

**COUNTY OF SAN DIEGO
BOARD OF SUPERVISORS
WEDNESDAY, AUGUST 05, 2020**

MINUTE ORDER NO. 17

SUBJECT: MEASURES TO PROVIDE ECONOMIC ACCESS AND EQUITY IN THE CANNABIS INDUSTRY (DISTRICTS: ALL)

OVERVIEW

For thousands of San Diegans, access to medical and recreational cannabis is a necessary and legal part of their healthcare needs. Cannabis is used as a healthcare supplement by San Diegans experiencing anxiety, recovering from cancer, and suffering from chronic pain. However, for residents in the unincorporated county, those healthcare needs are not being met.

Californians overwhelmingly voted to allow both recreational and medical cannabis, but the Board of Supervisors has blocked access. There is currently no pathway for recreational cannabis access in the unincorporated area, and the five existing medical cannabis facilities have been ordered to close by 2022. Under the current regime approved by the Board in 2017, no new permits for medical cannabis facilities can be issued.

This has led to a healthcare crisis for residents of the unincorporated county in need of safe and legal products - a crisis exacerbated by the COVID-19 pandemic. Further, the over-criminalization of Black and Brown communities for cannabis crimes is an injustice that needs to be addressed in our region.

Today's action would direct Planning & Development Services to develop Zoning Ordinances that allow for a suite of uses, including retail, cultivation, manufacturing, distribution or a combination of these uses through a microbusiness license, as well as repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).

I am also asking the Chief Administrative Officer to develop a new Cannabis Permitting Program for the County of San Diego that will include numerous elements to prioritize social equity, access and business opportunities. A Social Equity Program will rectify the injustices caused by the War on Drugs and be in place prior to the issuance of the first permit. To spur economic recovery, Labor Peace Agreements will be required for every tenth employee at a given cannabis facility. I have asked for ingestible cannabis products to be sold in the unincorporated area, recognizing the need for alternative methods of consumptions that do not exacerbate respiratory concerns. And, the Chief Administrative Officer will be asked to research cannabis taxation opportunities and provide recommendations to the Board.

I am requesting that these components be developed concurrently to create a comprehensive cannabis program, with a return back to the Board of Supervisors in 180 days.

RECOMMENDATION(S)

SUPERVISOR NATHAN FLETCHER

- A. Find that the proposed actions are not subject to the California Environmental Quality Act (CEQA) as specified under Sections 15060(c)(3) and 15378 of the CEQA Guidelines.
- B. Direct the Chief Administrative Officer to:
 - 1. Develop Zoning Ordinances that would allow for the following:

- a. Cannabis Retail allowed in areas zoned commercial and industrial.
 - b. Cannabis Cultivation allowed in areas zoned for agriculture.
 - c. Cannabis Manufacturing allowed in areas zoned for industrial.
 - d. Cannabis Distribution allowed in areas zoned for industrial.
 - e. Cannabis Microbusiness license (engaging in three of the four commercial cannabis activities (Retail, Cultivation, Manufacturing, Distribution)) in areas zoned for agriculture or industrial.
 - f. Setbacks of 600 feet from any K-12 school that is operational at the time of the permit.
 - g. Repeal County Zoning Ordinance Sections 6935 (Medical Marijuana Collective Facilities) and 6976 (Prohibition of Marijuana Facilities - Medical or Non-Medical).
2. Develop amendments to the County of San Diego Regulatory Code Sections 21.2501 and 21.2503 (a) and develop a new cannabis permitting system that:
 - a. Allows existing and new cannabis facilities to obtain a County operating permit for one of the following permit categories: Medicinal or Recreational Retail (Storefront and/or Delivery), Cultivation, Manufacturing, and Distribution; or a County operating permit for a Microbusiness license which would include three of the four permitting categories (Retail, Cultivation, Manufacturing, Distribution).
 - b. Contains a “Social Equity Program” that provides individuals with past cannabis arrests and/or convictions, and those that were low income and lived in high arrest communities or “Disproportionately Impacted Areas” by providing such individuals with greater opportunities to secure a County operating permit.
 - c. Requires the issuance of Labor Peace Agreements for every tenth employee.
 - d. Follows all applicable State laws and regulations.
 3. Allow for the sale of ingestible cannabis products, including edible and drinkable products.
 4. Develop cannabis taxing options and recommendations.
 5. Return back to the Board in 180 days.

FISCAL IMPACT

N/A

BUSINESS IMPACT STATEMENT

Today’s action supports small businesses by allowing cannabis facilities to access permits to operate in the County and expand their businesses.

ACTION:

A motion was introduced by Supervisor Fletcher to approve the recommendations.

(The motion failed due to lack of a second)

State of California)
County of San Diego) §

I hereby certify that the foregoing is a full, true and correct copy of the Original entered in the Minutes of the Board of Supervisors.

ANDREW POTTER
Clerk of the Board of Supervisors



Signed
by Marvice Mazyck, Chief Deputy