structures, as it involves (a) construction and location of limited numbers of new, small commercial facilities or structures that will not involve the use of significant amounts of hazardous substances, and not exceed 2,500 square feet in floor area and/or (b) in urbanized areas, up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use and will not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive and/or (c) construction of accessory (appurtenant) structures.

The Project is not subject to any of the exceptions to the categorical exemptions listed in Section 15300.2 of the State CEQA Guidelines as it will not (1) impact environmental resources of hazardous or critical concern that are designated, precisely mapped and officially adopted by government agencies; (2) will not have a significant effect on the environment due to unusual circumstances; (3) will not contribute to cumulative environmental impact; (4) will not damage scenic resources within a designated state scenic highway; (5) is not on the list of Hazardous Waste and Substance Sites pursuant to Section 65962.2 of the Government Code; and (6) will not cause adverse change in the significance of a historical resource.

Section 21084 of the Public Resources Code requires the CEQA Guidelines to include a list of classes of projects which have been determined to not have a significant effect on the environment and which shall, therefore, be exempt from the provisions of CEQA. PDS Staff has determined the project is categorically exempt pursuant to 15301 Class 1, Existing Facilities and pursuant to Section 15303 Class 3, New Construction or Conversion of Small Structures for the reasons described below.

Categorical Exemption; Section 15301 – Existing Facilities

Section 15301 of the CEQA Guidelines entails changes to existing facilities. As stated in the CEQA Guidelines, the key consideration for applying this exemption is whether the project involves negligible or no expansion of use. Section 15301 lists six different examples of the projects that would be expected to fall within Class 1. However, the types of “existing facilities” itemized within Class 1 are not intended to be all-inclusive of the types of projects which may fall within the class. The following are some examples listed in Section 15301:

Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of “existing facilities” itemized below are not intended to be all-inclusive of the types of

projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use.

Examples include but are not limited to:

- Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances;
- Existing facilities of both investor and publicly-owned utilities used to provide electric power, natural gas, sewerage, or other public utility services;
- Existing highways and streets, sidewalks, gutters, bicycle and pedestrian trails, and similar facilities (this includes road grading for the purpose of public safety, and other alterations such as the addition of bicycle facilities, including but not limited to bicycle parking, bicycle-share facilities and bicycle lanes, transit improvements such as bus lanes, pedestrian crossings, street trees, and other similar alterations that do not create additional automobile lanes).
- Restoration or rehabilitation of deteriorated or damaged structures, facilities, or mechanical equipment to meet current standards of public health and safety, unless it is determined that the damage was substantial and resulted from an environmental hazard such as earthquake, landslide, or flood;
- Additions to existing structures provided that the addition will not result in an increase of more than:
 - 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less; or
 - 10,000 square feet if:
 - The project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and
 - The area in which the project is located is not environmentally sensitive.

CEQA exemption Section 15301, Class 1, applies to this proposed project as the project consists of changing the Regulatory Code and Zoning Ordinance as it applies to five existing Marijuana Dispensaries. The five existing facilities affected by the proposed project are zoned as follows:

- 8157 Wing Ave. Lakeside, Zone: M54 - General Impact Industrial Use, Land Use: Medium Impact Industrial, Designator: C (Current Use: Dispensary/ Indoor Cultivation)
- 1210 Olive Street, Ramona, Zone: M54 - General Impact Industrial Use, Land Use: High Impact Industrial, Designator: B/C (Current Use: Dispensary)
- 618 Pine Street, Ramona, Zone: M52 - Limited Impact Industrial Use, Land Use: Limited Impact Industrial, DESIGNATORS: B, C, POR S, (Current Use: Dispensary)
- 736 Montecito Way in Ramona, Zone: M54 - General Impact Industrial Use, Land Use: High Impact Industrial, Designator: B/C (Current Use: Dispensary)
- 8530 Nelson Way, Escondido, Zone: M52 - Limited Impact Industrial Use, Land Use: Limited Impact Industrial, Designator: B, (Current Use: Dispensary)

The Land Use Designation for the project sites in the General Impact Industrial Use (M54) Zone include both “Medium” and “High Impact Industrial,” which are allowed in this zone pursuant to the County of San Diego Zoning Ordinance. The M54 zoning designation is intended to create and preserve areas where manufacturing and industrial uses not having high nuisance characteristics may locate. Non-industrial uses which support industrial uses are permitted within the zone, particularly administrative, sales, and services uses. Typically, the M54 Use Regulations would be applied near rail and trucking facilities, or other locations where impacts associated with noise, odor and traffic would not impact on residential or commercial areas. All outdoor storage areas would be subject to screening regulations in Section 6706. Various applications of the M54 Use Regulations with appropriate development designators can create a large transportation-dependent industrial center or a small, geographically isolated grouping of a few small scale industrial uses. All Project uses fit within the intended applications of the M54 Use areas.

The Land Use Designation for the project sites in the Limited Impact Industrial Use M52 Zone includes “Limited Impact Industrial,” which are allowed in this zone pursuant to the County of San Diego Zoning Ordinance. The M52 zoning designation is intended to create and preserve areas where manufacturing and industrial uses which evidence no or very low nuisance characteristics may locate. Non-industrial uses which support or are adjuncts to industrial uses and are compatible with such uses are permitted within the zone—this particularly includes administrative, sales, and services uses. Typically, the M52 Use Regulations would be applied in urban or suburban areas where nuisance characteristics involving noise, odor, traffic generation or unsightliness were undesired and where all uses (with certain exceptions) would be conducted entirely within enclosed buildings. In the case of this Project and the five existing dispensaries, all uses will be conducted within enclosed buildings.

The Project, as proposed, is limited to continued operation and limited expansions of five existing facilities. The continued operation and limited expansion will be substantially similar to the existing use and this project is categorically exempt under Section 15301.

Categorical Exemption; Section 15303, New Construction or Conversion of Small Structures

Class 3 consists of construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure. The numbers of structures described in this section are the maximum allowable on any legal parcel. Examples of this exemption include, but are not limited to:

- A store, motel, office, restaurant or similar structure not involving the use of significant amounts of hazardous substances, and not exceeding 2500 square feet in floor area. In urbanized areas, the exemption also applies to up to four such commercial buildings not exceeding 10,000 square feet in floor area on sites zoned for such use if not involving the use of significant amounts of hazardous substances where all necessary public services and facilities are available and the surrounding area is not environmentally sensitive.
- Accessory (appurtenant) structures including garages, carports, patios, swimming pools, and fences.

CEQA exemption Section 15303, Class 3, applies to this proposed project as the project consists of changing the Regulatory Code and Zoning Ordinance to allow the five existing dispensaries to, among other things, alter and expand their facilities up to 10,000 square feet through a ministerial building permit process. The existing dispensaries' expansions may consist of construction and location of limited numbers of new, small facilities or structures, installation of small new equipment and facilities in small structures, or the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure and may be accessory (appurtenant) structures or similar structures to a store, motel, office, or restaurant.

The Project, as proposed, is limited to continued operation and limited expansions of five existing facilities. The continued operation and limited expansion will not involve use of significant amounts of hazardous substance and not exceed 2,500 square feet in floor area in non-urbanized areas. In urbanized areas, the continued operation and limited expansion will not exceed 10,000 square feet and be on sites zoned for such uses, not involve the use of significant amounts of hazardous substances where all necessary public services and facilities are available, and where the surrounding area is not environmentally sensitive. The Project, as proposed, is limited to continued operation and limited expansions of five existing facilities and is categorically exempt under Section 15303.

Section 15300.2 – Exceptions

The proposed project was reviewed for the exceptions outlined in the CEQA Guidelines, Section 15300.2 (a – f) to determine if there are any reasons a project may not be considered categorically exempt under any of the following classes or projects (Section 15300 et al.). The project would be consistent with Section 15301, Class 1, and Section 15303, Class 3. None of the exceptions to the exemptions apply (Section 15300.2 of the CEQA Guidelines), as is described in the following paragraphs:

15300.2(a) – Location: The CEQA categorical exemptions identified for the proposed project are Class 1 (Section 15301, Existing Facilities and Class 3, Section 15303 of the CEQA Guidelines, New Construction or Conversion of Small Structures). Class 1 is not qualified by consideration of where the project is to be located. Class 3 is qualified by consideration of where the project is to be located—a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. The five existing dispensaries that would be covered by the changes to the Regulatory Code and Zoning Ordinances (the Project) are not located within particularly sensitive environments. As previously stated, the dispensaries are located in Limited, Medium, and High Impact Industrial Use zones and the proposed project will not impact an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.

15300.2(b) – Cumulative Impact: A categorical exemption may not be used where the cumulative impact of successive projects of the same type in the same place, over time is significant. This project is limited to five existing dispensaries that have been in operation at their current locations for several years and precludes the establishment of new dispensaries elsewhere in the County. The total new floor area, either by addition to an existing dispensary or by constructing a new building or both, is capped at 10,000 square feet at each dispensary. For an existing dispensary to add more than 10,000 square feet of new floor area would require a discretionary permit and environmental review under CEQA. Therefore, successive projects of the same type at the five existing dispensaries are limited and successive projects of the same type elsewhere in the unincorporated area are disallowed.

15300.2(c) – Significant Effect: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. Here, there are no unusual circumstances. In 1996, California voters passed Proposition 215, or the Compassionate Use Act (CUA) to allow medicinal-use cannabis for patients with medical recommendations from their physicians. In 2010, the County amended its Zoning Ordinance and Regulatory Code to implement the CUA. Therefore, medical cannabis has been allowed in the state for twenty-four years and allowed in the unincorporated area for eleven years. As stated above, no new dispensaries will be allowed in the unincorporated area, and the five existing dispensaries have all been in operation for over four years in their current locations. In November 2016, California voters passed Proposition 64, or the Adult Use of Marijuana Act (AUMA). The AUMA legalized recreational cannabis for individuals over the age of 21. The act also permitted regulated businesses to sell cannabis beginning January 1, 2018. Since that time, eight incorporated cities within the County, including the City of San Diego, have adopted programs to allow for adult use cannabis sales. The state has issued 63 cannabis

licenses for retail and/or microbusinesses serving adult use and/or medicinal use types for clients in the incorporated and unincorporated areas of the County. Furthermore, the ordinance amendments ensure all cannabis activities will be conducted inside buildings and no cannabis will be visible from outside of each property. The ordinance amendments also ensure an existing dispensary may only use centralized water service for cultivation purposes and may not rely on groundwater for cultivation. Therefore, there is no reasonable possibility of significant impacts due to unusual circumstances.

15300.2(d) – Scenic Highways: A categorical exemption may not be used when a project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. State scenic highways refer to those highways that are officially designated by the California Department of Transportation (Caltrans) as scenic (Caltrans – California Scenic Highway Program). No Scenic Highways designated by Caltrans are in proximity of the project sites. Therefore, the project would not cause a significant impact to scenic resources within a highway officially designated as a state scenic highway.

15300.2(e) – Hazardous Waste Sites: A categorical exemption may not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. All of the five existing facilities have been developed. The sites have not been used for any use type which would authorize the handling of hazardous waste materials and is not included on any list compiled pursuant to Section 65962.5 of the Government Code. No potential significant impacts due to hazardous waste sites would occur due to the proposed project.

15300.2(f) – Historic Resources: A categorical exemption may not be used for a project which may cause a substantial adverse change in the significance of a historical resource. No historic resources have been identified on the project site and the existing structures are not designated as historic. Additionally, the County has regulatory grading requirements for removal or moving of 200 cubic yards of dirt or more, where applicable, which would require detection and avoidance of impacts to cultural resources. Therefore, the project will not cause a substantial adverse change in the significance of a historical resource.

The proposed project is consistent with CEQA Sections 15301–Existing Facilities and 15303–New Construction or Conversion of Small Structures and no exceptions listed in CEQA Section 15300.2 apply. Therefore, the project may rely on the exemptions for the reasons documented above.

Attachment B –
AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25
OF THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES RELATED TO MEDICAL MARIJUANA
CLEAN COPY

Ordinance No. XXXXX
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ORDINANCE NO. XXXXX(N.S.)

**AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE
SAN DIEGO COUNTY CODE OF REGULATORY ORDINANCES RELATED
TO MEDICAL MARIJUANA**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Code of Regulatory Ordinances Ordinance should be updated by amending or adding various sections regarding cannabis.

Section 2. Title 2, Division 1, Chapter 25 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

CHAPTER 25. CANNABIS

SEC. 21.2501. LEGISLATIVE FINDINGS AND INTENT.

(a) On June 30, 2010, the Board of Supervisors for the County of San Diego added to the County Code of Regulatory Ordinances Title 2, Division 1, Chapter 25 relating to Medical Cannabis Collective Facilities. The regulatory codes therein determined that the Sheriff's Department would be the issuing and enforcement authority for legally established medical cannabis operation certificates and approved fees to recover the cost of processing applications and compliance monitoring for medical cannabis facility operating certificates.

(b) In May 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al.*, holding that cities and counties have the authority to ban medical cannabis land uses.

(c) On October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"), effective January 1, 2016, which established a state licensing system for medical cannabis cultivation, manufacturing, delivery and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit cannabis cultivation, manufacturing, or dispensing within their jurisdictions. Under the MCRSA, cities and counties may continue to ban these cannabis facilities and activities, in which case the state will not issue licenses within those jurisdictions.

(d) On November 8, 2016, the state voters approved the Adult Use of Act (AUMA), also identified as Proposition 64 ("Prop 64"). Prop 64 legalized adult non-medical use of cannabis and established a state licensing scheme for non-medical cannabis facilities largely patterned on the MCRSA, and generally (1) allows adults 21 years and older to possess up to one ounce of cannabis and cultivate up to six plants for personal use; (2) regulates and taxes the production, manufacture, and sale of cannabis for adult use; and (3) rewrites criminal penalties so as to

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reduce the most common cannabis felonies to misdemeanors and allow prior offenders to petition for reduced charges. Prop 64, similar to MCRSA, allows cities and counties to prohibit the establishment of non-medical facilities and licenses that are provided under Prop 64, providing for minimal personal use exceptions.

(e) On March 15, 2017, the Board of Supervisors found and determined that amendments to the Zoning Ordinance to ban Medical and Non- Medical Cannabis Facilities throughout any unincorporated zones were reasonable and necessary for public health, safety and welfare, and consistent with the General Plan, and the intent of those amendments was to prohibit the establishment and operation of both Medical and Non-Medical Cannabis Facilities.

(f) On March 15, 2017 tThe Board of Supervisors found and determined that amendments to the Regulatory Ordinances, Section 21.2503(a), to prohibit the Sheriff's Department from issuing any new Medical Cannabis Collective Facility Operating Certificates to facilities that were not lawfully established prior to April 14, 2017, and consistent with San Diego County Zoning Ordinance Section 6935, were reasonable and necessary for public health, safety and welfare. The Board determined that all applicable County Code of Regulatory Ordinances related to the operation of Medical Cannabis Collective Facilities with valid Operating Certificates shall continue to apply until such time as those facilities have been amortized pursuant to Zoning Ordinance Section 6935.

(g) In June 2017, California established the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) through Senate Bill 94. As a combination of its precursors, MCRSA and AUMA, the MAUCRSA became the single regulatory system for governing medicinal and adult-use cannabis in California.

(h) On October 6, 2021, the Board of Supervisors finds and determines that amendments to the County Code of Regulatory Ordinances, Section 21.2501 et seq., and removal of Section 6935 of the Zoning Ordinance and associated amortization throughout the unincorporated area are consistent with the General Plan, and the intent of those amendments is to allow the continued operation of existing Medical Cannabis Collective Facilities and allow Medical Cannabis Collective Facilities to engage in Commercial Medical or Adult Use Cannabis activities.

(i) On October 6, 2021, the Board of Supervisors finds and determines that Medical Cannabis Collectives Facilities, Commercial Cannabis Microbusinesses and Commercial Cannabis Retailers may sell edible products and branded merchandise. The Board of Supervisors also finds and determines that existing Medical Cannabis Collective Facilities, Commercial Cannabis Microbusinesses, or Commercial Cannabis Retailers may alter existing structures, or add an addition up to 10,000 square feet pursuant to Zoning Ordinance Section 6861.

SEC. 21.2502. DEFINITIONS.

(a) "Primary Care Giver" has the same meaning as defined by state law, including but not limited to Health & Safety Code sections 11362.5(e) and 11362.7(d). As explained in *People v. Mentch* (2008) 45 Cal.4th 274, a "primary caregiver" is a person who (1) consistently provides caregiving to a qualified patient, (2) independent of any assistance in taking medical cannabis, (3) at or before the time he or she assumed responsibility for assisting with medical cannabis.

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(b) "Qualified Patient" has the same meaning as defined by state law, including but not limited to Health & Safety Code sections 11362.7(f) and 11362.5(b).

(c) "Medical Cannabis Collective" or "Collective" means any cannabis cooperative association or combination of primary caregivers and/or qualified patients collectively or cooperatively cultivating and/or storing cannabis for medical purposes as provided in Business and Professions Code Section 26220 et seq.

(d) "Medical Cannabis Collective Facility" or "Collective Facility" means any location at which members of a medical cannabis collective collectively or cooperatively cultivate, store or exchange cannabis among themselves or reimburse each other or the medical cannabis collective for cultivation, overhead costs and operating expenses. "Medical Cannabis Collective Facility" or "Collective Facility" does not mean or include the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code:

- (1) A clinic licensed pursuant to Chapter 1;
- (2) A health facility licensed pursuant to Chapter 2;
- (3) A residential care facility for persons with chronic, life-threatening illnesses licensed pursuant to Chapter 3.01;
- (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or
- (5) A residential hospice or a home health agency licensed pursuant to Chapter 8.

(e) "Commercial Cannabis Microbusiness" means a cannabis facility that holds an A-Type 12 (Adult Use) or M-Type-12 (Medical Use) Microbusiness license in accordance with Business and Professions Code Section 26050, and is engaged in three of the four following medical commercial cannabis activities:

- (1) Retailer
- (2) Cultivation of cannabis on an area less than 10,000 square feet
- (3) Manufacturing
- (4) Distribution

(f) "Commercial Cannabis Retailer" means a retail storefront facility that sells cannabis and cannabis products and holds an A-Type 10 (Adult Use) or M-Type 10 (Medical Use) Retailer license in accordance with Business and Professions Code Section 26050

(g) "Cannabis" has the same meaning as defined by state law, including but not limited to Health & Safety Code section 11018.

(h) "Caregiver Events" means visits, consultations, transactions, interactions or other events involving a qualified patient and his or her primary caregiver designated by the qualified patient and his or her primary caregiver to demonstrate that the primary caregiver meets the requirements of state law, including but not limited to Health & Safety Code section 11362.5(e), other relevant statutes and court decisions.

(i) "Responsible Persons" means those members of the Medical Cannabis Collective Facility or owners and/or officers of the Commercial Cannabis Microbusiness or Commercial Cannabis

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Retailer who shall be jointly and severally responsible for operation, management, direction, or policy of the facility in compliance with state law and this ordinance.

(j) "Applicant" or "Applicants" means those persons who are completing and executing the Application for a Cannabis Operating Compliance Certificate ("Operating Certificate").

(k) "Edible Cannabis Product" has the same meaning as defined by state law, including but not limited to Business and Professions Code section 26001(t).

(l) "Branded Merchandise" has the same meaning as defined by state law, including but not limited to the California Code of Regulations, Title 16, section 5000(b).

SEC. 21.2503. OPERATING CERTIFICATE REQUIRED; APPLICATIONS.

(a) A Medical Cannabis Collective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer may only operate a facility in the unincorporated area of San Diego County if a valid Operating Certificate has been issued by the Sheriff's Department to a member of the collective or owner and/or officer of the Commercial Cannabis Microbusiness or Commercial Cannabis Retailer facility. The Sheriff's Department shall not issue new Operating Certificates except to those facilities which were lawfully established prior to April 14, 2017.

(b) The procedure for obtaining an Operating Certificate, including appeals of denials and revocations, shall be as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure, except as set forth in this chapter and in addition, shall be subject to the specific requirements and regulations set forth in this chapter.

(c) The application for an Operating Certificate shall be developed by the Sheriff's Department. At a minimum, the application developed by the Sheriff shall require the applicant(s) to provide sufficient information deemed necessary by the Sheriff to make an initial determination that (1) the applicant(s) will be operating a legitimate facility in compliance with state law and this ordinance, and (2) the applicant(s) is or are the owner(s) of the property for which the Operating Certificate is sought or have the written permission of the owner(s) of the property for which the license is sought.

(d) As a condition for obtaining an Operating Certificate from the Sheriff, the applicant must show proof that the location has been approved by the Department of Planning and Development Services, Zoning Division, and a building permit (including a tenant improvement permit) has been applied for if required by the California Building Code.

(e) The form of application, which upon completion shall be signed by the applicant(s), shall also require the applicant(s), at a minimum, to make the following express representations:

(1) That no activities prohibited by state law will occur on or at the Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer with the knowledge of the responsible person(s).

(2) That the Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer and all of its members, owners, and/or officers will comply with all provisions of this chapter and state law pertaining to cannabis.

(f) An Operating Certificate issued pursuant to this section shall be valid only for the address for which it was issued.

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(g) Section 21.108(c) of the County of San Diego Uniform Licensing Procedure shall not apply to the issuance of Operating Certificates for Medical Cannabis Collective Facilities, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(h) The applicant(s) shall provide to the Sheriff along with a completed application and fee for the Operating Certificate, evidence that any required building permit (including a tenant improvement permit) issued by the Department of Planning and Development Services has passed final inspection and occupancy approval has been issued before the Sheriff's Operating Certificate can be effective.

(i) For purposes of facilitating the provisions of this ordinance, a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer must have a unique identifying name that will be entered onto the application for an Operating Certificate.

(j) The fee for an Operating Certificate shall be as provided in section 21.1901 of the County Code of Regulatory Ordinances for Medical Marijuana Operation Certificate.

(k) The application for an Operating Certificate shall designate and identify one or more persons as responsible persons. The designated responsible person(s) shall include the applicant(s). Operating Certificates may be transferred to others.

(l) An Operating Certificate shall not be issued where a responsible party has a felony conviction.

SEC. 21.2504. INFRASTRUCTURE REQUIREMENTS FOR CANNABIS FACILITIES.

(a) Alarms, closed circuit television.

(1) A Sheriff Department-licensed, 24-hour centrally monitored alarm system is required.

(2) Closed circuit television (CCTV) video monitoring shall be installed that meets the following criteria:

(A) Continuous 24-hour operation and recording with minimum archival period of 14 days.

(B) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where cannabis is present at any time.

(C) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows or other avenues of potential access.

(D) All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system.

(E) To prevent tampering, the recorder shall be kept in a secure location and all recordings shall be date and time stamped.

(b) Windows.

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(1) Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.

(2) Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.

(c) Roofs, roof hatches, sky lights, ceilings. For buildings in which a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located:

(1) All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

(2) Roof hatches and skylights shall be secured so as to prevent intrusion.

(3) Where a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located in a building with other tenants, the collective facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer shall be secured against unauthorized access from other tenant spaces or common areas, including access through crawl spaces, ceiling spaces, ventilation systems or other access points concealed from the common areas.

(d) Visibility.

(1) No cannabis may be visible from any location off the property on which a cannabis facility is located. All cannabis activities shall be enclosed within a building.

(2) Exterior landscaping within 10 feet of any building in which a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.

(3) Exterior building lighting and parking area lighting must be in compliance with County of San Diego Light Pollution Code (Sections 51.201-51.209 of the San Diego County Code), County of San Diego Zoning Ordinance (Sections 6322 - 6326), and California Energy Code (Title 24-Chapter 6 of the California Code of Regulations). Lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.

(e) Fire suppression system: An approved automatic fire sprinkler system, designed in compliance with NFPA 13, shall be provided in buildings and portions thereof used as a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(f) Entrances, exits, doors.

(1) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.

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(2) Any exit or entrance that is not visible from a public or common area shall be plainly marked as an emergency exit only. Such emergency exits shall be self-closing, self-locking, equipped with an alarm and not used except in an emergency.

(3) Any aluminum door shall be fitted with steel inserts at the lock receptacles.

(4) Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.

(5) Panic exit hardware shall be "push-bar" design.

(6) Double doors shall be fitted with three- point locking hardware and push-bars consistent with fire agency regulations or requirements.

(7) All emergency exits shall be solid core doors featuring hinge-pin removable deterrence. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.

(8) All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

(h) Water services for cultivation purposes shall be provided by a County Water Authority member water service provider. Onsite groundwater shall not be used for cultivation purposes.

SEC. 21.2505. OPERATING REQUIREMENTS FOR CANNABIS FACILITIES.

(a) The hours of operation of a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer shall be no earlier than 8 a.m. and no later than 8 p.m., seven days a week.

(b) No persons under the age of eighteen are allowed at, in, or on the premises of a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer for medical use, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian. No persons under the age of twenty-one are allowed at, in, or on the premises of an adult use Commercial Cannabis Microbusiness or Commercial Cannabis Retailer.

(c) In order to facilitate verification that a Medical Cannabis Collective Facility is operating pursuant to state and local laws, the following records must be maintained at the Medical Cannabis Collective Facility at all times and available for inspection by the Sheriff's Department:

(1) A record identifying all current qualified patient members of the collective associated with the Medical Cannabis Collective Facility. The record shall identify each qualified patient's designated primary caregiver, the name of the physician providing the recommendation for medical cannabis and shall reflect whether the recommendation is written or oral. The record shall identify the city and county of residence for each qualified patient and his or her primary caregiver.

(2) A record identifying all current primary caregiver members of the collective associated with the Medical Cannabis Collective Facility, and the persons for whom they are the designated

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primary caregiver. The record will show the city and county of residence for all qualified patients and primary caregivers.

(3) A current record of caregiver events for each member of the collective associated with the Medical Cannabis Collective Facility. Such record should include, at a minimum, the dates, times, duration, participants and nature of the caregiver event(s). Such record shall not include information protected by federal or state medical information privacy laws.

(4) A record identifying the source or sources of all cannabis currently on the premises of the Medical Cannabis Collective Facility or that has been on the premises during the two-year period preceding the current date. The record shall reflect the grower and the address and location of cultivation of the identified cannabis.

(5) All cannabis at the Medical Cannabis Collective Facility must at all times be physically labeled with information which, used in conjunction with the record required by section 21.2505(c)(4), will allow for ready identification of the specific collective member who is the source of the cannabis.

(6) All cannabis at the Medical Cannabis Collective Facility must at all times be physically labeled with the monetary amount to be charged (or "price" for purposes of this subparagraph only) to a collective member as reimbursement for cost of cultivation, overhead and operating expenses. Cannabis that is stored in bulk, and which is distributed by requested weight amount, shall be labeled with the price-per-ounce. Cannabis that is stored and distributed in fixed weight packages shall be labeled with the price and weight of the cannabis in the package.

(7) Current records of all transactions involving money and/or cannabis occurring in connection with the operation and activities of the collective or the Medical Cannabis Collective Facility during the two-year period preceding the current date. Such records must include at a minimum the following information: (a) The names of the persons involved, the person's membership status in the collective associated with the Medical Cannabis Collective Facility, and whether they are a qualified patient or a primary caregiver; (b) the amount of cash involved, if any, (c) the amount of cannabis involved, if any, (d) the method of payment if not by cash, and (d) if cannabis was involved, the collective member who was the source of the cannabis.

(8) An agreement, signed by each member of the collective associated with the Medical Cannabis Collective Facility and who is a source of cannabis to the Medical Cannabis Collective Facility as identified by sections 21.2505(c)(4) and 21.2505(c)(5), that:

(A) within seven days of request by the Sheriff's Department, the member will produce for inspection by law enforcement a record, current to within 48 hours, of costs of cultivation, overhead and operating expenses; and

(B) the location of the cultivation of the cannabis supplied by the member shall be subject to inspection for physical verification by appropriate law enforcement or fire agencies.

The form of the agreement required by this subdivision shall be determined by the Sheriff's Department, and shall require as a minimum the full name, home address, cultivation site address, home and emergency telephone numbers and the agreement required by this section.

(9) A record showing the identification of the responsible persons for the collective by name, home address and telephone number.

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(10) A clearly-visible, posted document identifying the names of the responsible persons and their emergency contact telephone numbers.

(d) The total quantity of cannabis located at any Medical Cannabis Collective Facility shall not exceed the maximum quantity limits set by state law, as established by statute and court decisions, in relation to the number of qualified patients and primary caregivers that are members of the collective.

(e) All cannabis at a Medical Cannabis Collective Facility must have been cultivated at that Medical Cannabis Collective Facility or have as its source a member or members of the collective with which the Medical Cannabis Collective Facility is associated.

(f) The sale of Edible Cannabis Products and Branded Merchandise is allowed at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness that includes retail as one of the three uses, and Commercial Cannabis Retailer.

(g) No smoking or any other consumption or ingestion of cannabis is allowed at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(h) Only persons who are members of the collective that is associated with a Medical Cannabis Collective Facility shall collectively or cooperatively cultivate, store or exchange cannabis among themselves, or reimburse each other or the medical cannabis collective for cultivation, overhead costs and operating expenses, at the Medical Cannabis Collective Facility.

(i) All transactions between or among members of a collective involving the exchange of cannabis and money, the exchange of cannabis and any other thing of value, the exchange of cannabis, or the provision of cannabis by one collective member to another collective member shall occur at the Medical Cannabis Collective Facility operated by the collective to which the members belong, except as follows: To the extent allowed by Health & Safety Code § 11362.71 and Health & Safety Code § 11362.765, a member of a collective may transport medical cannabis from the Medical Cannabis Collective Facility of the collective to which the member belongs and deliver the medical cannabis to another member of the same collective and may, upon delivery, accept money on behalf of the collective in exchange for the medical cannabis.

(j) Medical Cannabis Collective Facilities, Commercial Cannabis Microbusinesses, and Commercial Cannabis Retailers shall be available for inspection by the Sheriff, the Director of Planning and Development Services, the fire authority having jurisdiction or their respective authorized representatives, at all times during operating hours and upon reasonable notice during non-operating hours.

(k) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer shall have on its premises, posted in a prominent location, a copy of its Operating Certificate and a document that provides the names, home addresses, home telephone numbers and 24-hour emergency telephone numbers of its Responsible Persons.

(l) A licensed, uniformed security guard shall be present at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer at all times during hours of operation pursuant to section 21.2505(a).

SEC. 21.2506. FACILITY LIMITS; NAMING.

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(a) A collective may operate only one Medical Cannabis Collective Facility where members of the collective exchange cannabis among themselves or reimburse each other or the collective for cultivation, overhead costs and operating expenses. A collective may operate additional Medical Cannabis Collective Facilities where only cultivation occurs, all of which must meet the requirements of this ordinance except as expressly provided by this ordinance.

(b) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer must have a unique identifying name, identified on the Operating Certificate Application.

SEC. 21.2507. ADMINISTRATIVE AND CIVIL PENALTIES.

(a) An Operating Certificate may be revoked for any violation of state law or this chapter, or for failure to comply with conditions listed on the Operating Certificate. Revocation proceedings, hearings and appeals shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure. Administrative civil penalties shall be assessed pursuant to sections 18.201 et seq. of this Code or successor or amended administrative civil penalty provisions as may be adopted.

(b) In a civil action filed by the County to enforce provisions of this ordinance, a court may assess a maximum civil penalty of \$2500 per violation for each day during which any violation of any provision of this ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this ordinance.

(c) Any violation of this chapter may also be deemed a public nuisance and may be enforced by any remedy available to the County for abatement of public nuisances.

(Added by Ord. No. 10060 (N.S.), effective 7-30-10)

SEC. 21.2508. SEVERABILITY.

(a) If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

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By: Justin Crumley, Senior Deputy County Counsel

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Attachment C –
AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25
OF THE SAN DIEGO COUNTY CODE OF REGULATORY
ORDINANCES RELATED TO MEDICAL MARIJUANA
STRIKE-OUT/UNDERLINE COPY

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ORDINANCE NO. XXXXX(N.S.)

**AN ORDINANCE AMENDING TITLE 2, DIVISION 1, CHAPTER 25 OF THE
SAN DIEGO COUNTY COUNTY CODE OF REGULATORY ORDINANCES
RELATED TO MEDICAL MARIJUANA**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the San Diego County Code of Regulatory Ordinances Ordinance should be updated by amending or adding various sections regarding cannabis.

Section 2. Title 2, Division 1, Chapter 25 of the San Diego County Code of Regulatory Ordinances is amended to read as follows:

CHAPTER 25. CANNABIS ~~MEDICAL MARIJUANA~~

SEC. 21.2501. LEGISLATIVE FINDINGS AND INTENT.

(a) On June 30, 2010, the Board of Supervisors for the County of San Diego added to the County Code of Regulatory Ordinances Title 2, Division 1, Chapter 25 relating to Mmedical Cannabis~~marijuana~~ Ccollective Ffacilities. The regulatory codes therein determined that the Sheriff's Department would be the issuing and enforcement authority for legally established medical cannabis~~marijuana~~ operation certificates and approved fees to recover the cost of processing applications and compliance monitoring for medical cannabis facility operating certificates.

(b) In May 2013, the California Supreme Court issued its decision in City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc., et al., holding that cities and counties have the authority to ban medical cannabis~~marijuana~~ land uses.

(c) On October 11, 2015, the Governor signed into law Senate Bill 643, Assembly Bill 266, and Assembly Bill 243, collectively referred to as the Medical Cannabis Regulation and Safety Act ("MCRSA"), effective January 1, 2016, which established a state licensing system for medical cannabis~~marijuana~~ cultivation, manufacturing, delivery and dispensing, regulating these activities with licensing requirements and regulations that are only applicable if cities and counties also permit cannabis~~marijuana~~ cultivation, manufacturing, or dispensing within their jurisdictions. Under the MCRSA, cities and counties may continue to ban these cannabis~~marijuana~~ facilities and activities, in which case the state will not issue licenses within those jurisdictions.

(d) On November 8, 2016, the state voters approved the Adult Use of Marijuana Act (AUMA), also identified as Proposition 64 ("Prop 64"). Prop 64 legalized adult non-medical use of cannabis~~marijuana~~ and established a state licensing scheme for non-medical cannabis~~marijuana~~ facilities largely patterned on the MCRSA, and generally (1) allows adults 21 years and older to possess up to one ounce of cannabis~~marijuana~~ and cultivate up to six plants for

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personal use; (2) regulates and taxes the production, manufacture, and sale of cannabis~~marijuana~~ for adult use; and (3) rewrites criminal penalties so as to reduce the most common cannabis~~marijuana~~ felonies to misdemeanors and allow prior offenders to petition for reduced charges. Prop 64, similar to MCRSA, allows cities and counties to prohibit the establishment of non-medical facilities and licenses that are provided under Prop 64, providing for minimal personal use exceptions.

(e) On March 15, 2017, the Board of Supervisors found and determined that amendments to the Zoning Ordinance to ban Medical and Non- Medical Cannabis~~Marijuana~~ Facilities throughout any unincorporated zones were reasonable and necessary for public health, safety and welfare, and consistent with the General Plan, and the intent of those amendments was to prohibit the establishment and operation of both Medical and Non-Medical Cannabis~~Marijuana~~ Facilities.

(f) On March 15, 2017 ~~t~~The Board of Supervisors found~~also finds~~ and determines~~d~~ that amendments to the Regulatory Ordinances, Section 21.2503(a), to prohibit the Sheriff's Department from issuing any new Medical Cannabis~~Marijuana~~ Collective Facility Operating Certificates to facilities that were not lawfully established prior to April 14, 2017, and consistent with San Diego County Zoning Ordinance Section 6935, we~~are~~ reasonable and necessary for public health, safety and welfare. The Board determines~~d~~ that all applicable County Code of Regulatory Ordinances related to the operation of Medical Cannabis~~Marijuana~~ Collective Facilities with valid Operating Certificates shall continue to apply until such time as those facilities have been amortized pursuant to Zoning Ordinance Section 6935.

(g) In June 2017, California established the Medicinal and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA) through Senate Bill 94. As a combination of its precursors, MCRSA and AUMA, the MAUCRSA became the single regulatory system for governing medicinal and adult-use cannabis in California.

(h) On October 6, 2021, the Board of Supervisors finds and determines that amendments to the County Code of Regulatory Ordinances, Section 21.2501 et seq., and removal of Section 6935 of the Zoning Ordinance and associated amortization throughout the unincorporated area are consistent with the General Plan, and the intent of those amendments is to allow the continued operation of existing Medical Cannabis Collective Facilities and allow Medical Cannabis Collective Facilities to engage in Commercial Medical or Adult Use Cannabis activities.

(i) On October 6, 2021, the Board of Supervisors finds and determines that Medical Cannabis Collectives Facilities, Commercial Cannabis Microbusinesses and Commercial Cannabis Retailers may sell edible products and branded merchandise. The Board of Supervisors also finds and determines that existing Medical Cannabis Collective Facilities, Commercial Cannabis Microbusinesses, or Commercial Cannabis Retailers may alter existing structures, or add an addition up to 10,000 square feet pursuant to Zoning Ordinance Section 6861.

SEC. 21.2502. DEFINITIONS.

(a) "Primary Care Giver" has the same meaning as defined by state statutes~~law~~, including but not limited to Health & Safety Code sections 11362.5(e) and 11362.7(d). As explained in *People v. Mentch* (2008) 45 Cal.4th 274, a "primary caregiver" is a person who (1) consistently provides

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caregiving to a qualified patient, (2) independent of any assistance in taking medical cannabis, (3) at or before the time he or she assumed responsibility for assisting with medical cannabis.

(b) "Qualified Patient" has the same meaning as defined by state law, including but not limited to Health & Safety Code sections 11362.7(f) and 11362.5(b).

(c) "Medical ~~Cannabis~~Marijuana Collective" or "Collective" means any cannabis cooperative association or combination of primary caregivers and/or qualified patients collectively or cooperatively cultivating and/or storing ~~cannabismarijuana~~ for medical purposes as provided in Business and Professions Code Section 26220 et seq.~~Health and Safety Code Section 11362.7775.~~

(d) "Medical ~~Cannabis~~Marijuana Collective Facility" or "Collective Facility" means any location at which members of a medical ~~cannabismarijuana~~ collective collectively or cooperatively cultivate, store or exchange ~~cannabismarijuana~~ among themselves or reimburse each other or the medical ~~cannabismarijuana~~ collective for cultivation, overhead costs and operating expenses. "Medical ~~Cannabis~~Marijuana Collective Facility" or "Collective Facility" does not mean or include the following facilities licensed pursuant to the following provisions of Division 2 of the Health and Safety Code:

- (1) A clinic licensed pursuant to Chapter 1;
- (2) A health facility licensed pursuant to Chapter 2;
- (3) A residential care facility for persons with chronic, life-threatening illnesses licensed pursuant to Chapter 3.01;
- (4) A residential care facility for the elderly licensed pursuant to Chapter 3.2; or
- (5) A residential hospice or a home health agency licensed pursuant to Chapter 8.

(e) "Commercial Cannabis Microbusiness" means a cannabis facility that holds an A-Type 12 (Adult Use) or M-Type-12 (Medical Use) Microbusiness license in accordance with Business and Professions Code Section 26050, and is engaged in three of the four following medical commercial cannabis activities:

- (1) Retailer
- (2) Cultivation of cannabis on an area less than 10,000 square feet
- (3) Manufacturing
- (4) Distribution

(f) "Commercial Cannabis Retailer" means a retail storefront facility that sells cannabis and cannabis products and holds an A-Type 10 (Adult Use) or M-Type 10 (Medical Use) Retailer license in accordance with Business and Professions Code Section 26050

(ge) "~~Cannabis~~Marijuana" has the same meaning as defined by state law, including but not limited to Health & Safety Code section 11018.

(hf) "Caregiver Events" means visits, consultations, transactions, interactions or other events involving a qualified patient and his or her primary caregiver designated by the qualified patient and his or her primary caregiver to demonstrate that the primary caregiver meets the

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requirements of state law, including but not limited to Health & Safety Code section 11362.5(e), other relevant statutes and court decisions.

(ig) "Responsible Persons" means those members of the Medical Cannabis Ceollective Facility or owners and/or officers of the Commercial Cannabis Microbusiness or Commercial Cannabis Retailer who shall be jointly and severally responsible for operationng, management, direction, or policy of the ~~collective~~ facility in compliance with state law and this ordinance.

(jh) "Applicant" or "Applicants" means those persons who are completing and executing the Application for a ~~Medical Cannabis Marijuana Collective Facility~~ Operating Compliance Certificate ("Operating Certificate").

(k) "Edible Cannabis Product" has the same meaning as defined by state law, including but not limited to Business and Professions Code section 26001(t).

(l) "Branded Merchandise" has the same meaning as defined by state law, including but not limited to the California Code of Regulations, Title 16, section 5000(b).

SEC. 21.2503. OPERATING CERTIFICATE REQUIRED; APPLICATIONS.

(a) A Medical Cannabis Ceollective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer may only operate a ~~collective~~ facility in the unincorporated area of San Diego County if a valid ~~Medical Marijuana Collective Facility Operating Compliance Certificate~~ ("Operating Certificate") has been issued by the Sheriff's Department to a member of the collective or owner and/or officer of the Commercial Cannabis Microbusiness or Commercial Cannabis Retailer facility~~collective~~. The Sheriff's Department shall ~~not only~~ issue new Operating Certificates to ~~Medical Marijuana Collective Facilities that except to those facilities which were lawfully established prior to April 14, 2017, and consistent with San Diego County Zoning Ordinance Section 6935.~~

(b) The procedure for obtaining an Operating Certificate, including appeals of denials and revocations, shall be as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure, except as set forth in this chapter and in addition, shall be subject to the specific requirements and regulations set forth in this chapter.

(c) The ~~form of~~ application for an Operating Certificate shall be developed by the Sheriff's Department. At a minimum, the ~~form of~~ application developed by the Sheriff shall require the applicant(s) to provide sufficient information deemed necessary by the Sheriff to make an initial determination that (1) the applicant(s) will be operating a legitimate ~~collective~~ facility in compliance with state law and this ordinance, and (2) the applicant(s) is or are the owner(s) of the property for which the Operating Certificate is sought or have the written permission of the owner(s) of the property for which the license is sought.

(d) As a condition for obtaining an Operating Certificate from the Sheriff, the applicant must show proof that the location has been approved by the Department of Planning and Development Services, Zoning Division, and a building permit (including a tenant improvement permit) has been applied for if required by the California Building Code.

(e) The form of application, which upon completion shall be signed by the applicant(s), shall also require the applicant(s), at a minimum, to make the following express representations:

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(1) That no activities prohibited by state law will occur on or at the Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer with the knowledge of the responsible person(s).

(2) That the Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer~~the collective~~ and all of its members, owners, and/or officers will comply with all provisions of this chapter and state law pertaining to ~~medical cannabis~~marijuana.

(f) An Operating Certificate issued pursuant to this section shall be valid only for the address for which it was issued.

(g) Section 21.108(c) of the County of San Diego Uniform Licensing Procedure shall not apply to the issuance of Operating Certificates for Medical Cannabis Ceollective Ffacilities, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(h) The applicant(s) shall provide to the Sheriff along with a completed application and fee for the Operating Certificate, evidence that any required building permit (including a tenant improvement permit) issued by the Department of Planning and Development Services has passed final inspection and occupancy approval has been issued before the Sheriff's Operating Certificate can be effective.

(i) For purposes of facilitating the provisions of this ordinance, a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer must have a unique identifying name that will be entered onto the application for an Operating Certificate.

(j) The fee for an Operating Certificate shall be as provided in section 21.1901 of the County Code of Regulatory Ordinances for Medical Marijuana Operation Certificate.

(k) The application for an Operating Certificate shall designate and identify one or more persons as responsible persons. The designated responsible person(s) shall include the applicant(s). Operating Certificates may be transferred to others.

(l) An Operating Certificate shall not be issued where a responsible party has a felony conviction.

SEC. 21.2504. INFRASTRUCTURE REQUIREMENTS FOR CANNABISCOLLECTIVE FACILITIES.

(a) Alarms, closed circuit television.

(1) A Sheriff Department-licensed, 24-hour centrally monitored alarm system is required.

(2) Closed circuit television (CCTV) video monitoring shall be installed that meets the following criteria:

(A) Continuous 24-hour operation and recording with minimum archival period of 14 days.

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(B) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in interior and exterior areas where ~~cannabis/marijuana~~ is present at any time.

(C) Sufficient cameras, angles of observation and lighting to allow facial feature identification of persons in the immediate exterior areas of doors, windows or other avenues of potential access.

(D) All CCTV recordings shall be accessible to law or code enforcement officers at all times during operating hours and otherwise upon reasonable request. All CCTV recording systems shall have the capability of producing tapes, DVDs or other removable media of recordings made by the CCTV system.

(E) To prevent tampering, the recorder shall be kept in a secure location and all recordings shall be date and time stamped.

(b) Windows.

(1) Windows and glass panes shall have vandal-resistant glazing, shatter-resistant film, glass block, or bars installed equipped with latches that may be released quickly from the inside to allow exit in the event of emergency.

(2) Windows vulnerable to intrusion by a vehicle must be protected by bollards or landscaping grade separation reasonably sufficient to prevent such intrusion.

(c) Roofs, roof hatches, sky lights, ceilings. For buildings in which a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located:

(1) All means of gaining unauthorized access to the roof shall be eliminated. Exterior roof ladders shall be secured with locked ladder covers.

(2) Roof hatches and skylights shall be secured so as to prevent intrusion.

(3) Where a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located in a building with other tenants, the collective facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer shall be secured against unauthorized access from other tenant spaces or common areas, including access through crawl spaces, ceiling spaces, ventilation systems or other access points concealed from the common areas.

(d) Visibility.

(1) No ~~cannabis/marijuana~~ may be visible from any location off the property on which a collective cannabis facility is located. All cannabis activities shall be enclosed within a building.

(2) Exterior landscaping within 10 feet of any building in which a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer is located shall be free of locations which could reasonably be considered places where a person could conceal themselves considering natural or artificial illumination.

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(3) Exterior building lighting and parking area lighting must be in compliance with County of San Diego Light Pollution Code (Sections 51.201-51.209 of the San Diego County Code), County of San Diego Zoning Ordinance (Sections 6322 - 6326), and California Energy Code (Title 24-Chapter 6 of the California Code of Regulations). Lighting must be of sufficient foot-candles and color rendition, so as to allow the ready identification of any individual committing a crime on site at a distance of no less than forty feet.

(e) Fire suppression system: An approved automatic fire sprinkler system, designed in compliance with NFPA 13, shall be provided in buildings and portions thereof used as a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

~~(f) Parking. A collective facility shall conform to the requirements of Zoning Ordinance Section 6762 and shall be considered an "Office" occupancy type for purposes of that section.~~

~~(fg)~~ Entrances, exits, doors.

(1) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer shall have a single plainly identified primary entrance/exit site that is visible from public or common areas.

(2) Any exit or entrance that is not visible from a public or common area shall be plainly marked as an emergency exit only. Such emergency exits shall be self-closing, self-locking, equipped with an alarm and not used except in an emergency.

(3) Any aluminum door shall be fitted with steel inserts at the lock receptacles.

(4) Any outward opening doors shall be fitted with hinge stud kits, welded hinges or set-screw hinge pins.

(5) Panic exit hardware shall be "push-bar" design.

(6) Double doors shall be fitted with three- point locking hardware and push-bars consistent with fire agency regulations or requirements.

(7) All emergency exits shall be solid core doors featuring hinge-pin removable deterrent. Emergency exit doors shall have latch guards at least 12 inches in length protecting the locking bolt area. Latch guards shall be of minimum 0.125-inch thick steel, affixed to the exterior of the door with non-removable bolts, and attached so as to cover the gap between the door and the doorjamb for a minimum of six inches both above and below the area of the latch.

(8) All glass doors or doors with glass panes shall have shatter-resistant film affixed to prevent glass breakage.

~~—(h) The provisions of this section do not apply to the following collective facilities:~~

~~—(1) A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

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~~—(2) A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

(h) Water services for cultivation purposes shall be provided by a County Water Authority member water service provider. Onsite groundwater shall not be used for cultivation purposes.

SEC. 21.2505. OPERATING REQUIREMENTS FOR COLLECTIVE CANNABIS FACILITIES.

(a) The hours of operation of a Medical Cannabis Ceollective Ffacility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer shall be no earlier than 8 a.m. and no later than 8 p.m., seven days a week.

(b) No persons under the age of eighteen are allowed at, in, or on the premises of a Medical Cannabis Collective Ffacility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer for medical use, unless such individual is a qualified patient and accompanied by their licensed attending physician, parent or documented legal guardian. No persons under the age of twenty-one are allowed at, in, or on the premises of an adult use Commercial Cannabis Microbusiness or Commercial Cannabis Retailer.

(c) In order to facilitate verification that a Medical Cannabis Ceollective Ffacility is operating pursuant to state and local laws, the following records must be maintained at the Medical Cannabis Ceollective Ffacility at all times and available for inspection by the Sheriff's Department:

(1) A record identifying all current qualified patient members of the collective associated with the Medical Cannabis Ceollective Ffacility. The record shall identify each qualified patient's designated primary caregiver, the name of the physician providing the recommendation for medical ~~cannabismarijuana~~ and shall reflect whether the recommendation is written or oral. The record shall identify the city and county of residence for each qualified patient and his or her primary caregiver.

(2) A record identifying all current primary caregiver members of the collective associated with the Medical Cannabis Ceollective Ffacility, and the persons for whom they are the designated primary caregiver. The record will show the city and county of residence for all qualified patients and primary caregivers.

(3) A current record of caregiver events for each member of the collective associated with the Medical Cannabis Ceollective Ffacility. Such record should include, at a minimum, the dates, times, duration, participants and nature of the caregiver event(s). Such record shall not include information protected by federal or state medical information privacy laws.

(4) A record identifying the source or sources of all ~~cannabismarijuana~~ currently on the premises of the Medical Cannabis Ceollective Ffacility or that has been on the premises during the two-year period preceding the current date. The record shall reflect the grower and the address and location of cultivation of the identified ~~cannabismarijuana~~.

(5) All ~~cannabismarijuana~~ at the Medical Cannabis Ceollective Ffacility must at all times be physically labeled with information which, used in conjunction with the record required by

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section 21.2505(c)(4), will allow for ready identification of the specific collective member who is the source of the ~~cannabis~~marijuana.

(6) All ~~cannabis~~marijuana at the Medical Cannabis Ceollective Ffacility must at all times be physically labeled with the monetary amount to be charged (or "price" for purposes of this subparagraph only) to a collective member as reimbursement for cost of cultivation, overhead and operating expenses. CannabisMarijuana that is stored in bulk, and which is distributed by requested weight amount, shall be labeled with the price-per- ounce. CannabisMarijuana that is stored and distributed in fixed weight packages shall be labeled with the price and weight of the ~~cannabis~~marijuana in the package.

(7) Current records of all transactions involving money and/or cannabis occurring in connection with the operation and activities of the collective or the Medical Cannabis Ceollective Ffacility during the two-year period preceding the current date. Such records must include at a minimum the following information: (a) The names of the persons involved, the person's membership status in the collective associated with the Medical Cannabis Ceollective Ffacility, and whether they are a qualified patient or a primary caregiver; (b) the amount of cash involved, if any, (c) the amount of ~~cannabis~~marijuana involved, if any, (d) the method of payment if not by cash, and (d) if ~~cannabis~~marijuana was involved, the collective member who was the source of the ~~cannabis~~marijuana.

(8) An agreement, signed by each member of the collective associated with the Medical Cannabis Ceollective Ffacility and who is a source of ~~cannabis~~marijuana to the Medical Cannabis Ceollective Ffacility as identified by sections 21.2505(c)(4) and 21.2505(c)(5), that:

(A) within seven days of request by the Sheriff's Department, the member will produce for inspection by law enforcement a record, current to within 48 hours, of costs of cultivation, overhead and operating expenses; and

(B) the location of the cultivation of the ~~cannabis~~marijuana supplied by the member shall be subject to inspection for physical verification by appropriate law enforcement or fire agencies.

The form of the agreement required by this subdivision shall be determined by the Sheriff's Department, and shall require as a minimum the full name, home address, cultivation site address, home and emergency telephone numbers and the agreement required by this section.

(9) A record showing the identification of the responsible persons for the collective by name, home address and telephone number.

(10) A clearly-visible, posted document identifying the names of the responsible persons and their emergency contact telephone numbers.

(d) The total quantity of ~~cannabis~~marijuana located at any Medical Cannabis Ceollective Ffacility shall not exceed the maximum quantity limits set by state law, as established by statute and court decisions, in relation to the number of qualified patients and primary caregivers that are members of the collective.

(e) All ~~cannabis~~marijuana at a Medical Cannabis Ceollective Ffacility must have been cultivated at that Medical Cannabis Ceollective Ffacility or have as its source a member or members of the collective with which the Medical Cannabis Ceollective Ffacility is associated.

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(f) The sale of Edible Cannabis Products and Branded Merchandise is allowed at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness that includes retail as one of the three uses, and Commercial Cannabis Retailer. ~~Only cannabis as herein defined is allowed at the collective facility. No food or drink containing marijuana is allowed.~~

(g) No smoking or any other consumption or ingestion of ~~cannabismarijuana~~ is allowed at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer.

(h) Only persons who are members of the collective that is associated with a Medical Cannabis Collective Facility shall collectively or cooperatively cultivate, store or exchange ~~cannabismarijuana~~ among themselves, or reimburse each other or the medical ~~cannabismarijuana~~ collective for cultivation, overhead costs and operating expenses, at the Medical Cannabis Collective Facility.

(i) All transactions between or among members of a collective involving the exchange of ~~cannabismarijuana~~ and money, the exchange of ~~cannabismarijuana~~ and any other thing of value, the exchange of ~~cannabismarijuana~~, or the provision of ~~cannabismarijuana~~ by one collective member to another collective member shall occur at the Medical Cannabis Collective Facility operated by the collective to which the members belong, except as follows: To the extent allowed by Health & Safety Code § 11362.71 and Health & Safety Code § 11362.765, a member of a collective may transport medical ~~cannabismarijuana~~ from the Medical Cannabis Collective Facility of the collective to which the member belongs and deliver the medical ~~cannabismarijuana~~ to another member of the same collective and may, upon delivery, accept money on behalf of the collective in exchange for the medical ~~cannabismarijuana~~.

(j) Medical Cannabis Collective Facilities, Commercial Cannabis Microbusinesses, and Commercial Cannabis Retailers shall be available for inspection by the Sheriff, the Director of Planning and Development Services, the fire authority having jurisdiction or their respective authorized representatives, at all times during operating hours and upon reasonable notice during non-operating hours.

(k) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer shall have on its premises, posted in a prominent location, a copy of its Operating Certificate and a document that provides the names, home addresses, home telephone numbers and 24-hour emergency telephone numbers of its ~~operators~~ Responsible Persons.

(l) A licensed, uniformed security guard shall be present at a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, and Commercial Cannabis Retailer at all times during hours of operation pursuant to section 21.2505(a).

~~—(m) The provisions of this section do not apply to the following collective facilities:~~

~~—(1) A collective facility operated by a qualified patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single qualified patient under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

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~~—(2) A collective facility operated by a primary care giver where the amount of marijuana at no time exceeds the amount allowed by state law for a single primary care giver under Health & Safety Code section 11362.77, only cultivation occurs, and no exchanges of marijuana or reimbursements for marijuana occur.~~

SEC. 21.2506. FACILITY LIMITS; NAMING.

(a) A collective may operate only one Medical Cannabis Collective Facility where members of the collective exchange ~~cannabis~~marijuana among themselves or reimburse each other or the collective for cultivation, overhead costs and operating expenses. A collective may operate additional Medical Cannabis Collective Facilities where only cultivation occurs, all of which must meet the requirements of this ordinance except as expressly provided by this ordinance.

(b) A Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer must have a unique identifying name, identified on the Operating Certificate Application, ~~for purposes of tracking membership and facilities.~~

SEC. 21.2507. ADMINISTRATIVE AND CIVIL PENALTIES.

(a) An Operating Certificate may be revoked for any violation of state law or this chapter, or for failure to comply with conditions listed on the Operating Certificate. Revocation proceedings, hearings and appeals shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure. Administrative civil penalties shall be assessed pursuant to sections 18.201 et seq. of this Code or successor or amended administrative civil penalty provisions as may be adopted.

(b) In a civil action filed by the County to enforce provisions of this ordinance, a court may assess a maximum civil penalty of \$2500 per violation for each day during which any violation of any provision of this ordinance is committed, continued, permitted or maintained by such person(s). As part of said civil action, a court may also assess a maximum civil penalty of \$6000 for each day any person intentionally violates an injunction prohibiting the violation of any provision of this ordinance.

(c) Any violation of this chapter may also be deemed a public nuisance and may be enforced by any remedy available to the County for abatement of public nuisances.

(Added by Ord. No. 10060 (N.S.), effective 7-30-10)

SEC. 21.2508. SEVERABILITY.

(a) If any part of this chapter is for any reason held to be invalid, unlawful, or unconstitutional, such invalidity, unlawfulness or unconstitutionality shall not affect the validity, lawfulness, or constitutionality of any other part of this chapter.

Section 3. Effective Date and Publication. This ordinance shall take effect and be in force thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

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APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Justin Crumley, Senior Deputy County Counsel

Attachment D –
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA
COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA
FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION
6861 RELATED TO NONCONFORMING CANNABIS FACILITIES
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ORDINANCE NO. ____ (N.S.)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA
COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA
FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION
6861 RELATED TO NONCONFORMING CANNABIS FACILITIES**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending, adding, or removing various sections regarding Definitions, Nonconforming Cannabis Facilities, Medical Marijuana Collective Facilities, and Prohibition of Marijuana Facilities – Medical or Non-Medical. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1110 DEFINITIONS is amended to read as follows:

SEC. 1110. DEFINITIONS

Cannabis Facility – Medical and Non-Medical: Any store, office, business, building, property or other facility in or from which cannabis is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated indoors or outdoors, possessed, or transported.

Section 3. Section 6861 NONCONFORMING CANNABIS FACILITIES of the Zoning Ordinance is added to read as follows:

SEC. 6861. NONCONFORMING CANNABIS FACILITIES

- a. Five Nonconforming Cannabis Facilities. Nonconforming Cannabis Facilities which were lawfully established before April 14, 2017, and documented by the Department include only facilities at the five following locations:

8157 Wing Ave, El Cajon, CA 92020 (APN 387-150-21-00)
736 Montecito Way, Ramona, CA 92065 (APN 281-521-13-00)
618 Pine St, Ramona, CA 92065 (APN 281-065-26-00)
1210 Olive St, Ramona, CA 92065 (APN 281-121-12-00)
8530 Nelson Way, Escondido, CA 92026 (APN 127-222-19-00)

- b. Cannabis Activities. A Nonconforming Cannabis Facility may engage in Medical Cannabis Collective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer activities as those terms are defined in Chapter 25 of Division 1 of Title 2 of the San Diego Code of Regulatory Ordinances. A Nonconforming Cannabis Facility operating as a

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- Medical Cannabis Collective shall update its Operating Certificate before engaging in Commercial Cannabis Microbusiness or Commercial Cannabis Retailer activities.
- c. Operation and Construction. Each of the five Nonconforming Cannabis Facilities may do the following:
 1. Continue Operation. Continue operations beyond April 14, 2022.
 2. Existing Facilities.
 - i. Repair, maintain, or alter existing structures.
 - ii. Add to one or more structures that were permitted before June 9, 2021, up to a cumulative total of 10,000 square feet in floor area.
 3. New Construction or Conversion of Small Structures.
 - i. Construct a structure that will not involve the use of significant amounts of hazardous substances and will not exceed 2,500 square feet in floor area.
 - ii. In urbanized areas, as is defined in Section 15387 of Title 14 of the California Code of Regulations, construct up to four commercial cannabis buildings that will not involve the use of significant amounts of hazardous substances and will not exceed a cumulative total of 10,000 square feet in floor area.
 - d. Cumulative New Square Footage Limit. A Nonconforming Cannabis Facility may not build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof.
 - e. Ministerial Building Permits. Repair, maintenance, alteration, addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall require approval of a ministerial building permit. Nothing within this Zoning Ordinance shall exempt Nonconforming Cannabis Facilities from the requirements of the Grading Ordinance.
 - f. Exemptions from Designators. Repair, maintenance, alteration, an addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall be exempt from B and S Special Area Designators.
 - g. Expansions Above Cumulative New Square Footage Limit. A Nonconforming Cannabis Facility may build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof, upon approval of a Site Plan. Expansions above the cumulative new square footage limit shall not be exempt from any Special Area

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Designators.

- h. No Visibility or Outdoor Use. Nonconforming Cannabis Facilities shall be designed, constructed, and operated such that no cannabis is visible from any location off the property on which a Nonconforming Cannabis Facility is located. All cannabis activities shall be enclosed within a building.
- i. No Groundwater Use for Cultivation. Water services for cultivation purposes shall be provided by a County Water Authority member water service provider. Onsite groundwater shall not be used for cultivation purposes.
- j. Other Nonconforming Regulations. Nonconforming Cannabis Facilities are not subject to any other nonconforming regulations outlined in the Zoning Ordinance.
- k. Change to Conforming Use. A Nonconforming Cannabis Facility may change its use to a non-cannabis related conforming use. A Nonconforming Cannabis Facility shall transition to a conforming cannabis facility upon the County adopting regulations making cannabis activities a conforming use.

Section 4. Section 6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES of the Zoning Ordinance shall be removed in its entirety:

Section 5. Section 6976 PROHIBITION OF MARIJUANA FACILITIES MEDICAL OR NON-MEDICAL of the Zoning Ordinance are amended to read as follows:

SEC. 6976. PROHIBITION OF CANANBIS FACILITIES – MEDICAL OR NON-MEDICAL

No person shall cause or permit the establishment of a Cannabis Facility for medical or non-medical purposes, meeting the definition "Cannabis Facility – Medical and Non-Medical" in Section 1110, which was not lawfully established before April 14, 2017. To the maximum extent allowed by state law this prohibition shall apply throughout all use regulations.

Section 6. Effective Date and Publication. This ordinance shall take effect and be in force thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

Ordinance No. XXXXX
Meeting Date: 08/06/21 (01)

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By: Justin Crumley, Senior Deputy County Counsel

Attachment E –
AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA
COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA
FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION
6861 RELATED TO NONCONFORMING CANNABIS FACILITIES
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ORDINANCE NO. ____ (N.S.)

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING
ORDINANCE RELATED TO DEFINITIONS, MEDICAL MARIJUANA
COLLECTIVE FACILITIES, AND PROHIBITION OF MARIJUANA
FACILITIES – MEDICAL OR NON-MEDICAL, AND ADDING SECTION
6861 RELATED TO NONCONFORMING CANNABIS FACILITIES**

The Board of Supervisors of the County of San Diego ordains as follows:

Section 1. The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending, adding, or removing various sections regarding Definitions, Nonconforming Cannabis Facilities, Medical Marijuana Collective Facilities, and Prohibition of Marijuana Facilities – Medical or Non-Medical. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

Section 2. Section 1110 DEFINITIONS is amended to read as follows:

SEC. 1110. DEFINITIONS

~~Cannabis Marijuana~~ Facility – Medical and Non-Medical: ~~(a) Any store, office, business, building, property or other facility in or from which cannabis marijuana is sold, given, traded, supplied, bartered, consumed, raised, processed, stored, used, cultivated indoors or outdoors, possessed, or transported; (b) This definition shall not apply to cultivation of medical marijuana; (1) by a Qualified Patient where the amount of marijuana at no time exceeds 1.5 times the amount allowed by state law for a single Qualified Patient under Health & Safety Code section 11362.77, and no exchanges of marijuana or reimbursements for cannabis occur; and, (2) by a Primary Care Giver where the amount of marijuana at no time exceeds 1.5 times the amount allowed for a single Primary Care Giver under Health & Safety Code section 11362.77, and no exchanges of marijuana or reimbursements for marijuana occur.~~

Section 3. Section 6861 NONCONFORMING CANNABIS FACILITIES of the Zoning Ordinance is added to read as follows:

SEC. 6861. NONCONFORMING CANNABIS FACILITIES

- a. Five Nonconforming Cannabis Facilities. Nonconforming Cannabis Facilities which were lawfully established before April 14, 2017, and documented by the Department include only facilities at the five following locations:

8157 Wing Ave, El Cajon, CA 92020 (APN 387-150-21-00)
736 Montecito Way, Ramona, CA 92065 (APN 281-521-13-00)
618 Pine St, Ramona, CA 92065 (APN 281-065-26-00)
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STRIKE-OUT/UNDERLINE COPY8530 Nelson Way, Escondido, CA 92026 (APN 127-222-19-00)

- b. Cannabis Activities. A Nonconforming Cannabis Facility may engage in Medical Cannabis Collective, Commercial Cannabis Microbusiness, or Commercial Cannabis Retailer activities as those terms are defined in Chapter 25 of Division 1 of Title 2 of the San Diego Code of Regulatory Ordinances. A Nonconforming Cannabis Facility operating as a Medical Cannabis Collective shall update its Operating Certificate before engaging in Commercial Cannabis Microbusiness or Commercial Cannabis Retailer activities.
- c. Operation and Construction. Each of the five Nonconforming Cannabis Facilities may do the following:
 - 1. Continue Operation. Continue operations beyond April 14, 2022.
 - 2. Existing Facilities.
 - i. Repair, maintain, or alter existing structures.
 - ii. Add to one or more structures that were permitted before June 9, 2021, up to a cumulative total of 10,000 square feet in floor area.
 - 3. New Construction or Conversion of Small Structures.
 - i. Construct a structure that will not involve the use of significant amounts of hazardous substances and will not exceed 2,500 square feet in floor area.
 - ii. In urbanized areas, as is defined in Section 15387 of Title 14 of the California Code of Regulations, construct up to four commercial cannabis buildings that will not involve the use of significant amounts of hazardous substances and will not exceed a cumulative total of 10,000 square feet in floor area.
- d. Cumulative New Square Footage Limit. A Nonconforming Cannabis Facility may not build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof.
- e. Ministerial Building Permits. Repair, maintenance, alteration, addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall require approval of a ministerial building permit. Nothing within this Zoning Ordinance shall exempt Nonconforming Cannabis Facilities from the requirements of the Grading Ordinance.
- f. Exemptions from Designators. Repair, maintenance, alteration, an addition to an existing structure, or construction of a new structure in accordance with this section and used for cannabis purposes shall be exempt from B and S Special Area Designators.

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- g. Expansions Above Cumulative New Square Footage Limit. A Nonconforming Cannabis Facility may build more than a cumulative total of 10,000 square feet of new floor area, either by an addition to an existing facility, new construction or conversion of small structures, or a combination thereof, upon approval of a Site Plan. Expansions above the cumulative new square footage limit shall not be exempt from any Special Area Designators.
- h. No Visibility or Outdoor Use. Nonconforming Cannabis Facilities shall be designed, constructed, and operated such that no cannabis is visible from any location off the property on which a Nonconforming Cannabis Facility is located. All cannabis activities shall be enclosed within a building.
- i. No Groundwater Use for Cultivation. Water services for cultivation purposes shall be provided by a County Water Authority member water service provider. Onsite groundwater shall not be used for cultivation purposes.
- j. Other Nonconforming Regulations. Nonconforming Cannabis Facilities are not subject to any other nonconforming regulations outlined in the Zoning Ordinance.
- k. Change to Conforming Use. A Nonconforming Cannabis Facility may change its use to a non-cannabis related conforming use. A Nonconforming Cannabis Facility shall transition to a conforming cannabis facility upon the County adopting regulations making cannabis activities a conforming use.

Section 4. Section 6935 MEDICAL MARIJUANA COLLECTIVE FACILITIES of the Zoning Ordinance shall be removed in its entirety:

~~SEC. 6935. MEDICAL MARIJUANA COLLECTIVE FACILITIES~~

~~Amortization of Nonconforming Medical Marijuana Collective Facilities. Notwithstanding Section 6852, a nonconforming Collective Facility which was lawfully established before April 14, 2017 shall cease operations no later than April 14, 2022. In order for a Collective Facility to be "lawfully" established it must have applied for and obtained a building permit and/or a certificate of occupancy and Sheriff's Operating Certificate prior to commencing operations, or received County approval of a vested right to continue under previous regulations. The Collective Facility may apply for one six month extension of this period. The Director may grant that extension upon determining that the operator would be subjected to unreasonable financial hardship if forced to cease operations, considering (1) the term of any applicable lease for the premises and whether it may be modified or terminated; (2) the non-recoverable costs of any improvements that would only be of use to the Collective Facility; (3) the profits which have been received during the period from April 14, 2017 to April 14, 2022, and (4) the potential for other conforming uses to locate on the site.~~

~~Any nonconforming medical marijuana collective facility shall not be expanded, enlarged, extended or altered except that the use may be changed to a conforming use.~~

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Section 5. Section 6976 PROHIBITION OF MARIJUANA FACILITIES MEDICAL OR NON-MEDICAL of the Zoning Ordinance are amended to read as follows:

SEC. 6976. PROHIBITION OF CANNABISMARIJUANA FACILITIES – MEDICAL OR NON-MEDICAL

No person shall cause or permit the establishment, ~~operation, enlargement or transfer of ownership~~ of a Cannabis Facility ~~marijuana~~ for medical or non-medical purposes, meeting the definition "Cannabis Marijuana Facility – Medical and Non-Medical" in Section 1110, which was not lawfully established before April 14, 2017. To the maximum extent allowed by state law this prohibition shall apply throughout all use regulations.

Section 6. Effective Date and Publication. This ordinance shall take effect and be in force thirty (30) days after its adoption. Fifteen days after the date of adoption of this ordinance, a summary shall be published once with the names of the members of the Board voting for and against it in a newspaper of general circulation published in County of San Diego.

APPROVED AS TO FORM AND LEGALITY
COUNTY COUNSEL

By: Justin Crumley, Senior Deputy County Counsel

Attachment F –
COMMUNITY PLANNING GROUP
COMMENT LETTERS

From: Billie Jo Jannen, Chairman, Campo Lake Morena Community Planning Group

To: Donald Chase, Project Manager, County of San Diego Planning and Development Services and San Diego County Board of Supervisors

March 1, 2021

Re: Cannabis and Social Equity ordinance

Dear Planners and Supervisors:

The Campo Lake Morena Community Planning Group, at its March 1, 2021 meeting, voted unanimously to forward the recommendations below for the Cannabis and Social Equity project.

This project has a very large land use component in rural communities, as rural properties are likely to make up the bulk of cannabis growing in San Diego County. The rules you make today can favor large commercial entities whose deep pockets will enable them to plant all the acres they can buy and use all the groundwater they desire. Alternatively, these rules could favor small, mom-and-pop scale growers who will use their earnings inside the community and be an economic asset to local families and organizations. As an example of how this could be done, please review the county's tiered winery and equine ordinances.

1. Support rigorous standards for groundwater use and environmental protections.

Wasteful watering practices, such as flood irrigation, no longer have a place in Southern California. It particularly has no place in a community that depends on groundwater for 100 percent of its needs. Groundwater impacts are not confined to cannabis growing, so the best way to approach this would be through the groundwater ordinance, which is long overdue for updating.

While CLMPG does NOT advocate for metering private wells, there are other ways to ensure that crops don't use more water than necessary – mulching and direct delivery/drip, for example. Besides quantity, there is concern about groundwater pollution from agricultural fertilizers and pesticides. **We would suggest you bring the farm bureau and county groundwater team together with farmers and ranchers to discuss specific best practices initiatives that could be incorporated into a revised groundwater ordinance.**

2. Tailor growing regulations so that small growers who live in the community have the advantage over wealthy, out-of-area companies and cartels. We have all seen, over and over, the importance of local businesses and farms to a community. They not only support the owners' families, but offer any number of additional benefits, including donations to local children's sports and charitable groups like Kiwanis, as well as other businesses, like the hardware store, gas stations and grocery stores. They tend to hire community members, helping other local families to avoid poverty. Our community plan in Campo focuses hard on local small businesses and jobs, many related to the tourist industry.

We formed our own cannabis subcommittee after learning of the 600-acre farm installed in Potrero by a Canadian CBD company. As part of our due diligence, we toured the farm after it was up and running. While we are not fundamentally opposed to the project, we were uncomfortable with the scale and water usage, and with knowing that every bit of profit from the project is going “offshore.”

This CBD farm has no land use oversight or permit. It needed only to register with the state and test for THC content. **This is not how THC farming should be done in our county. The area under cultivation should never exceed 20,000 square feet, and smaller grows should be encouraged via a tiered ordinance.**

3. Immediately commence updates to community plans so that local land use standards related to cannabis growing and marketing provide clarity for both community members and would-be growers. The recent spate of proposed county regulatory revisions has been fueled entirely from the top down, and is unlikely to promote buy-in from the people most likely to be affected. Community plans are the ONLY pieces of the general plan that are specifically intended to reform/refine regulations to address community character and needs. **If you ignore community input, you will be viewed no differently than any other elite group imposing its own pet projects onto everyone else.**

4. Permits should never be “by right.” Proponents should have to clearly demonstrate that their impact – such as odors, water usage, setbacks and wetland protections – can be controlled/mitigated. **Please require at least a conditional use permit and mitigation requirements.**

5. Children are the most vulnerable of all and their exposure should be carefully guarded against. In addition to direct security and setbacks on growing operations, they should have more community-based activities and adult guidance to divert them to better choices. **Please dedicate a minimum percentage of taxes collected from both growing operations and dispensaries directly to youth programs and facilities.**

6. Is supporting retail permit preference for convicted felons really the right approach to supporting social equity? If the goal is to improve economic prospects for historically impacted people and communities, why would you prefer that permitted sales be made by people who have already proven they will participate in illegal sales? If you must take this approach, then at least limit preferences to people with low-level possession charges and no suspicion of illegal drug sales.

People who have been comfortable **selling illegal drugs** are not misunderstood innocents. They have sold drugs to anyone with the money to buy, including children – lots of children. They have committed ancillary crimes, such as tax evasion and other financial crimes. They have done great harm to the communities you seek to support and are morally inclined to skirt the law.

We think that these communities should be treated with greater kindness than to put illegal drug dealers in control of their business environment. **Permitting should reward people**

who respect the law and care about the impacts of their activities on the community as a whole. Please consult with the communities that would be affected by this policy element before you adopt it.

Sincerely,

A handwritten signature in blue ink, appearing to read "B. Jannen", with a long horizontal flourish extending to the right.

Billie Jo Jannen, Chairman
Campo Lake Morena CPG

LAKESIDE COMMUNITY PLANNING GROUP
CANNABIS PROGRAM RECOMMENDATIONS
LCPG MEETING HELD MARCH 3, 2021

BOARD CONSENSUS AND RECOMMENDATIONS

1. All businesses including retail, cultivation, agriculture, processing, and wholesale must receive recommendation from the Lakeside Community Planning Group prior to issuance of any operational permit.
2. Minimum distance of 1000 feet from any of the following:
 - Schools
 - Day-care centers
 - School bus stops
 - Libraries
 - Places of worship
 - Parks and recreation facilities including skate parks
 - Bars/taverns and liquor stores
 - Grocery stores
3. Industrial areas only (none permitted in commercial or residential areas)
4. Special Use Permit required
5. Limitation on outlet density
6. Restrictions on operating hours – no operations past 9pm
7. Sub-letting or sub-leasing of facility is prohibited with memorandum of lease recorded
8. No delivery service
9. Parking limit restrictions to reduce loitering
10. Restrictions on signage/advertisements including billboards and storefronts. Include health warnings, prohibit provocative images, and no advertising to include youth targeting language.
11. All operators should hold insurance or bond for revenue recovery of law enforcement activities. Funds collected to be used for prevention programs in the community.
12. No onsite consumption
13. No outdoor seating areas
14. For processing operations, ventilation for air quality
15. Utilize guidelines from adult entertainment/retail operations and alcohol-related businesses
16. Significant penalty for an illegal operations including fines and confiscation of inventory

SPECIFIC GROUP MEMBER COMMENTS/CONCERNS/QUESTIONS:

Carol Hake (Chair): Our Supervisor wants our feedback on what the cannabis policy should look like in our area with regards to agriculture, consumption, retail, etc. This is likely to go through so our focus should be on what we want it to look like in our community.

Shari Cohen – The impact of these businesses on the community is negative and what happens in front of the shop is not within their control. *Buying alcohol and cannabis right next door to each other
*Within distance to bus stops *Locate in areas where they aren't going to cause harm

Liz Higgins – We have nothing in front of us from farmers or law enforcement. I would like their input so we can form a consensus. We don't want it in neighborhoods, if you have to make them legal they should be required to only get permitted in industrial zoned areas. Any lease of these properties should be required to have a memorandum of lease be recorded and include wording that there is to be no subleasing or renting to another cannabis entity. Both the lessee and the lessor should have liability insurance to cover violations.

Karolyn Smith - At least 1000 feet from churches , bus stops, schools, park and rec, library, library, skate park, child care, bars, grocery stores.

Ron Kasper- Keep away from kids - childcare, schools, parks, also away from any bars and away from places of worship.

Dan Moody- If this is forced upon us I hope that we retain greater input on the location of these outlets. It is vital to our community that we have significant input as to the location of retail and/or on-site consumption businesses – should they be permitted in Lakeside.

Presenter Donald Chase- conditional use permits? Dan – yes primarily on the location of those businesses.

Carol Hake- nothing past 9pm and restricted to industrial areas, limit the number of locations.

Josef Kufa - 9am to 9pm no delivery or pick-ups outside of operating hours.

Sarai Johnson - Check for warrants of people who go into. Insurance or a required bond and revenue recovery – special use permits I like this idea because it requires input from the community and I would like to see fees that benefit the community.

Tony Santo- is the intent to regulate these outlets similar to how adult stores or alcohol outlets are regulated?

Steve Robak- limit number of outlets in an area, specific suggestion like 1,000 ft from schools. Is there an insurance policy or program where the money goes into a fund where they are self-funding their enforcement and any impact the outlets may have on the enforcement resources of the community.

Kristen Everhart- Away from youth attended areas – schools, parks, bus stops, grocery stores, neighborhoods. Restrict how many within a particular radius so they don't all end up on the same block. Require extra ventilation of the buildings to reduce environmental health hazards to others in the area.

COMMUNITY CONCERNS/COMMENTS:

David Shorey – East County program manager for social policies and we direct the prevention programs in East County San Diego. Prevention provider system and behavioral health services has not been consulted yet. Has the county looked at the federal ordinance implementation guidelines? Currently enforcement abilities are very limited how they will be expanded to meet the increased need for regulation and enforcement of the adopted ordinance.

Kelly McCormick – These operations are disruptive to the air quality of the surrounding businesses and homes they put off a very strong odor – there are law suits in Santa Barbara over this issue. Health concerns about our youth and addictions

Terry Burke-Eiserling – We have to stop the illegal activities before we can think about regulating legal activities. We have to stop the black market first.

Kathy Lippitt- the County has been behind in prevention education for years and this area isn't any difference. This industry will be very difficult to regulate. I hope the County will do more prevention work.

Dallin Young- all current operators in Lakeside are illicit operations right now there are currently no legal alternatives. Based on the population size of Lakeside there aren't likely to be more than 4 or 5 retail outlets. The County is presenting an opportunity for you to say where these should be located. Typically because the cost of operating legally is significant, the legal operators are likely to be the first to report on illegal activities. Legal operations will actually help reduce the illegal non-conforming operations.

Terrianne Skelly- My kids need education and technical school opportunities not pot. Focus on providing those.

Judi Strang- Whether permitted or not there are just not enough enforcement resources and the BCC bureau of cannabis controls. Chula Vista and other cities passed these types of policies and thought they would be able to regulate them but are struggling and the amount of time and resources being taken up by trying to regulate. The unincorporated areas are not equipped to take this on. With how far everything is the risk of driving and accidents is too great.

From: [eileen delaney](#)
To: [Chase, Donald](#); [Christman, Scott](#); [Benedito, Aleena](#); conner.mcgee@sdcounty.ca.gov
Cc: [Jack Wood](#)
Subject: Cannabis Ordinance
Date: Thursday, March 4, 2021 9:44:49 AM

All:

Good presentation yesterday at the BOS meeting. We are pleased with the actions and directives.

For the record, below are the first recommendations of the Fallbrook Planning Group. (and what was stated by me on behalf of the Fallbrook CPG, yesterday to the BOS).

As you work on the environmental aspects of the ordinance, will you also be working on other components concurrently? Could you please keep us informed so that we can offer timely recommendations?

As you may know, County Counsel has advised that it is ok for us to give input on the social equity component of the ordinance. So we will be working on that at our next adhoc and Planning Group meeting.

Thank you again for all of your help and assistance. We look forward to continuing to work with you.

Sincerely,
Eileen Delaney
Fallbrook Planning Group
Adhoc Committee

We support staff's recommendation for a Programatic EIR but also recommend that individual applicants do a local site analysis that tiers off of the PEIR, as well as requiring a Discretionary Permit and local Planning Group recommendation, as is required with a County liquor license.

We also ask you to please carefully consider the implications of growing & manufacturing of cannabis on ag zones that are adjacent to residential areas throughout Fallbrook. Unpleasant Odors, which is an understatement, from the plants can be overpowering at times and if cultivation is allowed in all ag zones, it could ruin the peaceful enjoyment of the outdoors that those residents currently enjoy.

We appreciate the opportunity to make recommendations. Our goal is to continue to work with staff throughout this process and continue to make recommendations so that we can ultimately have an ordinance that encompasses components in the initial board letter, but just as importantly takes into consideration the lifestyle and character of our towns



Julian Community Planning Group

Post Office Box 1497

Julian, CA 92036

March 17, 2021

Donald Chase, Land Use & Environment Planning Manager
San Diego County Planning & Development Services
Donald.Chase@sdcounty.ca.gov

SUBJECT: Cannabis Program

Dear Mr. Chase,

The Julian Community Planning Group is opposed to reducing the distance of cannabis dispensaries from schools. We feel that reducing the distance from schools will have the potential of increasing abuse.

Regards,

JULIAN COMMUNITY PLANNING GROUP

Patrick L. Brown, Chair
Rebecca Morales, Vice Chair
Kiki Skagen Munshi, Secretary
Herb Dackermann
Eric Jones
Keith Krawiec
Katherine Moretti
Woody Barnes
Kenny Mushet
Rudy Rikansrud
William Everett



RAMONA COMMUNITY PLANNING GROUP

15873 HWY 67, RAMONA, CALIFORNIA 92065

Phone: (760)445-8545

Robin Joy Maxson
Chair

July 5, 2021

Torry Brean
Vice-Chair

Kristi Mansolf
Secretary

County Supervisor Joel Anderson
1600 Pacific Highway, Room 335
San Diego, CA 92101

Scotty Ensign

RE: COUNTY OF SAN DIEGO CANNABIS ORDINANCE

Debra Foster

Dear Supervisor Anderson,

Lynn Hopewell

Casey Lynch

Elio Noyas

In response to your request for community input and involvement in the County of San Diego's effort to update the existing County of San Diego Cannabis Ordinance and include input on potential economic access and equity in the cannabis industry, the Ramona Community Planning Group (RCPG) created an Ad-Hoc Committee to prepare this report and information within this letter.

Dawn Perfect

Matt Rains

Michelle Rains

Andrew Simmons

The RCPG Ad-Hoc Committee is comprised of several RCPG members and community leaders with background experience in law enforcement, judicial service, agriculture, local business owners and a past RCPG Chair that was intimately involved in working with our local dispensary owners and the County during the development of the 2016-2017 County of San Diego Ordinance.

Paul Stykel

Dan Summers

Kevin Wallace

The RCPG Ad-Hoc Committee conducted several community meetings over the past months and a recent workshop with the community and the current dispensary owners in Ramona. We also received several dissenting opinions to any allowable cannabis use, advocating for a complete ban to any medical or non-medical uses.

Our process included taking the County of San Diego Planning and Development Services presentation topics and discussing each item, providing you with feedback and input from the community and dispensary owners. That information is as follows:

Topic: Retail in areas zoned commercial and industrial.

Community Response:

Should stay within the current allowed Industrial Zones with the current buffers and should remain with current number of approved dispensary locations.

Explore the per capita ratio for # of allowable dispensaries. Keep or limit to 3 existing dispensaries. Include the regulation regarding sensitive uses and locations thereto.

Owners Response:

Not Necessarily on Main Street but remain accessible by public. Not in high profile commercial zones.

Topic: Cultivation in areas zoned for agriculture.

Community Response:

Consider as an option for social equity involvement, co-op potential. Security of outdoor grow operations is a major concern. CEQA and noise ordinance should apply. Water availability and connection to a commercial water meter. View Corridor consideration.

Owners Response:

Climate controlled, closed circuit, indoor, glass or plexiglass structure. Very rural area, no neighbors. Only allowed in CA Humboldt County and Santa Barbara. One example would be Palomar in Santa Ysabel. Engage with Farm Bureau.

Topic: Manufacturing in areas zoned for industrial.

Community Response:

Keeping manufacturing in industrial zones, provide social equitable opportunities, micro business opportunities.

Owners Response:

Industrial zone is the correct zone for all manufacturing (industrial). Controlled growth, other cities have vacant permitted facilities.

Topic: Distribution in areas zoned for industrial.

Community Response: None

Owners Response: None

Topic: Testing allowed in areas zoned for industrial.

Community Response:

Allow within Ramona, based on a per capita ratio.

Owners Response: None

Topic: Microbusiness in areas zoned for agriculture, commercial or industrial.

Community Response:

Can be cultivation, processing, and distribution (3 of the license types).

Owners Response:

Limiting cultivation and retail.

Topic: Creates County Operating Permits for Retail (Storefront and/or Non-Storefront), Cultivation, Manufacturing, Distribution, and Testing; or a county operating permit for a Microbusiness license.

Community Response:

Major Use Permit with Full EIR, if done on a County wide programmatic EIR, should be based on those available properties. Maintain current buffers to sensitive uses or zones.

Owners Response: None

Topic: Requires the issuance of Labor Peace Agreements after the tenth employee.

Community Response: None

Owners Response:

Already in effect by CA State Law (State Law=20 Non-Supervisory Employees). Suggest staying at the State Law Requirement.

Topic: Allows for the sale of ingestible cannabis products, including edible and drinkable products.

Community Response: None

Owners Response:

Follow California laws and guidelines. Products are the most used by seniors. Ramona residents currently have to drive to Miramar to obtain products (outside of delivery zones).

Topic: Allows for onsite consumption of cannabis products at specific cannabis facilities and at permitted events.

Community Response:

Any allowed consumption should be done so with proper training, similar to ABC Training. Until law enforcement has a way to assess impairment quickly, should not allow onsite consumption.

American Heart, Lung and Cancer Associations have weighed against onsite consumption.

Owners Response:

Current consumption lounge in CA is separately permitted, SF/LA. Special Permits are issued in CA, with separate restrictions and regulations, similar to beer garden, with security, ID checks, etc.

Not pursuing onsite consumption, should remain in metro areas.

Topic: Existing Enforcement

Community Response:

Manufacturing/Cultivation (if more allowed) requiring more inspections. Focus on unlicensed, non-regulated operations.

Owners Response:

Have been told that Sheriff's Office would rather not have to inspect existing compliant businesses. Illegal operations should be the focus (not tested, not checking ID's). Product tracked from seed to sale at existing dispensaries.

RCPG Cannabis Ordinance Ad-Hoc

July 5, 2021

Topic: Board Action / Program Goals

Community Response: None

Owners Response: None

Topic: Future Enforcement

Community Response:

Billboards: CA State Law and enforcement of billboard advertising. Limit to 21 years old and up.

Owners Response: None

Topic: Develop a new cannabis permitting system that contains a "Social Equity Program"

Community Response: None

Owners Response: None

Topic: Provide individuals with past cannabis arrests and/or convictions, and those that were low income and lived in high arrest communities or "Disproportionately Impacted Area" by providing such individuals with greater opportunities to secure a County Operating Permit and is in place prior to the issuance of a County Operating Permit."

Community Response:

Mentorships, Co-op, Business partnering opportunities, branding.

Owners Response:

BCC does not allow anyone with a previous felony to be an owner.

Potential internships and mentorships.

Using taxes towards law enforcement and education, job creation, etc.

Given the above input, The Ramona Community Planning Group would request that any update to the current Cannabis Ordinance include the following:

1. Continue the current zoning regulations in regards to sensitive uses and locations, but revise the ordinance to treat agricultural zoned property, such as A70, A72, etc, be treated as residentially zoned areas when currently used as residential property, i.e. if a property is a single family residence, but zoned for agricultural use, it should be treated the same as residentially zoned land. Any currently permitted facility should be allowed to continue their use, so long as the permittee remains in compliance with all State and Local laws and regulations and does not let any permit lapse or use cease for any owner-initiated reason. Upon any lapse, closure or failure to comply, said location would be required to comply with all current regulations and buffers to any sensitive use, including agriculturally zoned, single family residential use.
2. Deny placement of any cannabis operation or related use within the Ramona Village Center Form Based Code, V1, V2, V3, V4, and V5.
3. Any outdoor agricultural cultivation should require a Major Use Permit, full EIR and CEQA review. Require a permitted municipal water district meter (where available) to limit ground water abuse or over use and depletion of existing aquifers.

4. Allow manufacturing, distribution and product testing to occur within industrial zoned land and require compliance with current zoning regulations and sensitive use buffers.
5. Allow manufacturing, distribution and product testing by current permitted dispensaries if the permittee agrees to establish and maintain socially and economically disadvantaged partnerships with micro business owners whom meet all applicable State and Local regulations.
6. Allow current dispensary permittees the ability to sell ingestible cannabis products, following all State Law and guidelines. Limit to the 3 current permitted locations and so long as the permittee remains in compliance with all State and Local laws and regulations and does not let any permit lapse or use cease for any owner-initiated reason. Upon any lapse, closure or failure to comply, said location would be required to comply with all current regulations and buffers to any sensitive use, including agriculturally zoned, single family residential use.
7. On-site consumption should be banned until law enforcement has the immediate and instant ability to check for any impairment. When law enforcement obtains the ability to check for impairment, similar to alcohol impairment, an update to this ordinance should be conducted, limited only to this topic. When updated, a major use permit or revision should be required for the allowance of any cannabis on-site consumption by any current permitted location.
8. Ban any on-site consumption for any agricultural or cultivation permit location, limiting to control locations such as a currently permitted dispensary.
9. Law Enforcement should be directed to continue its focus on non-licensed cannabis facilities and limit their inspections of existing, permitted facilities to unannounced bi-annual visits, similar to ABC inspection intervals, unless the permitted is found to be out of compliance, whereas in such case law enforcement shall conduct unannounced monthly inspections for 6 months following the infraction or non-compliant activity. All agricultural cultivation locations shall be subject to inspection by County Agricultural Inspectors on a quarterly basis to inspect operations and shall alert law enforcement, as necessary, if any non-agricultural compliant activity is observed.
10. Following the current California State Law that bans tobacco companies from advertising through billboard advertising outdoors, in shopping malls, arenas, stadiums and video arcades, the new ordinance will Ban any and all billboard advertising within the limits of the County control by County Government.
11. Provide current permittees an incentive program, such as reduced yearly permit fees for hiring, employment, mentorship and partnership opportunities for socially and economically disadvantaged members of the local Ramona community.
12. Require that the County of San Diego direct 30% of any cannabis related permit fees and taxes towards academic scholarships, health education and substance abuse recovery

RCPG Cannabis Ordinance Ad-Hoc

July 5, 2021

programs with an emphasis towards socially and economically disadvantaged community members and youth.

The Ramona Community Planning Group intends to stay intimately involved in this revision and implementation process, as 3 active medical dispensaries are in place within our community. The owners of these dispensaries are valued community partners and have teamed with the Ramona Community Planning Group to ensure this updated ordinance best serves the community of Ramona while not overburdening the industry.

Thank you for your consideration of this matter. For any questions or discussion please contact the RCPG Ad-Hoc for the San Diego County Cannabis Ordinance Update Chairman, Casey Lynch, at 619-871-4504 or capls8380@gmail.com.

Sincerely,

A handwritten signature in black ink, appearing to read "Robin Joy Maxson". The signature is fluid and cursive, with the first name "Robin" being the most prominent.

ROBIN JOY MAXSON, Chair
Ramona Community Planning Group

Cc: Aleena Benedito
Scott Christman
Conor McGee
Michael Harrison