

Appendix B

Proposed Amendments to the San Diego
County Zoning Ordinance and Code of
Regulatory Ordinances for Cannabis
Uses (October 2024 version)

PUBLIC REVIEW Draft Zoning Ordinance Amendment

Reader Note: Items in **yellow** would have modified text depending on the EIR Alternative. Items in italics are notes to the reader and would not be part of the actual ordinance.

PART ONE: BASIC PROVISIONS

1110 DEFINITIONS (C)

Cannabis: Unless otherwise defined in this Section, the County adopts the State definitions of various terms related to cannabis and cannabis activities as used in this Chapter. Other applicable definitions shall be as provided in State law and other sections of County Code, as amended. Future changes to applicable definitions in State law shall take effect locally ninety (90) days after the change takes effect at the State level.

- a. **Cannabis:** As defined in Business and Professions Code Section 26001(f) means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. “Cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.
- b. **Cannabis Facility:** Any facility, business or operation which engages in medicinal or adult-use commercial cannabis activities.
- c. **Canopy:** The designated area(s) at a licensed premises that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- d. **Commercial Cannabis Activity:** The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products, or acting as a cannabis event organizer for temporary cannabis events.
- e. **Consumption Lounge:** An area that is part of the premises of a licensed and permitted commercial cannabis retail facility or storefront retail microbusiness, and that is designated for consumption of cannabis or cannabis products.
- f. **Cultivation:** Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 1. **Outdoor cultivation:** The cultivation of cannabis outdoors in row crops or using agricultural shade structures without the use of artificial lighting in the canopy area at any point in time.

2. Indoor cultivation: The cultivation of cannabis within a permanent, enclosed structure using exclusively artificial light.
 3. Mixed-light cultivation: The cultivation of cannabis in a greenhouse or similar permanent, enclosed structure using a combination of natural light and artificial light.
- g. Distribution: The procurement, sale, and transport of cannabis and cannabis products between licensees.
 - h. Manufacturing: All aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
 - i. Microbusiness: A facility that is authorized to engage in at least three (3) commercial cannabis activities including cannabis cultivation up to 10,000 square feet of canopy area, distribution, manufacturing, and retail.
 - j. Non-storefront Retail: A business that is closed to the public and provides cannabis products to customers solely by means of a delivery service which the retailer owns and controls.
 - k. Processing: All activities associated with the drying, curing, sifting, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products
 - l. Storefront Retail: Retail sale and delivery of cannabis or cannabis products to customers.
 - m. Temporary Cannabis Event. An event of limited duration, and located in a specific area, which allows the on-site sale and/or consumption of cannabis at the event, in compliance with California Business and Professions Code Section 26200(e) and Chapter 25 of the San Diego County Code of Regulatory Ordinances.
 - n. Testing Laboratory: A laboratory, facility or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State; and (2) licensed by the State Department of Cannabis Control.

USE CLASSIFICATIONS

GENERAL CLASSIFICATION RULES

1205 LISTING OF USE CLASSIFICATIONS.

- c. Commercial Use Types.
 - Administrative and Professional Services
 - Adult Entertainment Establishments
 - Agricultural and Horticultural Sales: Agricultural
 - Agricultural and Horticultural Sales: Horticultural
 - Agricultural Services
 - Animal Sales and Services: Auctioning

Animal Sales and Services: Grooming
Animal Sales and Services: Horse Stables
Animal Sales and Services: Kennels
Animal Sales and Services: Stockyards
Animal Sales and Services: Veterinary (Large Animals)
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Cleaning
Automotive and Equipment: Fleet Storage
Automotive and Equipment: Parking
Automotive and Equipment: Repairs, Heavy Equipment
Automotive and Equipment: Repairs, Light Equipment
Automotive and Equipment: Sales/Rentals, Farm Equipment
Automotive and Equipment: Sales/Rentals, Heavy Equipment
Automotive and Equipment: Sales/Rentals, Light Equipment
Automotive and Equipment: Storage, Nonoperating Vehicles
Automotive and Equipment: Storage, Recreational Vehicles and Boats
Building Maintenance Services
Business Equipment Sales and Services
Business Support Services
Cannabis Facilities
Communications Services
Construction Sales and Services
Convenience Sales and Personal Services
Cottage Industries
Eating and Drinking Establishments
Explosive Storage
Financial, Insurance and Real Estate Services
Food and Beverage Retail Sales
Funeral and Interment Services: Cremating
Funeral and Interment Services: Interring
Funeral and Interment Services: Undertaking
Gasoline Sales
Laundry Services
Medical Services
Participant Sports and Recreation: Indoor
Participant Sports and Recreation: Outdoor
Personal Services, General
Recycling Collection Facility: Small
Recycling Collection Facility: Large
Recycling Processing Facility: Light
Recycling Processing Facility: Heavy
Recycling Processing Facility: Wood and Green Materials
Repair Services, Consumer
Research Services
Retail Sales: General
Retail Sales: Specialty Scrap Operations
Spectator Sports and Entertainment: Limited
Spectator Sports and Entertainment: General

Swap Meets
Transient Habitation: Campground
Transient Habitation: Lodging
Transient Habitation: Resort
Transient Habitation: Rental Units
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light
Wholesaling, Storage and Distribution: Heavy

COMMERCIAL USE TYPES

1447 CANNABIS FACILITIES

The Cannabis Facilities use type refers to establishments or places of business engaged in the following commercial or medicinal cannabis activities:

- a. Consumption Lounge
- b. Cultivation
- c. Distribution
- d. Manufacturing
- e. Retail
- f. Testing
- g. Temporary Cannabis Event
- h. Microbusiness

PART TWO: USE REGULATIONS

2353 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C35 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Construction Sales and Services "8"
Gasoline Sales "12"
Laundry Services "13"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2363 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Agricultural Services "9"
Automotive and Equipment: Repairs, Heavy Equipment "8"
Business Equipment Sales and Services "7"
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Construction Sales and Services "8" (see Section 6300)
Gasoline Sales "12"
Laundry Services "13"
Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2373 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C37 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Recycling Processing Facility, Wood and Green Materials "15"
Wholesaling, Storage and Distribution: Light "8"

c. Industrial Use Types.

General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2383 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C38 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.
 - Family Residential "1"
 - Low Barrier Navigation Center "25"

- b. Commercial Use Types.
 - Cannabis Facilities: Retail "26" (see Section 6995)
 - Cannabis Facilities: Microbusiness "26" (see Section 6995)
 - Food and Beverage Retail Sales "10"
 - Recycling Collection Facility, Small or Large "2"
 - Recycling Processing Facility, Light or Heavy "3"
 - Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

- c. Industrial Use Types.
 - General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2403 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C40 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.
 - Family Residential "1"
 - Low Barrier Navigation Center "25"

- b. Commercial Use Types.
 - Cannabis Facilities: Retail "26" (see Section 6995)
 - Cannabis Microbusiness "26" (see Section 6995)
 - Construction Sales and Services "9"
 - Recycling Collection Facility, Small or Large "2"
 - Recycling Processing Facility, Light or Heavy "3"
 - Recycling Processing Facility, Wood and Green Materials "15"
 - Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

- c. Industrial Use Types.
 - General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2503 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M50 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Administrative and Professional Services "5"
Cannabis Facilities: Distribution "26" (see Section 6995)
Cannabis Facilities: Manufacturing "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Testing "26" (see Section 6995)
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

2523 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M52 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Agricultural and Horticultural Sales "8" (all types)
Automotive and Equipment: Cleaning "8"
Automotive and Equipment: Repairs, Heavy Equipment "8"
Automotive and Equipment: Repairs, Light Equipment "8"
Automotive and Equipment: Sales/Rentals, Farm Equipment "9"
Automotive and Equipment: Sales/Rentals, Heavy Equipment "9"
Automotive and Equipment: Sales/Rentals, Light Equipment "9" (see Section 6800)
Building Maintenance Services "8"
Cannabis Facilities: Distribution "26" (see Section 6995)

Cannabis Facilities: Manufacturing "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Testing "26" (see Section 6995)
Construction Sales and Services "8" (see Section 6300)
Eating and Drinking Establishments "21"
Food and Beverage Retail Sales "10"
Gasoline Sales "12"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)
(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2543 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M54 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19" Agricultural Services "14"
Cannabis Facilities: Distribution "26" (see Section 6995)
Cannabis Facilities: Manufacturing "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Testing "26" (see Section 6995)
Eating and Drinking Establishments "21"
Food and Beverage Retail Sales "10"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Wholesaling, Storage and Distribution: Heavy "14"
Wholesaling, Storage and Distribution: Light "8"

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2563 PERMITTED USES WITHIN THE INDUSTRIALLY DESIGNATED AREAS THAT ARE SUBJECT TO LIMITATIONS.

The following use types are permitted by the M56 Use Regulations within the industrially designated areas, subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Cannabis Facilities: Distribution "26" (see Section 6995)
Cannabis Facilities: Manufacturing "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Testing "26" (see Section 6995)
Eating and Drinking Establishments "21"
Food and Beverage Retail Sales "10"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2583 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M58 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Agricultural Services "14"
Automotive and Equipment: Storage, Nonoperating Vehicles "9"
Cannabis Facilities: Distribution "26" (see Section 6995)
Cannabis Facilities: Manufacturing "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Testing "26" (see Section 6995)
Eating and Drinking Establishments "21"
Food and Beverage Retail Sales "10"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"

Wholesaling, Storage and Distribution: Heavy "14"

Wholesaling, Storage and Distribution: Light "8"

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2703 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A70 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"
Animal Sales and Services: Veterinary (Small Animals) "6"
Cannabis Facilities: Cultivation "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Recycling Collection Facility, Small "2"
Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Small Winery "22" (see Section 6910)
Packing and Processing: Boutique Winery "22" (see Section 6910)
Packing and Processing: Wholesale Limited Winery "22" (see Section 6910)
Packing and Processing: General "23" (see Section 6157)
Organic Materials Processing (see Section 6977)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

(Amended by Ord. No. 10807 (N.S.) adopted 9-14-22)

2723 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A72 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"

Animal Sales and Services: Veterinary (Small Animals) "6"

Cannabis Facilities: Cultivation "26" (see Section 6995)

Cannabis Facilities: Microbusiness "26" (see Section 6995)

Recycling Collection Facility, Small "2"

Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Small Winery "22" (see Section 6910)

Packing and Processing: Boutique Winery "22" (see Section 6910)

Packing and Processing: Wholesale Limited Winery "22" (see Section 6910)

Packing and Processing: General "23" (see Section 6157)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)

(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)

(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

SUPPLEMENTAL LIMITATIONS ON USES

2980 LIMITATIONS ON PERMITTED USES.

The following limitations apply to the uses indicated by the corresponding number in quotes in the previous sections entitled "Permitted Uses Subject to Limitations."

"1" Dwellings as Secondary Uses. Limited to dwellings which are secondary uses of a structure, lot or parcel primarily used for business purposes.

- "2" Recycling Collection Facilities shall comply with the applicable provisions of Section 6970.
- "3" Recycling Processing Facilities shall comply with the applicable provisions of Section 6975.
- "4" Secondary Use. Permitted only as a secondary use within a dwelling. No such use shall have a floor area greater than the floor area devoted to residential purposes.
- "5" Same Lot. Permitted only if located on the same lot as the industrial use it serves.
- "6" Veterinary Hospitals. Hospital must be located on a parcel of land not less than 2 acres in size. Indoor treatment areas must be located at least 100 feet from the nearest property line, and outdoor treatment or confinement areas must be located at least 200 feet from the nearest property line. If a proposed Hospital does not meet any of these requirements it may be allowed upon issuance of a Minor Use Permit.
- "7" Limitation on Enclosed Storage. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building, and the area devoted to storage shall not be greater than the area devoted to sales and administrative offices.
- "8" Enclosed Building. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building.
- "9" Enclosed Building or Walls. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building or inside walls or solid fences less than 6 feet in height. 2980
- "10" Retail Establishments. Limited to retail establishments intended for the convenience of permitted establishments and/or clients thereof, provided no such retail establishment occupies more than 15 percent of the total floor area of the building in which it is located and has no entrance except from the lobby or interior of said building, or from a patio entirely surrounded by said building.
- "11" Insurance and Real Estate Offices. Limited to insurance and real estate offices as a secondary use within a dwelling. No such office shall have a floor area greater than the floor area devoted to residential purposes.
- "12" Gasoline Sales. There shall be no open storage of goods or materials, and all repair and lubrication services shall take place in an enclosed building.
- "13" Drycleaning Plants and Laundries. Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.
- "14" Performance Standards. Subject to meeting the applicable provisions of the performance standards specified in Section 6300.
- "15" Performance Standards and Power. Subject to meeting the applicable provisions of the performance standards specified in Section 6300. Prior to the installation or operation of electric or other power sources in excess of 20 horsepower, the proposed use shall be reviewed pursuant to Section 6304 and the Director shall certify that the use complies with the

applicable performance standards.

- "16" Animal Related Activities. Animal related activities may be permitted subject to the Animal Regulations commencing at Section 3000.
- "17" Cottage Industries. Permitted subject to the provisions of Section 6920.
- "18" Mobilehome Residential. Subject to the Mobilehome Park Regulations commencing at Section 6500 or the Planned Development Standards commencing at Section 6600.
- "19" Adult Entertainment Establishments. Subject to meeting the applicable provisions of the regulations and performance standards specified in Section 6930 and upon issuance of an Administrative Permit as specified in Section 6930.
- "20" Secondary Use: On building sites 5 acres or less in size, the use shall be restricted to locations above the first story of a building or buildings the first story of which is reserved for permitted principal uses. On building sites larger than 5 acres, the use may, as an alternate to the foregoing, be located in a building or buildings intended and located solely for secondary uses provided that not less than 50 percent of the site area is devoted exclusively to permitted principal uses.
- "21" Eating and Drinking Establishments. Allowed upon issuance of a Minor Use Permit, except when accessory to a Brewery or Microbrewery, then allowed upon issuance of an Administrative Permit subject to the provisions of Section 6158.j.

Eating and Drinking Establishments in M56 Use Regulations. Notwithstanding Section 2566, the provisions of "10" apply, however for additional area see Section 6158.j.
- "22" Small, Boutique and Wholesale Limited Wineries. Allowed subject to the provisions of Section 6910.
- "23" Packing and Processing: General. Allowed as an accessory use to Commercial Agriculture subject to the provisions of Section 6157.g. Allowed as a primary use of a property upon issuance of a Major Use Permit.
- "24" Organic Materials Processing. Allowed subject to the provisions of Section 6977.
- "25" Low Barrier Navigation Centers. Allowed by-right subject to the provisions of Section 6915.
- "26" Cannabis Facilities. Allowed subject to the provisions of Section 6995.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)
(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 6983 (N.S.) adopted 07-03-85)
(Amended by Ord. No. 7649 (N.S.) adopted 07-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)
(Amended by Ord. No. 10807 (N.S.) adopted 9-14-22)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2990 USE MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Use Matrix which expresses in graphic form the Use Regulations contained in Sections 2100 through 2989, inclusive.

PART SIX: GENERAL REGULATIONS

TEMPORARY USE REGULATIONS

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Civic, Fraternal or Religious Assembly. The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.
- l. Temporary Outdoor Sales. Temporary outdoor sales, incidental to the existing commercial uses on a site, in certain commercial or industrial zones.
- m. Commercial Filming. Temporary use of public or private property (not including public road rights-of-way) for commercial motion picture production, television production, still photography and related activities.

- n. Mobile Butchering. Temporary use of commercial, industrial, agricultural or special purpose zoned private property for butchering of livestock on a limited basis.
- o. Fishermen’s Market. Temporary use of certain public or commercial property for a Certified Fisherman’s Market.
- p. Temporary Cannabis Event. An event of limited duration, and located in a specific area, which allows the on-site sale and/or consumption of cannabis at the event, in compliance with California Business and Professions Code Section 26200(e) and Section 25.2501 et seq. of the San Diego County Code of Regulatory Ordinances.

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

6129 TEMPORARY CANNABIS EVENT

- a. Temporary cannabis events shall comply with Title 2, Division 1, Chapter 25 of the San Diego County Code of Regulatory Ordinances and may be allowed subject to all application and license requirements in Section 21.2534 relating to Temporary Cannabis Events.
- b. Location. Temporary cannabis events may be held on private property in C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Temporary cannabis events must be setback 600 feet from residential zones, and cannabis sensitive uses as defined in Section 6995.e.4.i. Temporary cannabis events shall not be allowed at a cannabis facility.
- c. Duration. A Temporary Cannabis Event License shall only be issued for up to four consecutive days, consisting of no more than two days of operation and two days for set-up and breakdown/cleanup. The hours of operation for the event shall be from no earlier than 10 a.m. and no later than 10 p.m.
- d. Allowed Number of Events. A maximum of six temporary cannabis events shall be allowed per calendar year on each legal lot that is approved to host a temporary cannabis event.

6754 ADDITIONAL PARKING REQUIREMENTS FOR ACCESSORY AND SPECIAL USES.

Parking standards for the following accessory and special uses shall be required as specified in the following sections of the Zoning Ordinance:

Section 6156:	Accessory Dwelling Units
	Family Day Care Home for Children, Large (9-14 Children)
	Bed & Breakfast Home
	Host Home

Section 6157:	On-Site Agricultural and/or Horticulture Sales Agricultural Tourism Agricultural Homestay Agricultural Microbrewery or Micro-Distillery Creamery
Section 6370:	Senior Projects and Density Bonus Projects
Section 6910:	Wineries
Section 6911:	Emergency Shelters
Section 6912:	Community Gardens
Section 6970:	Recycle Facilities
Section 6995:	Cannabis Facilities

Parking standards for accessory uses not listed above shall be determined pursuant to the Parking Schedule of the County Parking Regulations and shall be required in addition to the parking requirements for the primary use.

(Added by Ord. No. 10251 (N.S.) adopted 2-6-13)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

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 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 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. Other Nonconforming Regulations. Nonconforming Cannabis Facilities are not subject to any other nonconforming regulations outlined in the Zoning Ordinance.
- j. Change to Conforming Use. The Five Existing Cannabis Facilities may continue to engage in all operations authorized as of [DATE OF ADOPTION] or construction as allowed by this section (Section 6861). Any proposed expansion to include new use types or construction beyond what

is allowed by this section shall require a Nonconforming Cannabis Facility to transition to a conforming cannabis facility and require compliance with current County standards in Section 6995 Cannabis Facilities, and any additional permitting and licensing requirements required by the San Diego County Zoning Ordinance and San Diego County Code of Regulatory Ordinances.

(Added by Ord. No. 10749 (N.S.) adopted 10-20-21)

6995 CANNABIS FACILITIES

- a. Purpose. By establishing land use requirements for cannabis facilities, this section defines standards and regulations for medicinal and commercial cannabis facilities to protect public health, safety, and welfare, ensure compliance with local and State law, provide safe and legal access to cannabis, and minimize the potential for negative impacts on communities and the environment.
- b. Applicability. The standards of this section shall apply to all medicinal and commercial cannabis facilities as defined in Section 1000 (Definitions).
 1. Special Area Designators. Cannabis facilities shall be subject to Special Area Designators as defined by Section 5025.
 2. Commercial Agriculture Operations. The Commercial Agriculture Standards in Section 6157 shall not apply to cannabis facilities.
 3. Cottage Industries and Home Occupations. Cannabis facilities shall not be permitted as a Cottage Industry, as defined by Section 6920, or as a Home Occupation, as described in Section 6156.m.
 4. County Grading, Clearing and Watercourses Ordinance. Cannabis facilities shall be subject to the County Grading Ordinance. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis facilities from agricultural grading or clearing permits, when required by the County Grading, Clearing and Watercourses Ordinance.
 5. Agricultural Preserves. Cannabis cultivation is considered an agricultural activity, and cannabis is considered an agricultural commodity as it pertains to Board Policy I-38 "Agricultural Preserves".
- c. Conformance with other County Plans. Cannabis facilities shall be in conformance with the San Diego County General Plan, any applicable specific plans, master plans, and design requirements, as well as comply with all applicable zoning and regulatory standards, and state regulations.
- d. Personal Medical and Adult Use. Personal medicinal and adult use cannabis cultivation are allowed, as described in Section 11362.2 of the California Health and Safety Code, and require no permits or licenses, provided they are legally conducted in compliance with the requirements of all applicable County and State laws.

e. Development Standards.

1. Zoning. Cannabis facilities shall comply with the following zoning regulations.
 - i. Cultivation. Cultivation may be permitted in the A70 and A72 zones.
 - ii. Distribution. Distribution may be permitted in the M50, M52, M54, M56, and M58 zones.
 - iii. Manufacturing. Manufacturing may be permitted in the M50, M52, M54, M56, and M58 zones.
 - iv. Microbusiness. Microbusinesses may be permitted in the A70, A72, C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Additionally, the following restrictions apply to activities permitted as part of a microbusiness:
 - a) Cultivation activities shall be limited to indoor cultivation in the C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Mixed-light and outdoor cultivation are prohibited in all commercial and industrial zones.
 - b) Retail activities shall be limited to non-storefront retail in the A70 and A72 zones.
 - v. Consumption Lounge. Consumption lounges may be permitted in the C35, C36, C37, C38, C40, M50, M52, M56, M54, and M58 zones.
 - vi. Retail. Retail may be permitted in the C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones.
 - vii. Testing Laboratory. Testing Laboratories may be permitted in the M50, M52, M54, M56, and M58 zones.
2. Maximum Number of Cannabis Activities. Except for microbusinesses, a maximum of two cannabis activities shall be allowed on each lot.
3. Location. Cannabis facilities shall comply with the following location requirements.
 - i. Residential structures shall not be used for cannabis facilities.
 - ii. Cannabis activities shall not occur within trailers, recreational vehicles, or similar. Storage of cannabis may be allowed within cargo containers which complies with the requirements of Section 6162.
4. Buffers.
 - i. Cannabis facilities shall be sited outside of a 600-foot radius buffer from all cannabis sensitive uses. For the purposes of this section, cannabis sensitive uses are defined as:

- a) Schools. For purposes of this section, school means any public or private institution of learning providing instruction in transitional kindergarten, kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
 - b) Day cares. For purposes of this section, day care means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers, as defined by Section 1596.76 of the California Health and Safety Code.
 - c) Youth centers. For purposes of this section, youth center means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities, as defined by Section 11353.1 of the Health and Safety Code.
- ii. Measurement of Distance. The measurement of distance, without regard to intervening structures, from a cannabis facility and a cannabis sensitive use shall be:
- a) A straight line measured from the closest property lines of the cannabis facility to the closest property line of schools, day cares, and youth centers.
 - b) If any portion of a legal lot is located within a 600-foot radius buffer of the property line of an existing cannabis sensitive use as defined in Section 6995.e.4.i, said lot shall be prohibited from the development of any new cannabis facility.
- iii. Consideration of Buffer Requirement. Once a cannabis facility is legally established, the cannabis sensitive use buffer requirement shall not be considered again when applying for a Minor Deviation or a subsequent Zoning Verification Permit, provided that an additional cannabis activity is not being proposed on the lot. If an additional cannabis activity is proposed, the buffer requirement shall be considered for the additional cannabis activity.
5. Parking. Parking for cannabis facilities shall comply with the parking standards commencing at Section 6750, except that the computation of parking shall comply with the table below. When two or more activities are located in a single structure or on a single parcel, the required parking shall be provided for each specific activity (e.g., the total parking required for an establishment that has both distribution and manufacturing shall be determined by computing the parking for the distribution activity and the manufacturing activity and then added together).

Type of Occupancy Use or Structure	Off-Street Parking
<p>Storefront Retail</p> <p style="text-align: right;">Bicycle Parking</p> <p>Non-Storefront Retail</p> <p style="text-align: right;">Bicycle Parking</p>	<p>4.5 Parking spaces per KSF GFA</p> <p>0.1 Bike space per car space but not less than 3</p> <p>The Sum of the Following:</p> <p>1 Parking space per KSF GFA up to 20 KSF PLUS 0.5 Parking spaces per KSF GFA over 20 KSF</p> <p>0.05 Bike space per car space but not less than 3</p>
<p>Manufacturing</p> <p style="text-align: right;">Bicycle Parking</p>	<p>1.5 Parking spaces per KSF GFA</p> <p>0.1 Bike space per car space but not less than 3</p>
<p>Testing Laboratory</p> <p style="text-align: right;">Bicycle Parking</p>	<p>3 Parking spaces per KSF GFA</p> <p>0.1 Bike space per car space but not less than 3</p>
<p>Cultivation</p> <p style="text-align: right;">Bicycle Parking</p>	<p>For cultivation located on agriculturally zoned lands, adequate off-street parking shall be provided to accommodate the peak number of employees, visitors, loading, and unloading. No parking on private roads is allowed. Parking shall be located entirely outside of the public rights-of-way. Loading spaces shall comply with Section 6786.</p> <p>For cultivation located on commercial or industrial zoned lands, the following parking shall be required:</p> <p>3 Parking spaces per KSF GFA</p> <p>0.1 Bike space per car space but not less than 3</p>
<p>Distribution</p> <p style="text-align: right;">Bicycle Parking</p>	<p>The Sum of the Following:</p> <p>1 Parking space per KSF GFA up to 20 KSF PLUS 0.5 Parking spaces per KSF GFA over 20 KSF</p> <p>0.05 Bike space per car space but not less than 3</p>

6. Signage. Signs shall comply with the On-Premise Sign Regulations commencing at Section 6250 and shall also comply with the additional following requirements.
 - i. Signage shall not depict any image of cannabis or cannabis products.
 - ii. Signage shall not contain depictions of individuals under 21 years of age.

- iii. Signage shall not be attractive to youth. This includes advertising that contains:
 - a) Depictions or images of minors or anyone under 21 years of age,
 - b) Images that are attractive to children such as cartoons,
 - c) Likeness, characters, or phrases used to advertise to children,
 - d) Imitates candy packaging or labeling, or
 - e) Use of the terms "candy" or "candies" or a variant in spelling such as "kandy" or "kandeez".
 - iv. No cannabis facilities shall advertise by having a person holding a sign and advertising the business to passersby, whether such person is on the premises of the commercial cannabis business or elsewhere including, but not limited to, the public right-of-way.
 - v. Off-premises advertising or marketing is prohibited in the unincorporated area of the County on any sign located within 600-ft of a cannabis sensitive use as defined in Section 6995.e.4.i.
- f. Performance Standards. All cannabis facilities must comply with the following performance standards. The standards of this section shall be in addition to Sections 6300-6326, 6700-6714, and 6750-6799. Where there are conflicts between the standards in this section and any other applicable standards, the standards in this section shall take precedence.
- 1. Exterior Lighting. Exterior lighting shall comply with Section 51.201 et seq. of the San Diego County Code of Regulatory Ordinances relating to light pollution. In addition, all exterior lighting shall be operational, full cut-off, shielded, and downward facing. Lighting shall not spill over onto other properties, structures, or the night sky. All lighting for indoor/enclosed spaces shall utilize LED bulbs, or equivalent or more efficient technology. Additionally, security lighting shall be motion sensor activated in agricultural zones.
 - 2. Fencing. All facilities shall comply with Sections 6700-6714 of the Fencing and Screening Regulations, except for Section 6708.b.2., and shall also comply with the additional cultivation specific requirements in Section 6995.g.1.iii. Where necessary, fencing shall be designed to allow for the movement of wildlife.
 - 3. Noise. All facilities shall comply with the Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control, and General Plan Noise Element Tables N-1 and N-2.
 - 4. Odor. All facilities shall comply with the provisions of Section 25.2501 et seq. of the San Diego County Code of Regulatory Ordinances relating to Odor Control. The standards of Section 6318 shall not apply.
 - 5. Water Source. Trucked water shall not be allowed except in case of emergency, as

determined by the Director or their designee(s).

g. Activity Specific Standards.

1. Consumption Lounge.

- i. Consumption lounges may be permitted in all zones that allow cannabis storefront retail.
- ii. Consumption lounges shall be contained and fully enclosed within the premises of a storefront retail facility or microbusiness.
- iii. Consumption lounges must be located on the same legal parcel as the associated retail site.
- iv. Consumption lounges shall have a dedicated entrance from the street or public sidewalk and shall have no internal connections or passage to any other tenant space or use except that a consumption lounge may have an internal connection to a cannabis retail store and may share an entrance.
- v. The preparation and sale of non-cannabis infused food and/or beverages is allowed. Any cannabis consumption lounge that will be providing non-cannabis infused food and/or beverages as part of their business operation must comply with all applicable provisions established in the California Health and Safety Code (HSC) (sections 113700 et seq.), also referred to as the California Retail Food Code (CRFC), as well as all applicable provisions established in the San Diego County Code of Regulatory Ordinances that pertain to the operation of a retail food facility. All necessary approvals and permits must be obtained from the County of San Diego Department of Environmental Health and Quality (DEHQ) prior to the operation of any retail food facility.
- vi. Events and ticket sales for live musical or other performances may be allowed as specified in the associated Administrative Permit. These performances are separate and distinct from Temporary Cannabis Events as regulated by Section 6129, and are subject to the following restrictions:
 - a) All necessary approvals and licenses must be obtained from the County of San Diego Sheriff's Office prior to any live musical or other performances.
 - b) The event shall not exceed one day in duration and must occur during regular operating hours of the consumption lounge.
 - c) The event area shall be limited to the designated consumption lounge area and shall not intrude upon any other part of the facility.
 - d) No outdoor amplified sound shall be allowed.

2. Cultivation.

- i. Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 100-feet from all lot lines.
- ii. Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 300-feet from legal residences on adjoining parcels existing at the time of permit application submittal.
- iii. Cannabis cultivation shall not occur on slopes 25% or greater.
- iv. Lighting is prohibited in an agricultural shade structure or agricultural crop structure, as defined by Sec 91.1.105.2.a.18 of the County Building Code.
- v. Nighttime light escape from mixed-light cannabis cultivation shall be controlled using internal black-out curtains or other equally or more effective methods to prevent the facility from emitting nighttime light escape.
- vi. All cannabis processing activities (e.g., drying, curing, grading, and trimming) must occur within an enclosed, permanent structure.
- vii. Generators shall not be used for cultivation except for temporary use in case of emergency, as determined by the Director or their designee(s).
- viii. Enclosed fencing shall be required around all areas designated for outdoor cannabis cultivation. Fencing materials including razor wire, barbed wire, electrical wire, or similar are prohibited from use in these areas.

3. Microbusiness

- i. A microbusiness must comply with the requirements of this section specific to all of the applicable cannabis activities in which the facility engages. For example, if the microbusiness engages in cultivation activities, it must satisfy all the applicable cultivation requirements of this section. This also applies to non-volatile manufacturing, distribution, and retail activities.
- ii. Manufacturing activities permitted as part of a microbusiness shall be limited to non-volatile manufacturing.
- iii. All cultivation permitted as part of a microbusiness shall be limited to a maximum of 10,000 square feet of canopy area.

4. Retail

- ii. In lots zoned A70 and A72, cannabis retail activities shall be limited to non-storefront retail.
- iii. The premises of a non-storefront retail facility shall be closed to the public.
- iv. Live entertainment is allowed at storefront retail facilities. Live entertainment is separate and distinct from Temporary Cannabis Events, as regulated by Section 6129, and is subject to the following restrictions:

- a) All necessary approvals and licenses must be obtained from the County of San Diego Sheriff's Office prior to any live entertainment.
- b) The live entertainment shall not exceed one day in duration and must occur during regular operating hours of the storefront retail facility.
- c) A maximum of six outdoor live entertainment events shall be allowed per calendar year at each storefront retail facility.

5. Testing Laboratory

- i. Testing shall be the sole cannabis activity on the legal lot.
- h. **Permitting Requirements.** This section establishes the cannabis permit requirements based on the proposed cannabis activity. Cannabis facilities shall not operate until all applicable County permits have been issued and all permit conditions have been satisfied. In addition to obtaining County permits, permittees of cannabis facilities must also obtain and maintain in good status a valid County Cannabis Business License as required by Section 21.2501 et seq. of the San Diego County Code of Regulatory Ordinances, and a valid State cannabis license(s), as required by the Department of Cannabis Control.

1. Cultivation.

- i. Outdoor cultivation 5,000 square feet or less in canopy area may be allowed with a Zoning Verification Permit provided all of the following criteria are met. Projects that do not meet the criteria listed below will require an Administrative Permit.
 - a) Project site is not subject to the "B", "D", "G", "H", "J", "R", "S" or "V" Special Area Designators, which require discretionary review.
 - b) The cannabis cultivation area is located within the footprint of an existing, legally established agricultural operation such that an agricultural clearing or grading permit is not required.
 - c) Only one Zoning Verification Permit for cannabis cultivation activity shall be issued to each lot.
 - d) The Zoning Verification Permit shall only permit the cannabis cultivation activity. Any additional improvements beyond the cannabis cultivation area may require additional ministerial and/or discretionary permits.
 - ii. Outdoor cultivation over 5,000 square feet in canopy area shall require an Administrative Permit.
 - iii. Indoor and mixed-light cultivation shall require an Administrative Permit.
- ### 2. Distribution, Manufacturing, Testing Laboratories and Retail may be allowed with a

Zoning Verification Permit provided all of the following criteria are met. Projects that do not meet the criteria listed below will require an Administrative Permit.

- i. Project site is not subject to the “B”, “D”, “G”, “H”, “J”, “R”, “S” or “V” Special Area Designators, which require discretionary review.
 - ii. Establishment of the use does not require clearing or grading that would require a discretionary permit.
 - iii. The Zoning Verification shall only permit the cannabis activity. Any additional improvements may require additional ministerial and/or discretionary permits.
 - iv. The applicant shall provide a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with the production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies.
3. Microbusinesses shall require an Administrative Permit.
 4. Consumption lounges shall require an Administrative Permit.
- i. Noticing for Cannabis Facilities. The applicant for an Administrative Permit shall provide notice materials (as specified by the Director) with the permit application which shall be used by the Department to notify property owners within 500 feet of the exterior boundaries of the subject lot, with a minimum of 20 different owners, of the receipt of said application. Additional notification is required by subsections 7060.e., g. and h.

PUBLIC REVIEW Draft Zoning Ordinance Amendment

Reader Note: Items in **yellow** would have modified text depending on the EIR Alternative. Items in italics are notes to the reader and would not be part of the actual ordinance. All proposed changes are shown in ~~strikeout~~/underline format.

PART ONE: BASIC PROVISIONS

1110 DEFINITIONS (C)

Cannabis: Unless otherwise defined in this Section, the County adopts the State definitions of various terms related to cannabis and cannabis activities as used in this Chapter. Other applicable definitions shall be as provided in State law and other sections of County Code, as amended. Future changes to applicable definitions in State law shall take effect locally ninety (90) days after the change takes effect at the State level.

- a. Cannabis: As defined in Business and Professions Code Section 26001(f) means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. "Cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.
- b. Cannabis Facility: Any facility, business or operation which engages in medicinal or adult-use commercial cannabis activities.
- c. Canopy: The designated area(s) at a licensed premises that will contain mature plants at any point in time. If mature plants are being cultivated using a shelving system, the surface area of each level shall be included in the total canopy calculation.
- d. Commercial Cannabis Activity: The cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, packaging, labeling, transportation, delivery, or sale of cannabis or cannabis products, or acting as a cannabis event organizer for temporary cannabis events.
- e. Consumption Lounge: An area that is part of the premises of a licensed and permitted commercial cannabis retail facility or storefront retail microbusiness, and that is designated for consumption of cannabis or cannabis products.
- f. Cultivation: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
 1. Outdoor cultivation: The cultivation of cannabis outdoors in row crops or using agricultural shade structures without the use of artificial lighting in the canopy area at any point in time.

2. Indoor cultivation: The cultivation of cannabis within a permanent, enclosed structure using exclusively artificial light.
 3. Mixed-light cultivation: The cultivation of cannabis in a greenhouse or similar permanent, enclosed structure using a combination of natural light and artificial light.
- g. Distribution: The procurement, sale, and transport of cannabis and cannabis products between licensees.
 - h. Manufacturing: All aspects of the extraction process, infusion process, post-processing, remediation, and packaging and labeling processes, including processing, preparing, holding, and storing of cannabis products. Manufacturing also includes any processing, preparing, holding, or storing of components and ingredients.
 - i. Microbusiness: A facility that is authorized to engage in at least three (3) commercial cannabis activities including cannabis cultivation up to 10,000 square feet of canopy area, distribution, manufacturing, and retail.
 - j. Non-storefront Retail: A business that is closed to the public and provides cannabis products to customers solely by means of a delivery service which the retailer owns and controls.
 - k. Processing: All activities associated with the drying, curing, sifting, grading, trimming, rolling, storing, packaging, and labeling of cannabis or nonmanufactured cannabis products
 - l. Storefront Retail: Retail sale and delivery of cannabis or cannabis products to customers.
 - m. Temporary Cannabis Event. An event of limited duration, and located in a specific area, which allows the on-site sale and/or consumption of cannabis at the event, in compliance with California Business and Professions Code Section 26200(e) and Chapter 25 of the San Diego County Code of Regulatory Ordinances.
 - n. Testing Laboratory: A laboratory, facility or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State; and (2) licensed by the State Department of Cannabis Control.

~~Cannabis Facility—Medical and Non-Medical: (a) 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; (b) This definition shall not apply to personal cultivation of cannabis allowed under state law.~~

~~(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)
(Amended by Ord. No. 10461 (N.S.) adopted 4-14-17)
(Amended by Ord. No. 10749 (N.S.) adopted 10-6-21)~~

USE CLASSIFICATIONS

GENERAL CLASSIFICATION RULES

1205 LISTING OF USE CLASSIFICATIONS.

c. Commercial Use Types.

Administrative and Professional Services
Adult Entertainment Establishments
Agricultural and Horticultural Sales: Agricultural
Agricultural and Horticultural Sales: Horticultural
Agricultural Services
Animal Sales and Services: Auctioning
Animal Sales and Services: Grooming
Animal Sales and Services: Horse Stables
Animal Sales and Services: Kennels
Animal Sales and Services: Stockyards
Animal Sales and Services: Veterinary (Large Animals)
Animal Sales and Services: Veterinary (Small Animals)
Automotive and Equipment: Cleaning
Automotive and Equipment: Fleet Storage
Automotive and Equipment: Parking
Automotive and Equipment: Repairs, Heavy Equipment
Automotive and Equipment: Repairs, Light Equipment
Automotive and Equipment: Sales/Rentals, Farm Equipment
Automotive and Equipment: Sales/Rentals, Heavy Equipment
Automotive and Equipment: Sales/Rentals, Light Equipment
Automotive and Equipment: Storage, Nonoperating Vehicles
Automotive and Equipment: Storage, Recreational Vehicles and Boats
Building Maintenance Services
Business Equipment Sales and Services
Business Support Services
Cannabis Facilities
Communications Services
Construction Sales and Services
Convenience Sales and Personal Services
Cottage Industries
Eating and Drinking Establishments
Explosive Storage
Financial, Insurance and Real Estate Services
Food and Beverage Retail Sales
Funeral and Interment Services: Cremating
Funeral and Interment Services: Interring
Funeral and Interment Services: Undertaking
Gasoline Sales
Laundry Services
Medical Services
Participant Sports and Recreation: Indoor
Participant Sports and Recreation: Outdoor
Personal Services, General
Recycling Collection Facility: Small
Recycling Collection Facility: Large

Recycling Processing Facility: Light
Recycling Processing Facility: Heavy
Recycling Processing Facility: Wood and Green Materials
Repair Services, Consumer
Research Services
Retail Sales: General
Retail Sales: Specialty Scrap Operations
Spectator Sports and Entertainment: Limited
Spectator Sports and Entertainment: General
Swap Meets
Transient Habitation: Campground
Transient Habitation: Lodging
Transient Habitation: Resort
Transient Habitation: Rental Units
Wholesaling, Storage and Distribution: Mini-Warehouses
Wholesaling, Storage and Distribution: Light
Wholesaling, Storage and Distribution: Heavy

COMMERCIAL USE TYPES

1447 CANNABIS FACILITIES

The Cannabis Facilities use type refers to establishments or places of business engaged in the following commercial or medicinal cannabis activities:

- a. Consumption Lounge
- b. Cultivation
- c. Distribution
- d. Manufacturing
- e. Retail
- f. Testing
- g. Temporary Cannabis Event
- h. Microbusiness

PART TWO: USE REGULATIONS

2353 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C35 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Business Equipment Sales and Services "7"

[Cannabis Facilities: Retail "26" \(see Section 6995\)](#)

[Cannabis Facilities: Microbusiness "26" \(see Section 6995\)](#)

Construction Sales and Services "8"

Gasoline Sales "12"

Laundry Services "13"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

b. Residential Use Types

Low Barrier Navigation Center "25"

(Added by Ord. No. 5809 (N.S.) adopted 6-18-80, operative 9-1-80)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2363 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C36 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"

Low Barrier Navigation Center "25"

b. Commercial Use Types.

Agricultural Services "9"

Automotive and Equipment: Repairs, Heavy Equipment "8"

Business Equipment Sales and Services "7"

[Cannabis Facilities: Retail "26" \(see Section 6995\)](#)

[Cannabis Facilities: Microbusiness "26" \(see Section 6995\)](#)

Construction Sales and Services "8" (see Section 6300)

Gasoline Sales "12"

Laundry Services "13"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2373 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C37 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types.

Family Residential "1"
Low Barrier Navigation Center "25"

b. Commercial Use Types.

Cannabis Facilities: Retail "26" (see Section 6995)
Cannabis Facilities: Microbusiness "26" (see Section 6995)
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Recycling Processing Facility, Wood and Green Materials "15"
Wholesaling, Storage and Distribution: Light "8"

c. Industrial Use Types.

General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2383 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C38 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.
 - Family Residential "1"
 - Low Barrier Navigation Center "25"

- b. Commercial Use Types.
 - Cannabis Facilities: Retail "26" (see Section 6995)
 - Cannabis Facilities: Microbusiness "26" (see Section 6995)
 - Food and Beverage Retail Sales "10"
 - Recycling Collection Facility, Small or Large "2"
 - Recycling Processing Facility, Light or Heavy "3"
 - Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

- c. Industrial Use Types.
 - General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2403 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the C40 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

- a. Residential Use Types.
 - Family Residential "1"
 - Low Barrier Navigation Center "25"

- b. Commercial Use Types.
 - Cannabis Facilities: Retail "26" (see Section 6995)
 - Cannabis Microbusiness "26" (see Section 6995)
 - Construction Sales and Services "9"
 - Recycling Collection Facility, Small or Large "2"
 - Recycling Processing Facility, Light or Heavy "3"
 - Recycling Processing Facility, Wood and Green Materials "15"
 - Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

- c. Industrial Use Types.
 - General Industrial "15"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)
(Amended by Ord. No. 7649 (N.S.) adopted 7-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2503 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M50 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Administrative and Professional Services "5"
[Cannabis Facilities: Distribution "26" \(see Section 6995\)](#)
[Cannabis Facilities: Manufacturing "26" \(see Section 6995\)](#)
[Cannabis Facilities: Microbusiness "26" \(see Section 6995\)](#)
[Cannabis Facilities: Retail "26" \(see Section 6995\)](#)
[Cannabis Facilities: Testing "26" \(see Section 6995\)](#)
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"
Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

2523 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M52 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Agricultural and Horticultural Sales "8" (all types)
Automotive and Equipment: Cleaning "8"
Automotive and Equipment: Repairs, Heavy Equipment "8"
Automotive and Equipment: Repairs, Light Equipment "8"
Automotive and Equipment: Sales/Rentals, Farm Equipment "9"
Automotive and Equipment: Sales/Rentals, Heavy Equipment "9"
Automotive and Equipment: Sales/Rentals, Light Equipment "9" (see Section 6800)
Building Maintenance Services "8"
[Cannabis Facilities: Distribution "26" \(see Section 6995\)](#)

Cannabis Facilities: Manufacturing "26" (see Section 6995)

Cannabis Facilities: Microbusiness "26" (see Section 6995)

Cannabis Facilities: Retail "26" (see Section 6995)

Cannabis Facilities: Testing "26" (see Section 6995)

Construction Sales and Services "8" (see Section 6300)

Eating and Drinking Establishments "21"

Food and Beverage Retail Sales "10"

Gasoline Sales "12"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Wholesaling, Storage and Distribution: Light "8" (see Section 6300)

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 6543 (N.S.) adopted 3-2-83)

(Amended by Ord. No. 6761 (N.S.) adopted 4-25-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)

(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)

(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2543 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M54 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19" Agricultural Services "14"

Cannabis Facilities: Distribution "26" (see Section 6995)

Cannabis Facilities: Manufacturing "26" (see Section 6995)

Cannabis Facilities: Microbusiness "26" (see Section 6995)

Cannabis Facilities: Retail "26" (see Section 6995)

Cannabis Facilities: Testing "26" (see Section 6995)

Eating and Drinking Establishments "21"

Food and Beverage Retail Sales "10"

Recycling Collection Facility, Small or Large "2"

Recycling Processing Facility, Light or Heavy "3"

Wholesaling, Storage and Distribution: Heavy "14"

Wholesaling, Storage and Distribution: Light "8"

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2563 PERMITTED USES WITHIN THE INDUSTRIALLY DESIGNATED AREAS THAT ARE SUBJECT TO LIMITATIONS.

The following use types are permitted by the M56 Use Regulations within the industrially designated areas, subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

[Cannabis Facilities: Distribution "26" \(see Section 6995\)](#)
[Cannabis Facilities: Manufacturing "26" \(see Section 6995\)](#)
[Cannabis Facilities: Microbusiness "26" \(see Section 6995\)](#)
[Cannabis Facilities: Retail "26" \(see Section 6995\)](#)
[Cannabis Facilities: Testing "26" \(see Section 6995\)](#)
Eating and Drinking Establishments "21"
Food and Beverage Retail Sales "10"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2583 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the M58 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Commercial Use Types.

Adult Entertainment Establishments "19"
Agricultural Services "14"
Automotive and Equipment: Storage, Nonoperating Vehicles "9"
[Cannabis Facilities: Distribution "26" \(see Section 6995\)](#)
[Cannabis Facilities: Manufacturing "26" \(see Section 6995\)](#)
[Cannabis Facilities: Microbusiness "26" \(see Section 6995\)](#)
[Cannabis Facilities: Retail "26" \(see Section 6995\)](#)
[Cannabis Facilities: Testing "26" \(see Section 6995\)](#)
Eating and Drinking Establishments "21"
Food and Beverage Retail Sales "10"
Recycling Collection Facility, Small or Large "2"
Recycling Processing Facility, Light or Heavy "3"

Wholesaling, Storage and Distribution: Heavy "14"

Wholesaling, Storage and Distribution: Light "8"

b. Industrial Use Types.

General Industrial "14"

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 7220 (N.S.) adopted 10-22-86)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9013 (N.S.) adopted 3-17-99)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)

2703 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A70 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"

Animal Sales and Services: Veterinary (Small Animals) "6"

Cannabis Facilities: Cultivation "26" (see Section 6995)

Cannabis Facilities: Microbusiness "26" (see Section 6995)

Recycling Collection Facility, Small "2"

Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Small Winery "22" (see Section 6910)

Packing and Processing: Boutique Winery "22" (see Section 6910)

Packing and Processing: Wholesale Limited Winery "22" (see Section 6910)

Packing and Processing: General "23" (see Section 6157)

Organic Materials Processing (see Section 6977)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)
(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)
(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)
(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)
(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

(Amended by Ord. No. 10807 (N.S.) adopted 9-14-22)

2723 PERMITTED USES SUBJECT TO LIMITATIONS.

The following use types are permitted by the A72 Use Regulations subject to the applicable provisions of Section 2980. The number in quotes following the use type refers to the subsection of Section 2980 which applies.

a. Residential Use Types

Mobilehome Residential "18"

b. Commercial Use Types

Animal Sales and Services: Veterinary (Large Animals) "6"

Animal Sales and Services: Veterinary (Small Animals) "6"

Cannabis Facilities: Cultivation "26" (see Section 6995)

Cannabis Facilities: Microbusiness "26" (see Section 6995)

Recycling Collection Facility, Small "2"

Recycling Processing Facility, Wood and Green Materials "3"

c. Agricultural Use Types

Packing and Processing: Small Winery "22" (see Section 6910)

Packing and Processing: Boutique Winery "22" (see Section 6910)

Packing and Processing: Wholesale Limited Winery "22" (see Section 6910)

Packing and Processing: General "23" (see Section 6157)

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)

(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)

(Amended by Ord. No. 6783 (N.S.) adopted 5-16-84)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)

(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)

(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)

(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)

(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

SUPPLEMENTAL LIMITATIONS ON USES

2980 LIMITATIONS ON PERMITTED USES.

The following limitations apply to the uses indicated by the corresponding number in quotes in the previous sections entitled "Permitted Uses Subject to Limitations."

"1" Dwellings as Secondary Uses. Limited to dwellings which are secondary uses of a structure, lot or parcel primarily used for business purposes.

- "2" Recycling Collection Facilities shall comply with the applicable provisions of Section 6970.
- "3" Recycling Processing Facilities shall comply with the applicable provisions of Section 6975.
- "4" Secondary Use. Permitted only as a secondary use within a dwelling. No such use shall have a floor area greater than the floor area devoted to residential purposes.
- "5" Same Lot. Permitted only if located on the same lot as the industrial use it serves.
- "6" Veterinary Hospitals. Hospital must be located on a parcel of land not less than 2 acres in size. Indoor treatment areas must be located at least 100 feet from the nearest property line, and outdoor treatment or confinement areas must be located at least 200 feet from the nearest property line. If a proposed Hospital does not meet any of these requirements it may be allowed upon issuance of a Minor Use Permit.
- "7" Limitation on Enclosed Storage. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building, and the area devoted to storage shall not be greater than the area devoted to sales and administrative offices.
- "8" Enclosed Building. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building.
- "9" Enclosed Building or Walls. All operations, including the storage of materials and equipment, shall be entirely within an enclosed building or inside walls or solid fences less than 6 feet in height. 2980
- "10" Retail Establishments. Limited to retail establishments intended for the convenience of permitted establishments and/or clients thereof, provided no such retail establishment occupies more than 15 percent of the total floor area of the building in which it is located and has no entrance except from the lobby or interior of said building, or from a patio entirely surrounded by said building.
- "11" Insurance and Real Estate Offices. Limited to insurance and real estate offices as a secondary use within a dwelling. No such office shall have a floor area greater than the floor area devoted to residential purposes.
- "12" Gasoline Sales. There shall be no open storage of goods or materials, and all repair and lubrication services shall take place in an enclosed building.
- "13" Drycleaning Plants and Laundries. Limited to drycleaning plants and laundries which provide retail services only, use only non-flammable solvents, and employ not more than 10 people.
- "14" Performance Standards. Subject to meeting the applicable provisions of the performance standards specified in Section 6300.
- "15" Performance Standards and Power. Subject to meeting the applicable provisions of the performance standards specified in Section 6300. Prior to the installation or operation of electric or other power sources in excess of 20 horsepower, the proposed use shall be reviewed pursuant to Section 6304 and the Director shall certify that the use complies with the

applicable performance standards.

"16" Animal Related Activities. Animal related activities may be permitted subject to the Animal Regulations commencing at Section 3000.

"17" Cottage Industries. Permitted subject to the provisions of Section 6920.

"18" Mobilehome Residential. Subject to the Mobilehome Park Regulations commencing at Section 6500 or the Planned Development Standards commencing at Section 6600.

"19" Adult Entertainment Establishments. Subject to meeting the applicable provisions of the regulations and performance standards specified in Section 6930 and upon issuance of an Administrative Permit as specified in Section 6930.

"20" Secondary Use: On building sites 5 acres or less in size, the use shall be restricted to locations above the first story of a building or buildings the first story of which is reserved for permitted principal uses. On building sites larger than 5 acres, the use may, as an alternate to the foregoing, be located in a building or buildings intended and located solely for secondary uses provided that not less than 50 percent of the site area is devoted exclusively to permitted principal uses.

"21" Eating and Drinking Establishments. Allowed upon issuance of a Minor Use Permit, except when accessory to a Brewery or Microbrewery, then allowed upon issuance of an Administrative Permit subject to the provisions of Section 6158.j.

Eating and Drinking Establishments in M56 Use Regulations. Notwithstanding Section 2566, the provisions of "10" apply, however for additional area see Section 6158.j.

"22" Small, Boutique and Wholesale Limited Wineries. Allowed subject to the provisions of Section 6910.

"23" Packing and Processing: General. Allowed as an accessory use to Commercial Agriculture subject to the provisions of Section 6157.g. Allowed as a primary use of a property upon issuance of a Major Use Permit.

"24" Organic Materials Processing. Allowed subject to the provisions of Section 6977.

"25" Low Barrier Navigation Centers. Allowed by-right subject to the provisions of Section 6915.

"26" Cannabis Facilities. Allowed subject to the provisions of Section 6995.

(Amended by Ord. No. 5508 (N.S.) adopted 5-16-79)

(Amended by Ord. No. 5612 (N.S.) adopted 10-10-79)

(Amended by Ord. No. 5652 (N.S.) adopted 11-21-79)

(Amended by Ord. No. 5786 (N.S.) adopted 6-4-80)

(Amended by Ord. No. 5840 (N.S.) adopted 7-30-80)

(Amended by Ord. No. 5935 (N.S.) adopted 11-19-80)

(Amended by Ord. No. 6743 (N.S.) effective 1-11-85)

(Amended by Ord. No. 6924 (N.S.) adopted 2-20-85)

(Amended by Ord. No. 6983 (N.S.) adopted 07-03-85)
(Amended by Ord. No. 7649 (N.S.) adopted 07-17-89)
(Amended by Ord. No. 8058 (N.S.) adopted 4-15-92)
(Amended by Ord. No. 8166 (N.S.) adopted 10-21-92)
(Amended by Ord. No. 9469 (N.S.) adopted 6-12-02)
(Amended by Ord. No. 9935 (N.S.) adopted 4-23-08)
(Amended by Ord. No. 9940 (N.S.) adopted 6-18-08)
(Amended by Ord. No. 10067 (N.S.) adopted 8-4-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)
(Amended by Ord. No. 10807 (N.S.) adopted 9-14-22)
(Amended by Ord. No. 10858 (N.S.) adopted 7-19-23)

2990 USE MATRIX.

The Director shall prepare and cause to be inserted in copies of the Zoning Ordinance, an official Use Matrix which expresses in graphic form the Use Regulations contained in Sections 2100 through 2989, inclusive.

USE & ENCLOSURE MATRIX

SUMMARY PREPARED PURSUANT TO SECTIONS 2990 AND 6816

NOTE: This matrix is a summary only. For complete regulations see appropriate sections of The Zoning Ordinance. In case of conflict between the provisions graphically represented in this matrix and the provisions set forth in the text of The Zoning Ordinance, the provisions of The Zoning Ordinance shall apply.

USE TYPES	COMMERCIAL (cont.)										Use Regulations																
	Enclosed	Semi-Enclosed	Open	Drive-in	Building Maintenance Services	Business Equipment Sales and Services	Business Support Services	Communications Facilities	Communications Services	Convenience Sales and Services (See Sec. 6900)	Convenience Sales and Personal Services (See Sec. 6920)	Eating and Drinking Establishments	Explosive Storage (See Sec. 6904)	Financial, Insurance and Real Estate	Food and Beverage Retail Sales	Funeral and Intermment Services	a) Cremating	b) Interring	c) Undertaking	Gasoline Sales	Laundry Services	Medical Services					
1400	See Section 6816										1435	1440	1445	1447	1450	1455	1460	1463	1465	1470	1475	1480	1485	1490	1495	1500	Use Regulations
RESIDENTIAL																											
RS																								P	RS Single-Family Residential		
RD																								P	RD Duplex/Two-Family Residential		
RM																								P	RM Multi-Family Residential		
RV																								P	RV Variable Family Residential		
RU																								P	RU Urban Residential		
RMH																								P	RMH Mobilehome Residential		
RR	●	●	●																						RR Rural Residential		
RRO*	●	●	●																					P	RRO* Recreation-Oriented Residential		
RC	●	m	m																				P	RC Residential-Commercial			
COMMERCIAL																											
C30	●			m																				M	C30 Office-Professional		
C31	●			m																				M	C31 Residential/Office Professional		
C32	●			m																				M	C32 Convenience Commercial		
C34*	●	m	M	m	7	●		●	8	●										M	M	M	12	13	C34* Gen. Commercial/Residential		
C35	●	m	M	m	7	●	26	●	8	●										M	M	M	12	13	C35 Gen. Comm./Ltd. Residential		
C36	●	m	M	●	7	●	26	●	8	●										M	M	●	12	13	C36 General Commercial		
C37	●	●	●	●	●	●	26	●	●	●										M	M	●	●	●	C37 Heavy Commercial		
C38	●	●	●	●	●	●	26	●	●	m										M		●	●	●	C38 Service Commercial		
C40	●	●	●	●	●	●	26	●	9	●										M	M	●	●	●	C40 Rural Commercial		
C42*	●	●	●	●		20				●														M	C42* Visitor Serving Commercial		
C44	●	●	●	●						●														12	C44 Freeway Commercial		
C46*	●									10														10	C46* Medical Center		
INDUSTRIAL																											
M50	●	m	M	m			26		m	m														m	M50 Basic Industrial		
M52	●	m	M	m	8	●	26	●	8	m														12	M52 Limited Impact Industrial		
M54	●	●	●	●	●	●	26	●	●	m														10	M54 General Impact Industrial		
M56+					●		26	●	●															21	M56+ Mixed Industrial		
M58	●	●	●	●	●	●	26	●	●	m														21	M58 High Impact Industrial		
AGRICULTURAL																											
A70	●	●	●				26																	17	A70 Limited Agriculture		
A72	●	●	●				26																	17	A72 General Agriculture		
SPECIAL PURPOSE																											
S80*	●	S	M																					M	S80* Open Space		
S81																									S81 Ecological Resource Area		
S82	●	●	●																					M	S82 Extractive		
S86	●	●	●	●																					S86 Parking		
S88+	●	●	●	●																					S88+ Specific Plan Area		
S90+	●	●	●	●																					S90+ Holding Area		
S92	●	●	●	●																				17	S92 General Rural		
S94+	●	●	●	●																					S94+ Transportation & Utility Corridor		
SWF																									SWF Solid Waste Facility		

Commercial continued on next page

MATRIX LEGEND

- Permitted
- A Permitted by Administrative Permit
- S Permitted by Site Plan
- m Permitted by Minor Use Permit
- M Permitted by Major Use Permit
- P Permitted Only Within Planned Developments of 20 Acres or Larger

- 1-2326 Subject to Limitations (See Section 2980)
- * May Be Subject to Site Plan Approval
- + Other Uses Not Shown on Matrix May be Permitted (See Text of Use Regulations)
- O Subject to Limitations (See Sections 2812 and 2818)
- E Exceptions to Enclosure Matrix (See Section 6814)

PART SIX: GENERAL REGULATIONS

TEMPORARY USE REGULATIONS

6102 IDENTIFICATION OF PERMITTED TEMPORARY USES.

The following temporary uses shall be permitted as specified by these regulations:

- a. Circus, Carnival, or Other Outdoor Entertainment Event. The temporary gathering of people for a circus, carnival, or other outdoor entertainment event.
- b. Antique or Art Show on Public Property. The temporary use of public property for antique or art shows.
- c. Civic, Fraternal or Religious Assembly. The temporary gathering by an organization listed in Section 1348 on public or private property that is not the regular gathering place for that organization.
- d. Construction Support. Temporary building and structures supporting residential development and major construction.
- e. Reversible Uses of Future Highway Rights-of-Way. Temporary uses on land required for a future County or State Highway.
- f. Travel Trailer Park. The temporary operation of a travel trailer park.
- g. Uses in New Subdivisions. Temporary uses in new subdivisions and other residential developments which support the sale of dwellings and lots within the same subdivision or residential development.
- h. Use of Trailer Coach. Temporary use of a trailer coach for certain purposes.
- i. Use of Public School Sites. Temporary use of a public school site for certain specified purposes.
- j. Certified Farmers' Market. Temporary use of certain public or commercial property for a Certified Farmers' Market.
- k. Meteorological Testing (MET) Facility. Temporary use of a Meteorological Testing (MET) Facility permitted in accordance with Section 6123.
- l. Temporary Outdoor Sales. Temporary outdoor sales, incidental to the existing commercial uses on a site, in certain commercial or industrial zones.
- m. Commercial Filming. Temporary use of public or private property (not including public road rights-of-way) for commercial motion picture production, television production, still photography and related activities.

- n. Mobile Butchering. Temporary use of commercial, industrial, agricultural or special purpose zoned private property for butchering of livestock on a limited basis.
- o. Fishermen’s Market. Temporary use of certain public or commercial property for a Certified Fisherman’s Market.
- p. Temporary Cannabis Event. An event of limited duration, and located in a specific area, which allows the on-site sale and/or consumption of cannabis at the event, in compliance with California Business and Professions Code Section 26200(e) and Section 25.2501 et seq. of the San Diego County Code of Regulatory Ordinances.

(Amended by Ord. No. 7693 (N.S.) adopted 11-29-89)
(Amended by Ord. No. 9958 (N.S.) adopted 12-10-08)
(Amended by Ord. No. 9971 (N.S.) adopted 02-25-09)
(Amended by Ord. No. 10006 (N.S.) adopted 9-16-09)
(Amended by Ord. No. 10035 (N.S.) adopted 1-27-10)
(Amended by Ord. No. 10095 (N.S.) adopted 12-8-10)
(Amended by Ord. No. 10359 (N.S.) adopted 10-29-14)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)

6129 TEMPORARY CANNABIS EVENT

- a. Temporary cannabis events shall comply with Title 2, Division 1, Chapter 25 of the San Diego County Code of Regulatory Ordinances and may be allowed subject to all application and license requirements in Section 21.2534 relating to Temporary Cannabis Events.
- b. Location. Temporary cannabis events may be held on private property in C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Temporary cannabis events must be setback 600 feet from residential zones, and cannabis sensitive uses as defined in Section 6995.e.4.i. Temporary cannabis events shall not be allowed at a cannabis facility.
- c. Duration. A Temporary Cannabis Event License shall only be issued for up to four consecutive days, consisting of no more than two days of operation and two days for set-up and breakdown/cleanup. The hours of operation for the event shall be from no earlier than 10 a.m. and no later than 10 p.m.
- d. Allowed Number of Events. A maximum of six temporary cannabis events shall be allowed per calendar year on each legal lot that is approved to host a temporary cannabis event.

6754 ADDITIONAL PARKING REQUIREMENTS FOR ACCESSORY AND SPECIAL USES.

Parking standards for the following accessory and special uses shall be required as specified in the following sections of the Zoning Ordinance:

Section 6156:	Accessory Dwelling Units
	Family Day Care Home for Children, Large (9-14 Children)
	Bed & Breakfast Home
	Host Home

Section 6157:	On-Site Agricultural and/or Horticulture Sales Agricultural Tourism Agricultural Homestay Agricultural Microbrewery or Micro-Distillery Creamery
Section 6370:	Senior Projects and Density Bonus Projects
Section 6910:	Wineries
Section 6911:	Emergency Shelters
Section 6912:	Community Gardens
Section 6970:	Recycle Facilities
<u>Section 6995:</u>	<u>Cannabis Facilities</u>

Parking standards for accessory uses not listed above shall be determined pursuant to the Parking Schedule of the County Parking Regulations and shall be required in addition to the parking requirements for the primary use.

(Added by Ord. No. 10251 (N.S.) adopted 2-6-13)
(Amended by Ord. No. 10463 (N.S.) adopted 4-14-17)
(Amended by Ord. No. 10592 (N.S.) adopted 2-27-19)

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 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 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. Other Nonconforming Regulations. Nonconforming Cannabis Facilities are not subject to any other nonconforming regulations outlined in the Zoning Ordinance.
- j. 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. The Five Existing Cannabis Facilities may continue to engage in all operations authorized as of [DATE OF ADOPTION] or construction as allowed by this section (Section 6861). Any proposed expansion to include new use types or construction beyond what is allowed by this section shall require a Nonconforming Cannabis Facility to transition to a conforming cannabis facility and require compliance with current County standards in Section 6995 Cannabis Facilities, and any additional permitting and licensing requirements required by the San Diego County Zoning Ordinance and San Diego County Code of Regulatory Ordinances.~~

(Added by Ord. No. 10749 (N.S.) adopted 10-20-21)

~~6976 — PROHIBITION OF CANNABIS 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.~~

~~(Added by Ord. No. 10062 (N.S.) adopted 6-30-10)~~

~~(Amended by Ord. No. 10461 (N.S.) adopted 4-14-17)~~

~~(Amended by Ord. No. 10749 (N.S.) adopted 10-6-21)~~

6995 CANNABIS FACILITIES

- a. Purpose. By establishing land use requirements for cannabis facilities, this section defines standards and regulations for medicinal and commercial cannabis facilities to protect public health, safety, and welfare, ensure compliance with local and State law, provide safe and legal access to cannabis, and minimize the potential for negative impacts on communities and the environment.
- b. Applicability. The standards of this section shall apply to all medicinal and commercial cannabis facilities as defined in Section 1000 (Definitions).
 1. Special Area Designators. Cannabis facilities shall be subject to Special Area Designators as defined by Section 5025.
 2. Commercial Agriculture Operations. The Commercial Agriculture Standards in Section 6157 shall not apply to cannabis facilities.
 3. Cottage Industries and Home Occupations. Cannabis facilities shall not be permitted as a Cottage Industry, as defined by Section 6920, or as a Home Occupation, as described in Section 6156.m.
 4. County Grading, Clearing and Watercourses Ordinance. Cannabis facilities shall be subject to the County Grading Ordinance. Nothing in this Section is intended, nor shall it be construed, to exempt cannabis facilities from agricultural grading or clearing permits, when required by the County Grading, Clearing and Watercourses Ordinance.

5. Agricultural Preserves. Cannabis cultivation is considered an agricultural activity, and cannabis is considered an agricultural commodity as it pertains to Board Policy I-38 “Agricultural Preserves”.
- c. Conformance with other County Plans. Cannabis facilities shall be in conformance with the San Diego County General Plan, any applicable specific plans, master plans, and design requirements, as well as comply with all applicable zoning and regulatory standards, and state regulations.
- d. Personal Medical and Adult Use. Personal medicinal and adult use cannabis cultivation are allowed, as described in Section 11362.2 of the California Health and Safety Code, and require no permits or licenses, provided they are legally conducted in compliance with the requirements of all applicable County and State laws.
- e. Development Standards.
 1. Zoning. Cannabis facilities shall comply with the following zoning regulations.
 - i. Cultivation. Cultivation may be permitted in the A70 and A72 zones.
 - ii. Distribution. Distribution may be permitted in the M50, M52, M54, M56, and M58 zones.
 - iii. Manufacturing. Manufacturing may be permitted in the M50, M52, M54, M56, and M58 zones.
 - iv. Microbusiness. Microbusinesses may be permitted in the A70, A72, C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Additionally, the following restrictions apply to activities permitted as part of a microbusiness:
 - a) Cultivation activities shall be limited to indoor cultivation in the C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones. Mixed-light and outdoor cultivation are prohibited in all commercial and industrial zones.
 - b) Retail activities shall be limited to non-storefront retail in the A70 and A72 zones.
 - v. Consumption Lounge. Consumption lounges may be permitted in the C35, C36, C37, C38, C40, M50, M52, M56, M54, and M58 zones.
 - vi. Retail. Retail may be permitted in the C35, C36, C37, C38, C40, M50, M52, M54, M56, and M58 zones.
 - vii. Testing Laboratory. Testing Laboratories may be permitted in the M50, M52, M54, M56, and M58 zones.
 2. Maximum Number of Cannabis Activities. Except for microbusinesses, a maximum of two cannabis activities shall be allowed on each lot.

3. Location. Cannabis facilities shall comply with the following location requirements.

- i. Residential structures shall not be used for cannabis facilities.
- ii. Cannabis activities shall not occur within trailers, recreational vehicles, or similar. Storage of cannabis may be allowed within cargo containers which complies with the requirements of Section 6162.

4. Buffers.

- i. Cannabis facilities shall be sited outside of a 600-foot radius buffer from all cannabis sensitive uses. For the purposes of this section, cannabis sensitive uses are defined as:

a) Schools. For purposes of this section, school means any public or private institution of learning providing instruction in transitional kindergarten, kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

b) Day cares. For purposes of this section, day care means any child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers, as defined by Section 1596.76 of the California Health and Safety Code.

c) Youth centers. For purposes of this section, youth center means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities, as defined by Section 11353.1 of the Health and Safety Code.

- ii. Measurement of Distance. The measurement of distance, without regard to intervening structures, from a cannabis facility and a cannabis sensitive use shall be:

a) A straight line measured from the closest property lines of the cannabis facility to the closest property line of schools, day cares, and youth centers.

b) If any portion of a legal lot is located within a 600-foot radius buffer of the property line of an existing cannabis sensitive use as defined in Section 6995.e.4.i, said lot shall be prohibited from the development of any new cannabis facility.

- iii. Consideration of Buffer Requirement. Once a cannabis facility is legally established, the cannabis sensitive use buffer requirement shall not be considered again when applying for a Minor Deviation or a subsequent Zoning

Verification Permit, provided that an additional cannabis activity is not being proposed on the lot. If an additional cannabis activity is proposed, the buffer requirement shall be considered for the additional cannabis activity.

5. Parking. Parking for cannabis facilities shall comply with the parking standards commencing at Section 6750, except that the computation of parking shall comply with the table below. When two or more activities are located in a single structure or on a single parcel, the required parking shall be provided for each specific activity (e.g., the total parking required for an establishment that has both distribution and manufacturing shall be determined by computing the parking for the distribution activity and the manufacturing activity and then added together).

<u>Type of Occupancy Use or Structure</u>	<u>Off-Street Parking</u>
<p><u>Storefront Retail</u></p> <p style="text-align: right;"><u>Bicycle Parking</u></p> <p><u>Non-Storefront Retail</u></p> <p style="text-align: right;"><u>Bicycle Parking</u></p>	<p><u>4.5 Parking spaces per KSF GFA</u></p> <p><u>0.1 Bike space per car space but not less than 3</u></p> <p><u>The Sum of the Following:</u></p> <p><u>1 Parking space per KSF GFA up to 20 KSF</u> <u>PLUS 0.5 Parking spaces per KSF GFA over 20 KSF</u></p> <p><u>0.05 Bike space per car space but not less than 3</u></p>
<p><u>Manufacturing</u></p> <p style="text-align: right;"><u>Bicycle Parking</u></p>	<p><u>1.5 Parking spaces per KSF GFA</u></p> <p><u>0.1 Bike space per car space but not less than 3</u></p>
<p><u>Testing Laboratory</u></p> <p style="text-align: right;"><u>Bicycle Parking</u></p>	<p><u>3 Parking spaces per KSF GFA</u></p> <p><u>0.1 Bike space per car space but not less than 3</u></p>
<p><u>Cultivation</u></p> <p style="text-align: right;"><u>Bicycle Parking</u></p>	<p><u>For cultivation located on agriculturally zoned lands, adequate off-street parking shall be provided to accommodate the peak number of employees, visitors, loading, and unloading. No parking on private roads is allowed. Parking shall be located entirely outside of the public rights-of-way. Loading spaces shall comply with Section 6786.</u></p> <p><u>For cultivation located on commercial or industrial zoned lands, the following parking shall be required:</u></p> <p><u>3 Parking spaces per KSF GFA</u></p> <p><u>0.1 Bike space per car space but not less than 3</u></p>

in agricultural zones.

2. Fencing. All facilities shall comply with Sections 6700-6714 of the Fencing and Screening Regulations, except for Section 6708.b.2., and shall also comply with the additional cultivation specific requirements in Section 6995.q.1.iii. Where necessary, fencing shall be designed to allow for the movement of wildlife.
3. Noise. All facilities shall comply with the Section 36.401 et seq. of the San Diego County Code of Regulatory Ordinances relating to Noise Abatement and Control, and General Plan Noise Element Tables N-1 and N-2.
4. Odor. All facilities shall comply with the provisions of Section 25.2501 et seq. of the San Diego County Code of Regulatory Ordinances relating to Odor Control. The standards of Section 6318 shall not apply.
5. Water Source. Trucked water shall not be allowed except in case of emergency, as determined by the Director or their designee(s).

g. Activity Specific Standards.

1. Consumption Lounge.
 - i. Consumption lounges may be permitted in all zones that allow cannabis storefront retail.
 - ii. Consumption lounges shall be contained and fully enclosed within the premises of a storefront retail facility or microbusiness.
 - iii. Consumption lounges must be located on the same legal parcel as the associated retail site.
 - iv. Consumption lounges shall have a dedicated entrance from the street or public sidewalk and shall have no internal connections or passage to any other tenant space or use except that a consumption lounge may have an internal connection to a cannabis retail store and may share an entrance.
 - v. The preparation and sale of non-cannabis infused food and/or beverages is allowed. Any cannabis consumption lounge that will be providing non-cannabis infused food and/or beverages as part of their business operation must comply with all applicable provisions established in the California Health and Safety Code (HSC) (sections 113700 et seq.), also referred to as the California Retail Food Code (CRFC), as well as all applicable provisions established in the San Diego County Code of Regulatory Ordinances that pertain to the operation of a retail food facility. All necessary approvals and permits must be obtained from the County of San Diego Department of Environmental Health and Quality (DEHQ) prior to the operation of any retail food facility.
 - vi. Events and ticket sales for live musical or other performances may be allowed as specified in the associated Administrative Permit. These performances are

separate and distinct from Temporary Cannabis Events as regulated by Section 6129, and are subject to the following restrictions:

- a) All necessary approvals and licenses must be obtained from the County of San Diego Sheriff's Office prior to any live musical or other performances.
- b) The event shall not exceed one day in duration and must occur during regular operating hours of the consumption lounge.
- c) The event area shall be limited to the designated consumption lounge area and shall not intrude upon any other part of the facility.
- d) No outdoor amplified sound shall be allowed.

2. Cultivation.

- i. Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 100-feet from all lot lines.
- ii. Outdoor and mixed-light cannabis cultivation areas shall be setback a minimum of 300-feet from legal residences on adjoining parcels existing at the time of permit application submittal.
- iii. Cannabis cultivation shall not occur on slopes 25% or greater.
- iv. Lighting is prohibited in an agricultural shade structure or agricultural crop structure, as defined by Sec 91.1.105.2.a.18 of the County Building Code.
- v. Nighttime light escape from mixed-light cannabis cultivation shall be controlled using internal black-out curtains or other equally or more effective methods to prevent the facility from emitting nighttime light escape.
- vi. All cannabis processing activities (e.g., drying, curing, grading, and trimming) must occur within an enclosed, permanent structure.
- vii. Generators shall not be used for cultivation except for temporary use in case of emergency, as determined by the Director or their designee(s).
- viii. Enclosed fencing shall be required around all areas designated for outdoor cannabis cultivation. Fencing materials including razor wire, barbed wire, electrical wire, or similar are prohibited from use in these areas.

3. Microbusiness

- i. A microbusiness must comply with the requirements of this section specific to all of the applicable cannabis activities in which the facility engages. For example, if the microbusiness engages in cultivation activities, it must satisfy all the applicable cultivation requirements of this section. This also applies to non-volatile manufacturing, distribution, and retail activities.

- ii. Manufacturing activities permitted as part of a microbusiness shall be limited to non-volatile manufacturing.
- iii. All cultivation permitted as part of a microbusiness shall be limited to a maximum of 10,000 square feet of canopy area.

4. Retail

- ii. In lots zoned A70 and A72, cannabis retail activities shall be limited to non-storefront retail.
- iii. The premises of a non-storefront retail facility shall be closed to the public.
- iv. Live entertainment is allowed at storefront retail facilities. Live entertainment is separate and distinct from Temporary Cannabis Events, as regulated by Section 6129, and is subject to the following restrictions:
 - a) All necessary approvals and licenses must be obtained from the County of San Diego Sheriff's Office prior to any live entertainment.
 - b) The live entertainment shall not exceed one day in duration and must occur during regular operating hours of the storefront retail facility.
 - c) A maximum of six outdoor live entertainment events shall be allowed per calendar year at each storefront retail facility.

5. Testing Laboratory

- i. Testing shall be the sole cannabis activity on the legal lot.
- h. Permitting Requirements. This section establishes the cannabis permit requirements based on the proposed cannabis activity. Cannabis facilities shall not operate until all applicable County permits have been issued and all permit conditions have been satisfied. In addition to obtaining County permits, permittees of cannabis facilities must also obtain and maintain in good status a valid County Cannabis Business License as required by Section 21.2501 et seq. of the San Diego County Code of Regulatory Ordinances, and a valid State cannabis license(s), as required by the Department of Cannabis Control.

1. Cultivation.

- i. Outdoor cultivation 5,000 square feet or less in canopy area may be allowed with a Zoning Verification Permit provided all of the following criteria are met. Projects that do not meet the criteria listed below will require an Administrative Permit.
 - a) Project site is not subject to the "B", "D", "G", "H", "J", "R", "S" or "V" Special Area Designators, which require discretionary review.
 - b) The cannabis cultivation area is located within the footprint of an

- existing, legally established agricultural operation such that an agricultural clearing or grading permit is not required.
- c) Only one Zoning Verification Permit for cannabis cultivation activity shall be issued to each lot.
 - d) The Zoning Verification Permit shall only permit the cannabis cultivation activity. Any additional improvements beyond the cannabis cultivation area may require additional ministerial and/or discretionary permits.
- ii. Outdoor cultivation over 5,000 square feet in canopy area shall require an Administrative Permit.
 - iii. Indoor and mixed-light cultivation shall require an Administrative Permit.
2. Distribution, Manufacturing, Testing Laboratories and Retail may be allowed with a Zoning Verification Permit provided all of the following criteria are met. Projects that do not meet the criteria listed below will require an Administrative Permit.
- i. Project site is not subject to the “B”, “D”, “G”, “H”, “J”, “R”, “S” or “V” Special Area Designators, which require discretionary review.
 - ii. Establishment of the use does not require clearing or grading that would require a discretionary permit.
 - iii. The Zoning Verification shall only permit the cannabis activity. Any additional improvements may require additional ministerial and/or discretionary permits.
 - iv. The applicant shall provide a letter report signed by a California Professional Geologist which concludes that extraction of groundwater is not likely to interfere with the production and functioning of existing nearby wells and not likely to substantially decrease groundwater supplies.
3. Microbusinesses shall require an Administrative Permit.
4. Consumption lounges shall require an Administrative Permit.
- i. Noticing for Cannabis Facilities. The applicant for an Administrative Permit shall provide notice materials (as specified by the Director) with the permit application which shall be used by the Department to notify property owners within 500 feet of the exterior boundaries of the subject lot, with a minimum of 20 different owners, of the receipt of said application. Additional notification is required by subsections 7060.e., g. and h.

PUBLIC REVIEW Draft Regulatory Code Amendment

SEC. 21.2501. LEGAL AUTHORITY.

(a) This Chapter is adopted pursuant to the authority granted to the County by Section 7 of Article XI of the California Constitution, Sections 50022.1-50022.8 and 50022.10 of the California Government Code, Title 4, Division 19 of the California Code of Regulations, and the provisions of the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).

SEC. 21.2502. DEFINITIONS.

(a) General. Unless otherwise defined in this Chapter, the County adopts the State definitions of various terms related to cannabis and cannabis activities as used in this Chapter. Other applicable definitions shall be as provided in State law and other sections of County Code, as amended. Future changes to applicable definitions in State law shall take effect locally ninety (90) days after the change takes effect at the State level.

(b) “Applicant” means a person or entity that submits an application for a Cannabis Business License under this Chapter.

(c) “Cannabis” as defined in Business and Professions Code Section 26001(f) means all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. “Cannabis” also means the separated resin, whether crude or purified, obtained from cannabis. “Cannabis” does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, “cannabis” does not mean “industrial hemp” as defined by Section 11018.5 of the Health and Safety Code.

(d) “Cannabis Business License” means a regulatory License issued by the County pursuant to this Chapter, to a Commercial Cannabis Business and is required before any commercial cannabis activity may be conducted in the County. The initial license and annual renewal of a license is made expressly contingent upon the business’ ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the County governing the commercial cannabis activity at issue.

(e) “Cannabis Business Licensee” or “Licensee” means a person or entity that has received a Cannabis Business License from the County as authorized under this Chapter.

(f) “Commercial Cannabis Business” or “Cannabis Business” means any business or operation which engages in medicinal or adult-use commercial cannabis activity authorized by this Chapter.

(g) “Cannabis Event Organizer” as defined in Business and Professions Code Section

26001(j) means a person authorized to plan and organize temporary cannabis events as authorized in Business and Professions Code Section 26200.

(h) “Cannabis Products” as defined in Business and Professions Code Section 26001(k), has the same meaning as in Section 11018.1 of the Health and Safety Code, and includes cannabis products intended for use on, or consumption by, an animal. Cannabis products are not considered food, as defined by Section 109935 of the Health and Safety Code, a drug, as defined by Section 109925 of the Health and Safety Code, or a cosmetic, as defined by Section 109900 of the Health and Safety Code.

(i) “Complete” means all requirements placed upon the cannabis business by statute, regulations, and other agencies with jurisdiction have been addressed in the application package.

(j) “Consumption” means smoking, eating, drinking, chewing, applying topically or otherwise ingesting.

(k) “Consumption Lounge” means an area that is part of the premises of a licensed permitted commercial cannabis retail business or storefront retail microbusiness, and that is designated for consumption of cannabis or cannabis products.

(l) “County” means the County of San Diego, California.

(m) “Cultivation” as defined in Business and Professions Code Section 26001(n), means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(n) “Daycare center” as defined in Health and Safety Code Section 1596.76, means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers, and includes child care centers licensed pursuant to Section 1596.951 of the Health and Safety Code.

(o) “Delivery” as defined in Business and Professions Code Section 26001(r) means, the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform.

(p) “Director” means the Director of Planning & Development Services or their designee(s).

(q) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(r) “Distributor” as defined in Business and Professions Code Section 26001(v) means, a licensee that is authorized to engage in the distribution of cannabis and cannabis products.

(s) “Limited-access area” means an area in which cannabis is stored or held and is only accessible to licensees and authorized personnel.

(t) “Local Agency” means county, city, or city and county.

(u) “Major violation” means a serious violation that poses a significant risk to health or safety.

(v) “Manufacture” as defined in Business and Professions Code Section 26001(ak) means, to compound, blend, extract, infuse, package, label, or otherwise make or prepare a cannabis product.

(w) “Medicinal cannabis” or “Medicinal cannabis product” as defined in Business and Professions Code Section 26001(al) means, cannabis or a cannabis product, respectively, intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation, or in compliance with any compassionate use, equity, or other similar program administered by a local jurisdiction.

(x) “Microbusiness” means, a licensee that is authorized to engage in at least three (3) commercial cannabis activities including cultivation of cannabis and to act as a licensed distributor, manufacturer, and retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this Chapter on licensed cultivators, distributors, manufacturers, and retailers to the extent the licensee engages in such activities.

(y) “Non-Storefront retailer” means a business that is closed to the public and provides cannabis products to customers solely by means of a delivery service which the retailer owns and controls.

(z) “Owner” as defined in Business and Professions Code Section 26001(ap) means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The chief executive officer of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a license.

(aa) “Package” means any container or receptacle used for holding cannabis or cannabis products.

(bb) “Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(cc) “Physician’s recommendation” as defined in Business and Professions Code Section 26001(as) means, a recommendation by a physician and surgeon that a patient may use

cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(dd) “Premises” as defined in Business and Professions Code Section 26001(at) means, the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

(ee) “Retailer” or “Storefront Retailer” as defined in Business and Professions Code Section 26001(ax) means, means a person authorized to engage in the retail sale and delivery of cannabis or cannabis products to customers.

(ff) “Revocation” means the permanent cancellation of a Cannabis Business License.

(gg) “State Agency” includes every state office, officer, department, division, bureau, board and commission.

(hh) “State license” means a permit or license issued by the State of California, or one of its departments or divisions, under the MAUCRSA and any subsequent related State of California legislation, to engage in cannabis activity. A state license alone will not authorize the holder to operate a Cannabis Business, as state law also requires a license or other authorization issued by a local jurisdiction.

(ii) “Suspension” means the temporary withdrawal of a Cannabis Business License.

(jj) “Temporary Cannabis Event” means an event of limited duration, and located in a specific area, which allows the on-site sale and/or consumption of cannabis at the event, in compliance with California Business and Professions Code Section 26200(e) and this Chapter.

(kk) “Testing Laboratory” means a laboratory, facility or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State; and (2) licensed by the State Department of Cannabis Control.

(ll) “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

SEC. 21.2503. COMPLIANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.

(a) It is the responsibility of the owners and/or operators of any Commercial Cannabis Business within the unincorporated county to ensure that they operate in a manner compliant with this Chapter, all applicable state and local laws, and any regulations promulgated thereunder, including but not limited to the MAUCRSA.

SEC. 21.2504. MAXIMUM NUMBER AND TYPE OF AUTHORIZED CANNABIS BUSINESSES.

(a) This section is intended to create a maximum number and types of Cannabis Businesses that may be issued licenses to operate in the County.

(b) The following cannabis license types are authorized to operate in the County of San Diego.

- (1) Cannabis Storefront, Non-storefront Retail, and Consumption Lounges.
- (2) Cannabis Distribution
- (3) Cannabis Cultivation.
- (4) Cannabis Manufacturing.
- (5) Cannabis Microbusiness.
- (6) Cannabis Testing Laboratory.
- (7) Temporary Cannabis Events.

(c) Cannabis license types not identified in Section 21.2504(b) are prohibited from obtaining a Cannabis Business License in the County of San Diego.

(d) The maximum number of Cannabis Storefront Retail uses that shall be permitted to operate in the County shall be no more than 25 Licensees.

(e) The maximum number of Cannabis Non-Storefront Retail, Cultivation, Manufacturing, Distribution, Microbusinesses, Testing Laboratories, and Events shall not be limited.

(f) Modifications to the number of Cannabis Business Licenses.

(1) Each year following the County's initial award of Cannabis Business Licenses, if any, or at any time in the Board's discretion, the Board may reassess the number of Cannabis Business Licenses which are authorized for issuance and make any changes by resolution.

(2) The Board, at its sole discretion, may determine that the number and/or types of Cannabis Business Licenses should remain the same or be modified.

SEC. 21.2505. CANNABIS BUSINESS LICENSE REQUIRED.

(a) Except as specifically authorized by this Chapter, microbusinesses, commercial cultivation, manufacture, processing, storing, special events, laboratory testing, labeling, sale, delivery, distribution, or transportation, of cannabis or cannabis products is expressly prohibited in the County.

(b) No person may engage in any Cannabis Business within the County, including cultivation, manufacture, processing, laboratory testing, distributing, dispensing, or sale of cannabis or a cannabis product, unless the person meets all of the following requirements:

- (1) Possess a valid Cannabis Business License from the County;
- (2) Possess a valid Cannabis Tax Certificate from the County;
- (3) Possess a valid State of California Seller's Permit; and

(4) Is currently in compliance with all applicable state and local laws and regulations pertaining to the Cannabis Business and the cannabis activities, including the duty to obtain any required state licenses.

(c) It shall not be a violation of this Code for an agent of a state agency, as defined in Section 1100 of the Government Code, or a local agency, as defined in Section 50001 of the Government Code, to possess, transport, or obtain cannabis or cannabis products as necessary to conduct activities reasonably related to the duties of the state or local agency.

SEC. 21.2506. TERM OF A CANNABIS BUSINESS LICENSE.

(a) All Cannabis Business Licenses issued under the provisions of this chapter shall be effective for a period not to exceed one (1) year from the date of issuance. The Director or their designee(s) may renew a license through the procedures identified in Section 21.2517 of this Code.

SEC. 21.2507. LAND USE ENTITLEMENT.

(a) All Cannabis Businesses under this chapter shall be fully compliant with the Cannabis Land Use Ordinance in Section 6990 of the San Diego County Zoning Ordinance.

(b) All Cannabis Businesses under this chapter shall operate in accordance with the terms of their approved land use entitlement.

(c) Pursuant to the Cannabis Land Use Ordinance, and subject to exceptions expressly set forth therein, a Cannabis Business License cannot be issued until a Cannabis Land Use Entitlement is obtained in accordance with the requirements thereof and thereafter maintained in good standing.

SEC. 21.2508. BUILDING PERMITS AND INSPECTIONS.

(a) Prior to commencing operations, a Cannabis Business licensee shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any applicable building permit(s), or approval from the local Fire Authority, Code Compliance, Planning & Development Services, the Department of Environmental Health and Quality, or any other applicable zoning and land use entitlements(s) and approvals.

SEC. 21.2509. COUNTY'S RESERVATION OF RIGHTS.

(a) Prior to license issuance, the County may modify, postpone, or cancel any request for applications, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the Cannabis Business License program, or any particular category of certificate potentially authorized under this Chapter, may be cancelled at any time prior to license issuance. The County further reserves the right to request and obtain additional information from any applicant submitting an application. In addition to a failure to comply with other requirements in this Chapter, an application may be rejected for any of the following reasons:

- (1) The application was received after the designated time and date of the deadline.

(2) The application did not contain the required elements, exhibits, or was not organized in the required format.

(3) The application was considered not fully responsive to the request for a license application, i.e., was substantially incomplete.

SEC. 21.2510. APPLICATION SUBMITTAL REQUIREMENTS.

(a) A person may apply for a Cannabis Business License by filing an application with Planning & Development Services. The applicant must be an owner as defined in section 21.2502(z). The application must be on a form approved by the Director or their designee(s) and may require any information or documentation consistent with the provisions of this code and state law, including but not limited to the following:

(1) Applicant.

(A) Name of the applicant.

(B) If applicable, business trade name, name of corporation, limited liability companies or limited partnership of the applicant as registered with the Secretary of State.

(C) A description of the statutory entity or business form that will serve as the legal structure for the applicant and a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement.

(D) The phone number and address to which notice of action on the application and correspondence is to be mailed.

(E) The name, address, verified email, telephone number, title, and function of each of the owners.

(F) An emergency contact who can be reached on a 24/7 basis and who can provide access to the premises in the event of an emergency.

(2) Business Location.

(A) A general description of the proposed business location, including the street address, parcel number, and the total square footage of the site.

(B) A premise diagram that meets the requirements of the Department of Cannabis Control Title 4, Division 19, §15006 Premises Diagram.

(C) Proof of ownership, lease agreement, or a "letter of intent" to lease premises proposed by applicant for operation of a cannabis business, executed with notarial acknowledgement, by owner of premises.

(D) Prior to the County's issuance of a Cannabis Business License pursuant to this Chapter, any person intending to open and to operate a Cannabis Business shall first provide sufficient evidence of the legal right to occupy and to use the proposed location.

(E) If the proposed location will be leased from the property owner, the applicant shall be

required to provide a signed statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the Cannabis Business on the owner's property.

(3) Security.

(A) A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on the business site. The security plan must be prepared by a qualified professional such as in-house staff or a third-party consultant possessing the necessary expertise, training, credentials, or experience in security management, risk assessment, or related fields.

(B) A lighting plan showing existing and proposed exterior and interior lights that will provide adequate security lighting for the use.

(4) Business Operations.

(A) A plan describing how the cannabis business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include plans for handling all cash and transporting all cannabis and all cannabis products to and from the site.

(B) The applicant's certificate of commercial general liability insurance and endorsements.

(C) A copy of the applicant's most recent annual budget for operations.

(5) Neighborhood Compatibility Plan.

(A) A plan describing how the business will take proactive steps to avoid becoming a nuisance or having negative impacts on its neighbors or surrounding community. The neighborhood compatibility plan should describe how the business will react and respond to complaints specifically related to noise, light, public consumption, loitering, littering, and vehicle and pedestrian traffic, and any other activities that could become a nuisance or have impacts on the surrounding community.

(B) The name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the County can provide notice if there are operating problems associated with the facility or refer members of the public who may have any concerns or complaints regarding the operation of the facility.

(C) Any commitments that a business agrees to in their Neighborhood Compatibility Plan shall be incorporated into the terms and conditions under which the business will operate with the County's approval, if and when a Cannabis Business License is issued. Such terms and conditions shall be in addition to the requirements of this Chapter and enforceable pursuant to Section 21.2533.

(6) Odor Mitigation Plan.

(A) All cannabis businesses shall prepare, implement, and maintain, a site-specific odor mitigation plan.

(B) The plan shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

- a. A description of on-site odor sources; and,
- b. A description of the air treatment system or other best management practices that will be implemented to prevent cannabis odors from being detected outside the licensed premises.

(C) The odor mitigation plan shall be reviewed annually by the licensee to determine if any revisions are necessary.

(D) The odor mitigation plan shall be revised to reflect any changes and a copy provided to the Director or their designee(s) within 30 days of those changes.

(E) The odor mitigation plan shall be used by the Director or their designee(s) to determine whether or not the cannabis business is following the procedures established by the licensee.

(7) Applicant's certification and Indemnification.

(A) A statement dated and signed by the applicant, under penalty of perjury, that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the applicant's supervision.

(B) To the fullest extent permitted by local, state, and federal law, the County shall not assume any liability whatsoever with respect to having issued a Cannabis Business License or otherwise approving the operation of any cannabis business. As a condition to the approval of any Cannabis Business License, the applicant is to execute a separate indemnification agreement prepared by the County that fully indemnifies the County for all liabilities associated with the Cannabis Business License, the licensee's commercial cannabis activities, and any action taken by the cannabis licensee. The indemnification agreement shall include the defense of the County and reimbursement of all fees, costs and expenses incurred by the County related to any action arising from the agreement.

(b) At the time of filing, each applicant shall pay an application fee in the amount established by resolution of the County to cover costs incurred by the County in the application process.

SEC. 21.2511. PROCEDURE AND REVIEW CRITERIA TO EVALUATE CANNABIS BUSINESS LICENSE APPLICATIONS.

(a) By resolution, the Board shall adopt procedures for the County's evaluation of Cannabis Business License applications and subsequent issuance.

(b) The procedures shall provide the process for soliciting applications including time frames, limitations, requirements, forms, and rules for completing applications.

(c) The procedures shall include detailed instructions on the methodology to be used to evaluate applications.

(d) The Director or their designee(s) shall be authorized to prepare any necessary forms and adopt any necessary rules to implement the Procedure Guidelines and Review Criteria.

(e) At the time of filing, each applicant shall pay an application fee pursuant to section 362.1 of the County Code of Administrative Ordinances to cover all costs incurred by the County in the application process.

(f) For New and Renewal applications, Director or their designee(s) shall:

- (1) Review Application for Completeness and meets the requirements of 21.2513,
- (2) Conduct Application Investigation per Uniform Licensing Procedure 21.107, and
- (3) Provide notice pursuant to 21.107 (b)(3).

(g) For License Transfers and Modifications, Director or their designee(s) shall:

- (1) Review Application for Completeness and meets the requirements of 21.2513,
- (2) Conduct Application Investigation per Uniform Licensing Procedure 21.107, and
- (3) Noticing pursuant to 21.107 (b)(3), shall not apply to license transfers.

SEC. 21.2512. APPLICANT CRIMINAL BACKGROUND.

(a) Pursuant to sections 21.107 and 21.108 and Business and Professions Code Section 26051.5, all applicants for a cannabis license are required to undergo a criminal background check. The County shall accept the results of the LiveScan background check conducted by the State of California for all applicants.

(b) Evidence of a conviction pursuant to Business and Professions Code Section 26057(b)(4) shall be grounds for denial or revocation of a Cannabis Business Permit in the County of San Diego.

SEC. 21.2513. APPLICANTS PROHIBITED FROM HOLDING A CANNABIS BUSINESS LICENSE.

(a) Any person is prohibited from holding or maintaining a Cannabis Business License if any of the following apply:

- (1) The applicant has had a cannabis license or permit suspended or revoked by any city, county, or any other state cannabis licensing authority;
- (2) The department receives evidence that the applicant is delinquent in payment of federal, state, or local fees, and took no steps to cure the delinquency when notified by the appropriate agencies.

SEC. 21.2514. INCOMPLETE AND ABANDONED APPLICATIONS.

(a) Incomplete applications will not be processed. Applications will only be considered complete if all of the information required under Section 21.2510 is included. The County shall issue a written notice to the applicant, by mail or email informing them that the application is incomplete and identifying the information missing from the application.

(b) If the applicant fails to submit all required information within 180 days from the date of the initial written notice, the application shall be deemed abandoned.

(c) An applicant may reapply at any time following an abandoned application and will be required to submit a new application and new application fee.

SEC. 21.2515. CANNABIS BUSINESS LICENSE ISSUANCE.

(a) The issuance of a new Cannabis Business License requires approval and signatures from all relevant County departments. The Director or their designee(s), upon completion of review of the application, will issue the license once the requirements below are met:

- (1) The location has been approved by the Zoning Division.
- (2) Applicant has passed final inspection and occupancy approval has been issued.
- (3) State Cannabis License has been issued.
- (4) Evidence of enrollment with the County Treasurer-Tax Collector for Cannabis Tax Program.
- (5) Possess a valid State of California Seller's Permit.
- (6) Payment of all County fees.
- (7) Evidence of consultation with the County Department of Agriculture, Weights, and Measures.
- (8) Any additional licenses and permits that may be required as applicable.

SEC. 21.2516. EXERCISE OF A CANNABIS BUSINESS LICENSE.

(a) A Cannabis Business License shall be exercised within twelve (12) months of the final selection process, as defined by the Procedure and Review Criteria. A Cannabis Business License shall be considered exercised when any of the following occur:

- (1) A County Building Permit or Grading Permit is secured, and construction lawfully commenced,
- (2) Evidence of passing final building inspection, and
- (3) The permitted use(s) has commenced on the site.

(b) Failure to exercise a Cannabis Business License within the timeframe established in Section 21.2516(a) shall result in denial of the application.

(c) The Director or their designee(s), in their sole discretion, may extend the timeframe established in Section 21.2516(a) for up to a maximum of six months, if it is determined that the applicant has made a good faith effort to exercise the Cannabis Business License within the defined timeframe.

SEC. 21.2517. RENEWAL OF CANNABIS BUSINESS LICENSE.

(a) An application for renewal of a Cannabis Business License shall be filed by the Cannabis Business Licensee at least sixty (60) calendar days prior to the expiration date of the current license.

(b) The Director or their designee(s), in their sole discretion, may extend the renewal period for up to a maximum of sixty (60) days, provided that the Licensee was operating without any violations of applicable state or local laws as of the renewal deadline specified in Section 21.2516(a).

(c) Each application for renewal shall include updated information for any part of the application that has undergone a change in circumstance since the original application or last renewal filing and shall recertify all information submitted in prior application(s).

(d) The applicant shall pay a non-refundable fee as provided in section 362.1 of the County Code of Administrative Ordinances to cover the costs of processing the renewal license application, together with any costs incurred by the County to administer the program created under this Chapter. Any late renewal applications will be subject to a late fee equal to 50 percent of the applicable licensing fee required.

(e) An application for renewal of a Cannabis Business License may be rejected if any of the following exists:

(1) The application is filed less than sixty (60) days before its expiration or a shorter time period which shall be at the discretion of the Director or their designee(s).

(2) The Cannabis Business License is suspended or revoked at the time of the application.

(3) The Department receives an application showing any change in ownership without having followed the transfer procedure as specified in section 21.2518.

(4) The Cannabis Business has not been in regular and continuous operation in the four (4) months prior to the renewal application or the approved extension of the deadline from the Director or their designee(s).

(5) The Cannabis Business has failed to conform to the requirements of the Cannabis Business License or this Chapter or any regulations adopted pursuant to this Chapter.

(6) The licensee fails or is unable to renew its State of California license.

(7) If the state has determined that the licensee or applicant is in violation of the requirements of the state rules and regulations and the state has determined that the violation is grounds for termination or revocation of the Cannabis Business License.

(8) Violation of Section 21.2512 of this Code.

(9) The licensee has unpaid fees issued by the County

(f) Renewal.

(1) The Director or their designee(s) is authorized to make all decisions concerning the issuance of a renewal license. In making the decision, the Director or their designee(s) is authorized to impose additional conditions to a renewal license, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety, or welfare.

(2) Appeals from the decision of the Director or their designee(s) shall be handled pursuant to this Chapter.

(g) If a renewal application is denied, a person may file a new application pursuant to this Chapter not sooner than one (1) year from the date of the denial.

SEC. 21.2518. TRANSFER OR MODIFICATION OF CANNABIS BUSINESS LICENSE.

(a) No owner of a Cannabis Business License shall be allowed to transfer all or any portion of its license prior to 12 months after the licensee has opened and continuously operated its Commercial Cannabis Business authorized thereunder.

(b) The owner of a Cannabis Business License shall not transfer ownership or control of the license to another person or entity unless and until the transferee obtains an amendment to the license from the Director or their designee(s) stating that the transferee is now the licensee.

(1) Such an amendment may be obtained only if the transferee files an application with the Director or their designee(s) in accordance with the provisions of this Chapter (as though the transferee were applying for an original Cannabis Business License).

(2) The proposed transferee's application shall be accompanied by a transfer fee as provided in section 362.1 of the County Code of Administrative Ordinances.

(3) The transferee's application will be treated as a new application and will be evaluated according to procedures adopted by the Director or their designee(s), pursuant to Section 21.2511.

(4) Any information provided pursuant to Section 21.2511 shall be considered confidential until such time as the owner's transfer occurs.

(c) Cannabis Business Licenses issued through the grant of a transfer by the Director, or their designee(s) shall be valid for a period of one year beginning on the day the Director or their designee(s) approves the transfer of the license.

(d) Before the transferee's license expires, the transferee shall apply for a renewal license and pay the appropriate fee in the manner required by this Chapter.

(e) If ownership changes, new owners must submit required information to Planning & Development Services within 14 days of the change. The business can continue operating under its active license while the Department reviews the new owners' qualifications, as long as at least one current owner remains. If all owners are transferring their ownership, the business must apply for a new license before operating. The former owner's inventory will be transferred to the new owner's account once the new license is issued, as per Section 15023(c)(1) of Title 4, Division 19 of the California Code of Regulations.

(f) A Cannabis Business License shall not be transferred when the County has notified the licensee in writing that the license has been or may be suspended or revoked.

(g) Any attempt to transfer a Cannabis Business License either directly or indirectly in violation of this section is hereby declared a violation of the License and this Chapter. Such a purported transfer shall be deemed grounds for revocation of the License.

SEC. 21.2519. CHANGE IN LOCATION.

(a) Any time the business location specified in the Cannabis Business License is changed, the licensee shall submit an updated application form to the Director or their designee(s) for approval prior to the change in location.

(b) The application will be treated as a new application and will be evaluated according to procedures adopted by the Director or their designee(s), pursuant to Section 21.2511.

(c) The applicant shall pay a fee as provided in section 362.1 of the County Code of Administrative Ordinances to cover the costs of processing the updated application form.

(d) Within fifteen (15) calendar days of any other change in the information provided in the updated application form or any change in status of compliance with the provisions of this Chapter, including any change in the Cannabis Business ownership or management members, the applicant shall file an updated application form with the Director or their designee(s) for review along with an application amendment fee.

SEC. 21.2520. SUSPENSION OR REVOCATION OF CANNABIS BUSINESS LICENSE.

(a) Cannabis Business Licenses may be suspended, revoked or modified for any violation of this Chapter, any state or local laws, rules, and/or any standards, policies, procedures, or regulations adopted pursuant to this Chapter relating to Cannabis Businesses.

(b) When there is determined to be a major violation, the Director or their designee(s) may take immediate action to temporarily suspend a Cannabis Business License issued by the County.

(c) A decision of the County to suspend, revoke or modify a Cannabis Business License is appealable as set forth in this Chapter.

SEC. 21.2521. REAPPLYING FOR A CANNABIS BUSINESS LICENSE.

(a) If an applicant is denied a certificate due to a disqualifying factor including, but not limited to, failing a background check or not complying with any state, or local jurisdictions regulatory requirements in which legal or administrative action has been taken, a new application may not be filed by the applicant for one (1) year from the date of the denial. This section shall not apply to an approved applicant that is not awarded a license resulting from the County not selecting them in an application process with a finite number of available licenses.

SEC. 21.2522. ABANDONMENT OF A CANNABIS BUSINESS LICENSE.

(a) If the Cannabis Business has not been in regular and continuous operation in the preceding four (4) months at the permitted location, the Cannabis Business License shall be considered abandoned, unless mitigating circumstance occur which was beyond the control of the licensee and an extension has been authorized by the Director or their designee(s).

SEC. 21.2523. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

(a) Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the Cannabis Business License of the Cannabis Business.

(b) If the State of California or its respective department or division reinstates or reissues the State license, the Cannabis Business may seek reinstatement of its Cannabis Business License if the business can demonstrate that the grounds for revocation of the license by the state no longer exist or that the underlying deficiency has otherwise been cured.

(c) Any Cannabis Business Licensee shall inform the County of any suspension of a state

license. Furthermore, during the period of a state license suspension, the licensee shall not operate.

(d) Revocation or termination of a license issued by the State of California, or by any of its departments or divisions, shall immediately revoke or terminate the Cannabis Business.

(e) Any Cannabis Business Licensee shall inform the County of any revocation or termination of a state license.

(f) A Cannabis Business Licensee may appeal the immediate revocation or termination of the Cannabis Business License pursuant to Section 21.2524 but may not operate pending the decision of the appeal.

SEC. 21.2524. APPEALS.

(a) Appeals relating to denial of an application; to revoke, suspend or modify a Cannabis Business License; to deny renewal of an application for a license; or to add conditions to a license shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure, sections 21.110(a), 21.112(b), 21.113, 21.114, 21.115, and 21.116.

SEC. 21.2525. GENERAL OPERATING REQUIREMENTS.

(a) Cannabis Businesses shall operate in compliance with Division 10 of the Business and Professions Code and Title 4, Division 19 of the California Code of Regulations, as may be amended under State law.

(b) Cannabis Businesses may operate only during the hours specified in the Cannabis Business License issued by the County.

(c) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages or tobacco on or about the premises of the Cannabis Business.

(d) No smoking or any other consumption of cannabis is allowed at a Cannabis Business, unless located at licensed consumption lounges or temporary cannabis events, pursuant to sections 21.2528 or 21.2534.

(e) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a Cannabis Business License, or on any of the vehicles owned or used as part of the Cannabis Business.

(f) No outdoor storage of cannabis or cannabis products is permitted at any time.

(g) Each Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the Cannabis Business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the County. The Cannabis Business shall provide this information to the County upon request, in the format defined by the County. In addition, the system must have the capability to produce historical transactional data for review.

(h) All cannabis and cannabis products sold, distributed, or held shall be cultivated, manufactured, and transported by state licensed facilities that maintain operations in full

conformance with the State and local regulations.

(i) Any crime, loss of product, or theft must be reported to law enforcement within 24 hours.

(j) Loitering in or around the Cannabis Business is prohibited. The Cannabis Business shall ensure the absence of loitering.

(k) Staff employed by the cannabis business shall be adequately trained in subjects pertinent to business operations and maintenance, verification of customer age and medical recommendations, emergency procedures, complaint response, odor mitigation, and the requirements of this Chapter. A record of such training history shall be maintained and made available for inspection.

(l) Each Cannabis Business shall provide the Director or their designee(s) with the name, telephone number of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

(m) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a Cannabis Business shall conform to the requirements of Section 6250 of the San Diego County Zoning Ordinance and are required to obtain all sign permits as required.

(2) Each entrance to a Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the Cannabis Business is prohibited.

(3) The entrance to the Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the Cannabis Business.

(n) Minors.

(1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a Cannabis Business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a Cannabis Business who is not at least twenty-one (21) years of age.

(2) Notwithstanding Section 21.2535(j)(1), persons aged 18 to 20 years shall be allowed on the premises of a Storefront Retailer if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation.

(o) Odor Control.

(1) Odor control devices and techniques shall be incorporated in all Cannabis Businesses in accordance with the business's approved Odor Mitigation Plan to ensure that odors from cannabis are not detectable outside the licensed premises.

(A) Cannabis Businesses sited on a parcel with other commercial uses, consumption

lounges, indoor, greenhouse, and mixed-light cultivation activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Business.

(2) Cannabis Businesses as described in Section 21.2525(n)(1)(A) must install and maintain the following equipment, or any other equipment which the Director or their designee(s) determine is a more effective method or technology:

(A) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(B) An air system that creates negative air pressure between the Cannabis Business's interior and exterior, so that the odors generated inside the Cannabis Business are not detectable on the outside of the Cannabis Business.

(p) Display of Licenses and County Business Tax Certificate. The original copy of the Cannabis Business License issued by the County pursuant to this Chapter, County issued Cannabis Tax Certificate, and State issued License shall be posted inside the Cannabis Business in a location readily visible to the public. No person shall post a license after it has expired, been revoked or suspended.

SEC. 21.2526. SECURITY MEASURES AND INFRASTRUCTURE REQUIREMENTS.

(a) Cannabis businesses shall operate in conformity with their approved security and lighting plans.

(b) Security plans must describe the measures to prevent access to the licensed cannabis premises by unauthorized persons and include the following items at a minimum:

(c) Cannabis Businesses shall have a Sheriff Department-licensed, 24-hour centrally monitored video surveillance system that meets the following requirements:

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

(2) 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.

(3) 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.

(4) All video surveillance system recordings shall be accessible to the Director or their designee(s) and law enforcement officers at all times during operating hours and otherwise upon reasonable request. All recording systems shall be kept in a manner that allows copies to be obtained immediately at the licensed premises upon request. The licensee shall also send or otherwise provide copies of the recordings to the Department upon request within the time specified by the Director or their designee(s) or law enforcement.

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

(d) A licensed storefront retailer or licensed microbusiness authorized to engage in storefront retail sales shall hire or contract for, uniformed, security personnel who are at least 21 years of age, licensed by the Bureau of Security and Investigative Services.

(1) Security personnel shall be present at all times during hours of operation.

(e) Entrances, exits, doors.

(1) Cannabis businesses 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) Emergency 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.

(f) A description of the measures to prevent access to the licensed cannabis premises by unauthorized persons through the following locations: entrances, exits, windows, and roofs.

SEC. 21.2527. RETAILERS.

(a) A licensed retailer may conduct sales and delivery of cannabis goods between the hours of 7:00 a.m. Pacific Time and 10:00 p.m. Pacific Time.

(b) All deliveries must come from a facility with a valid State license and structure that has passed building inspection and obtained all required permits and approvals.

SEC. 21.2528. CONSUMPTION LOUNGES.

(a) Consumption License Types - The following license types for consumption lounges may be issued within the unincorporated San Diego County:

(1) Type A: Consumption – The consumption or ingestion of cannabis and cannabis-

containing products only.

(2) Type B: Consumption with Smoking – The smoking or inhalation of cannabis or cannabis containing products, in addition to the activities authorized as a Type-A license.

(b) Consumption lounges must only be operated in conjunction with an existing cannabis storefront retail business that has been approved to operate within the unincorporated San Diego County and licensed by the State of California.

(c) Customers may smoke, inhale, consume or ingest cannabis and cannabis products within the confines of the consumption lounge premises only. The smoking or inhalation of cannabis or cannabis containing products may only occur within a designated Cannabis Smoking Room.

(d) Licensees shall create customer consumption guidelines that shall include the utilization of labels, menu notifications, signage, portion control, dosage monitoring, and staff education to prevent the overconsumption of cannabis by customers. A consumption lounge is authorized to sell any type of cannabis product for consumption on-site in compliance with state packaging requirements. Cannabis goods shall only be provided to an individual in an amount reasonable for on-site consumption and consistent with personal possession and use limits allowed by the state.

(e) Licensees shall not permit customers to bring their own personal cannabis or cannabis goods to the consumption lounge facility.

(f) All cannabis goods purchased and opened at the facility must be smoked, inhaled, consumed or ingested on-site, and shall not be permitted to leave the facility unless repackaged in a container that is compliant with all applicable state law and regulation. Licensees shall only permit customers to leave the consumption lounge with cannabis and cannabis goods that remain in originally sealed and unopened packaging or have been transferred by the operator for repackaging in a container that is compliant with all applicable state law and regulation.

(g) The sale or consumption of alcohol or tobacco products is not allowed on the premises.

(h) Access to the cannabis lounge facility shall be restricted to persons twenty-one (21) years of age and older.

(i) Each entrance to a cannabis consumption area shall include a prominently posted warning that notes cannabis consumption, including the smoking of cannabis, as applicable, is permitted inside.

(j) The smoking, inhalation, consumption or ingestion of cannabis or cannabis goods shall not be visible from any public place or any area where minors may be present. The consumption lounge shall be located within a completely enclosed building.

(k) The licensee shall provide an adequate odor mitigation plan so as to prevent any detectable odor immediately outside of the premises (this shall include within business suites that may be located adjacent to the consumption lounge). Within twenty-four (24) hours of any complaint concerning odors emanating from or originating within the facility, the licensee shall respond to the complaint in question, and shall within one (1) business day file a written disclosure to the County documenting any and all actions taken and planned to address the odor complaints. If the odor complaints persist, the facility shall be closed until the situation is

resolved.

(l) Licensees shall not provide service to impaired patrons and shall provide information on rideshare services.

(m) The sale of prepackaged, non-alcoholic beverages and prepackaged food products in the original manufacturer's packaging may be sold onsite.

(n) Non-cannabis food or beverage products may not be contaminated or commingled with any cannabis products sold or served on the premises.

(o) No person shall cause or permit the sale of non-cannabis infused food products unless specifically authorized by state law and the required permits have been obtained from the County Department of Environmental Health and Quality.

(p) Licensees that provide non-cannabis infused food and/or beverages as part of their business operation must comply with all applicable provisions established in the California Health and Safety Code, Sections 11370 et seq., also referred to as the California Retail Food Code, as well as applicable provisions established in this Code that pertain to the operation of a retail food facility.

(q) Additional requirements for Type B Licenses:

(1) Smoking or vaporizing of any cannabis product by an employee or customer is not allowed within the food preparation, food storage or warewashing area of a food facility located on the premises.

(2) Employees are permitted at their discretion and without penalty or sanction to wear a mask for respiration in any area where cannabis is smoked.

(3) When hired, employees who will be working where cannabis is smoked shall be provided in writing the California Department of Public Health's guidance regarding secondhand cannabis smoke.

(4) Secondhand smoke shall be included in the analysis of potential work hazards for the purposes of a cannabis business's injury and illness prevention plan, as applicable under current law.

(5) Smoking Room Ventilation Plan Application:

(A) An application for a Type B license shall be submitted to the Director or designee(s) prior to mechanical system approval from the PDS Building. The application must include a Cannabis Smoking Room Ventilation Plan and must contain the following:

- a. A letter signed and stamped by a licensed mechanical engineer or other individual authorized by the California Business and Professions Code Sections 6700- 6799 (Professional Engineer Act) that demonstrates with reasonable certainty that the performance standards described in this ordinance will be met and the designated cannabis smoking room ventilation system will operate in compliance with the rules.
- b. The Cannabis Smoking Room Ventilation Plan shall include enough project information (e.g. location, size, adjacent uses) to begin the Cannabis Smoking Room

Ventilation approval process between the Department and the applicant. The proposal shall describe how the proposed facility will comply with the following standards:

- i. Protection from particulate matter (PM 2.5) equivalent to the associated MERV 11 filtration pursuant to ASHRAE standards 52.2).
 - ii. The room shall remain under negative air pressure, at all times, while in use.
- c. Cannabis Smoking Room Ventilation Plan Contents. The plan must include a description for the following:
 - i. Air change for the designated Cannabis Smoking Room
 - ii. Air change for common areas inside the licensed cannabis business.
 - iii. Filter type and odor control measures
 - iv. Location of air intakes and exhaust outlets (exhaust outlets located the maximum distance possible from any residential or commercial building, and no less than 15 feet). Exhaust outlets shall comply with the California Mechanical Code 502.2.2-Other Product-Conveying termination requirements.
 - v. If negative pressure in the Cannabis Smoking Room will be maintained
 - vi. If negative pressure will be maintained only in the Designated Cannabis Smoking Room
 - vii. Areas not served by enhanced ventilation
 - viii. Area or areas of building where smoking or vaping will occur
 - ix. If applicable, location of Z-ducts, trickle vents or similar unfiltered air system used for the licensed cannabis business.
 - x. Percentage of total square footage, for customer use, of the permitted Cannabis Retailer that will be used for vaping or smoking of cannabis in the Cannabis Smoking Room
 - xi. Evidence the Cannabis Smoking Room does not share space with employee work area.
 - xii. Maximum occupant load for the Designated Cannabis Smoking Room
 - xiii. Cannabis Smoking Room Operating Standards. The cannabis smoking room shall comply with the following operating standards:
 - xiv. The Cannabis Smoking Room will be located in a non-work area where employees are not required to enter the Cannabis Smoking Rooms as a condition of their employment.
 - xv. The Cannabis Smoking Room shall have signage to designate smoking areas and the locations where signage will be installed.

- xvi. The Cannabis Smoking Room shall have a separate heating, ventilation and air-conditioning (HVAC) system such that none of the air in the Cannabis Smoking Room will be recirculated into other parts of the Cannabis Business's premises, or other parts of the premises.
- xvii. The Cannabis Smoking Room shall be completely separated from the remainder of the premises by solid partitions or glazing without openings other than doors, and all doors leading to the Cannabis Smoking Room must be self-closing. All doors to the Cannabis Smoking Room must be installed with a gasket to provide a seal where the door meets the stop.
- xviii. The Cannabis Smoking Room shall exhaust 100% of the air directly to the outside through a Pollution Control Unit and Odor Control Unit that, at a minimum, eliminates all detectable odor, smoke and by-product of combustion so as to prevent any and all public nuisances.
- xix. The Cannabis Smoking Room shall remain under negative pressure and shall have a 10% differential, in relation to the other spaces of the establishment.
- xx. The Cannabis Smoking Room shall be equipped with a ventilation system that provides 60 cubic feet per minute (cfm) of supply air per smoker.
- xxi. The Cannabis Smoking Room shall not be directly accessible from the primary outside entrance to the establishment, and may not be visible from the fronting street or store front.
- xxii. The Cannabis Smoking Room shall reside within the existing, Licensed Cannabis Business.
- xxiii. The Cannabis Smoking Room's ventilation system and all mechanical equipment will be designed to assure compliance with all requirements in the County of San Diego Noise Ordinance.
- xxiv. The permittee shall adopt a complaint process by which it will review and address complaints by employees or members of the public concerning on-site consumption or smoking and provide a written process to the Department.
- xxv. The Cannabis Smoking Room's ventilation system shall be designed to comply with the Product-Conveying Systems, per California Mechanical Code 505.0 requirements.
- xxvi. The Cannabis Smoking Room Ventilation Proposal must include a description of the Operations and Maintenance plan for the ventilation system and methods for recordkeeping to ensure that the Operations and Maintenance Plan is followed.
- xxvii. A current Operations and Maintenance Manual must be kept on-site and

provided to all managers, building engineers and building owners.

xxviii. The manual shall be reviewed annually and updated as appropriate.

SEC. 21.2529. DISTRIBUTORS [RESERVED].

SEC. 21.2530. CULTIVATORS [RESERVED].

SEC. 21.2531. MANUFACTURERS [RESERVED].

SEC. 21.2532. MICROBUSINESSES [RESERVED].

SEC. 21.2533. TESTING LABORATORIES [RESERVED].

SEC. 21.2534. TEMPORARY CANNABIS EVENTS.

(a) Purpose. In addition to the Cannabis Business License described elsewhere in this Chapter, the Director or their designee(s) may issue temporary cannabis event licenses authorizing sales of cannabis or cannabis products to, and/or consumption of cannabis or cannabis products by, persons 21 years of age or older, in connection with temporary events. This section provides for regulation of events for any number of expected attendees.

(b) License Required. No person shall conduct a temporary cannabis event as defined in Section 21.2503 in the unincorporated area of the County unless a license has been obtained pursuant to this chapter. A temporary cannabis event license shall not be subject to section 21.101-21.117, but some of those sections as designated below, may be applied to this Chapter.

(c) Informational or Educational Cannabis Events. A license is not required for informational or educational cannabis events where no sales, sampling, or consumption of cannabis goods is occurring.

(d) State Approval. A Temporary Cannabis Event License may be issued only to an applicant who holds a Cannabis Event Organizer License and a Temporary Cannabis Event License issued by the California Department of Cannabis Control, or that is otherwise authorized by State law to organize temporary cannabis events.

(e) Additional Approvals. An applicant for a Temporary Cannabis Event License shall be responsible to obtain all other required licenses, permits, and approvals from all federal, State and local entities before a license for the event may be granted.

(f) Application Requirements.

(1) An applicant for a temporary cannabis event shall be a Department of Cannabis Control licensed cannabis event organizer and meet the requirements of section 21.2512.

(2) An application for a Temporary Cannabis Event License shall be submitted by the Cannabis Event Organizer on a form provided by the Director or their designee(s) no less than

sixty (60) calendar days before the first day of the temporary cannabis event. The application shall contain the list of Department of Cannabis Control licensees participating in the event. State approval for the event shall be received by the County no later than seven (7) days before the start date of the event.

(3) Applicant(s) for a Temporary Cannabis Event License must provide a copy of all final application materials submitted to the State of California pursuant to California Code of Regulations Section 15002.1 (Temporary Cannabis Event Application) as amended from time to time.

(4) A plot plan showing:

(A) Each property on which the event, event parking, event staging and other incidental uses for the event will occur.

(B) Each property within 700 feet from the exterior boundaries of each property where the event, event parking, event staging and other incidental uses for the event will occur.

(C) The location of all existing structures, all structures to be erected, including booths, portable lavatories, stages, water fountains, medical and first aid stations, security command center, parking areas and trash disposal facilities, and the location of all outdoor cooking or live fires on the property shown in response to subparagraph (A) above.

(D) The pathways for pedestrian access on the property shown in response to subparagraph (A) above.

(E) The routes for vehicle and pedestrian access in the area surrounding the property shown in response to subparagraph (A) above.

(5) Property Owner Approval. A written statement from the owner or person in control of each property shown in paragraph (3)(A) above, authorizing the use of the property for the outdoor assembly.

(6) Insurance. An applicant for a temporary cannabis event license shall provide proof of comprehensive general liability insurance coverage pre-approved by the Risk Management Division of the County Human Resources Department (Risk Management). The policy shall insure the licensee, all entertainers, vendors, solicitors, and all other event participants against loss resulting from liability for damages for bodily injury or death and property damage arising from the event Risk Management shall determine the amount of insurance necessary based upon its determination of the risks presented by the event.

(7) An emergency plan that includes an emergency medical procedures plan and emergency evacuation or sheltering plan.

(g) Manager Registration. A temporary cannabis event for which a license is required by this chapter shall have a manager over the age of twenty-one (21) present at the event at all times while the event is being conducted. No person shall act as the manager of a temporary cannabis event unless they have registered with and been approved by the Issuing Officer. No person shall employ a manager of temporary cannabis event unless the Issuing Officers has approved the manager's registration.

(h) Security Personnel. A temporary cannabis event shall have a minimum of one (1) security

personnel in attendance at all times per 100 attendees. Security personnel shall be over the age of twenty-one (21) and licensed by the California Bureau of Security and Investigative Services. The Issuing Officer may, as a condition to issuing the license, require more than the minimum security personnel, if the Issuing Officer determines that additional security personnel are necessary to protect the health and safety of attendees and/or the community.

(i) Inspection by Law Enforcement Officers and Regulatory Officials. Any law enforcement officer, fire official, health or safety inspector, County code enforcement officer, or any other public officer having regulatory responsibility for any activity occurring at a Temporary Cannabis Event shall be allowed access to the property where the event is occurring for the purposes of conducting an inspection.

(j) License Conditions. Any applicant awarded a Temporary Cannabis Event License shall be responsible for ensuring that the temporary event is conducted in compliance with all State and County laws applicable to the sale and consumption of cannabis at the event. A Temporary Cannabis Event License holder and all retailers participating in the temporary event shall comply with all conditions required under State and County licenses and permits, in addition to, and not limited to, the following conditions:

(1) The Director or their designee(s) may impose any license conditions that the Director or their designee(s) deems conducive to the protection of public health and safety, the mitigation of potential adverse impacts on nearby neighborhoods or public spaces, and the prevention of underage or otherwise unlawful access to cannabis or cannabis products, or that otherwise would be conducive to the safe, lawful, and orderly operation of the proposed event.

(2) A Temporary Cannabis Event License shall only be issued for up to four (4) consecutive days consisting of no more than two (2) days of operation and two (2) days for set-up and breakdown/cleanup. The hours of operation for the event shall be no earlier than 10a.m. and no later than 10p.m.

(3) A Temporary Cannabis Event may be held on private property as approved by the County.

(4) All cannabis events must comply with California Department of Cannabis Control Regulations Title 4, Division 19 Chapter 5 § 15600, et seq., and all California Regulations adopted thereafter.

(5) San Diego County Sheriff's Deputies, County Code Enforcement Officers, or other agents or employees of the County requesting admission to a Temporary Cannabis Event for the purpose of determining compliance with these standards shall be given unrestricted access, including areas not open to the general public.

(6) The County may require the event organizer and all participants to cease operations without delay if, in the opinion of the County or law enforcement, it is necessary to protect the immediate health and safety of the public. Upon notification from the County that the event is to cease operations, the event organizer shall immediately stop the event and all participants shall be removed from the temporary cannabis event premises within the time frame provided by the County.

(7) Food may be consumed; however, the sale or consumption of alcohol or tobacco products on the premises is prohibited.

(8) Non-cannabis infused food and beverage products shall not be sold without all applicable permits having been obtained as required by County Department of Environmental Health and Quality.

(k) Site Restoration. As a condition of the license, the licensee shall be required to clean and restore the location where the event occurs, including the surrounding areas and any adjacent roadways to the same condition as existed before the event. If the licensee fails to comply with this condition, the County may clean and restore the property and require the licensee to pay the costs the County incurs. The County may consider the licensee's failure to clean and restore any property, including property owned by others, after the event in denying a subsequent license application or conditioning a grant of a subsequent license upon posting security in an amount the County determines is appropriate based upon the licensee's prior failure.

(l) Issuance or Denial of Permit.

(1) The Director or their designee(s) may grant a Temporary Cannabis Event License in their reasonable discretion, or may deny a Temporary Cannabis Event License in their reasonable discretion based on one (1) or more of the following findings:

(A) The applicant has not sufficiently established that the sale or consumption of cannabis or cannabis products at the event would comply with applicable state and County laws;

(B) The applicant has not sufficiently established that the sale or consumption of cannabis or cannabis products at the event would be consistent with public health or public safety;

(C) The applicant has not sufficiently established that the sale or consumption of cannabis or cannabis products at the event would not have adverse impacts on nearby neighborhoods or public spaces;

(D) The applicant has not taken steps sufficient to reasonably ensure that the only individuals and/or entities that will provide on-site sales of cannabis goods at the proposed event are those that have been identified on the application as holding a Department of Cannabis Control retail license;

(E) The applicant has provided materially false or incomplete information in support of the application;

(F) There is insufficient time to process the permit application adequately in advance of the proposed event;

(G) If the San Diego County Sheriff's Office has insufficient staff available to cover other special events and patrol or respond to calls for service at a temporary cannabis event;

(H) There is other good cause to deny the permit.

(m) Appeals.

(1) Appeals relating to denial of an application; to revoke, suspend or modify a Cannabis Business License; to deny renewal of an application for a license; or to add conditions to a license shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure

(n) Violation – License Suspension and Revocation. In addition to being subject to

administrative remedies pursuant to Section 21.2538 to 21.2540 of this chapter, if the Director or their designee(s) determines a licensee is not complying with license conditions or is conducting a temporary cannabis event in a manner that threatens the health or safety of any person, the Director or their designee(s) may immediately revoke the license, suspend the licensee's right to operate during certain hours or on certain days and/or may allow the licensee to continue to operate subject to additional conditions. Director or their designee(s) decision under this section to revoke, suspend or impose a condition to the license is not appealable.

SEC. 21.2535. RECORDS AND RECORDKEEPING.

(a) Each owner and operator of a Cannabis Business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities for a period not less than seven (7) years.

(b) On no less than an annual basis (at or before the time of the renewal of a Cannabis Business License issued pursuant to this Chapter), or at any time upon reasonable request of the County, each Cannabis Business shall file a sworn statement detailing the number and amount of sales by the Cannabis Business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and/or fees paid or due to be paid.

(c) Each licensee shall be subject to regulatory compliance inspections and a gross receipts financial audit, where applicable, as determined by the County. Records must be kept in a manner that allows the records to be produced for the County in either hard-copy or electronic form.

(d) Each owner and operator of a Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the Cannabis Business, and separately of all the officers, managers, employees, agents, and volunteers currently employed or otherwise engaged by the Cannabis Business. The register required by this paragraph shall be provided to the Director or their designee(s) upon request.

(e) All Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the production process until purchased as set forth in the MAUCRSA.

(f) All Cannabis Businesses shall maintain records of employee training as required by section 21.2525(j) and maintained for at least three (3) years.

SEC. 21.2536. FEES AND CHARGES.

(a) No person may commence or continue any cannabis activity in the County, without timely paying in full all fees and charges required for the operation of a Cannabis Business or Event as provided in section 362.1 of the County Code of Administrative Ordinances. Fees and charges associated with the operation of a cannabis activity shall be established by Planning & Development Services which may be amended from time to time.

(b) All Cannabis Businesses authorized to operate under this Chapter shall pay all license, permit, registration, and other fees required under federal, state, and local law.

SEC. 21.2537. INSPECTIONS.

(a) The Director or their designee(s) who is charged with enforcing the provisions of the San Diego County Code of Regulatory Ordinances, or any provision thereof, as well as law enforcement, and the fire authority having jurisdiction may enter the location of a Cannabis Business at any time, without notice, and inspect the location of any Cannabis Business as well as any recordings and records which may include access to Point-of-Sale and Track and Trace data such as METRC that is required to be maintained pursuant to this Chapter or under applicable provisions of State law.

(b) All cannabis businesses shall be inspected at least once quarterly to verify compliance with this chapter, unless the Director approves a reduced inspection frequency. The Director may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, but in no case shall the frequency be less than once per calendar year. The Department may develop additional procedures regarding the approval or denial of request for reducing the frequency of inspections in Section 21.2540 of this Chapter.

(c) It is unlawful for any person having responsibility over the operation of a Cannabis Business, to impede, obstruct, interfere with, or otherwise not to allow the County to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a Cannabis Business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a Cannabis Business under this Chapter or under state or local law. Failure to allow the inspection under this section is grounds for suspension or revocation of the license.

(d) The Director or their designee(s), who is charged with enforcing the provisions of this Chapter may enter the location of a Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the County of San Diego shall be logged, recorded, and maintained in accordance with established procedures by the Director or their designee(s) or these regulations.

SEC. 21.2538. ENFORCEMENT BY DIRECTOR.

(a) The Director may use any or all remedies outlined in Section 11.121 of this code to address any violation of this chapter or failure to abide by any requirement of this chapter.

(b) Any violation of this chapter is a public nuisance and may be enforced pursuant to section 16.201 et seq. of this code and any other remedy allowed by law.

SEC. 21.2539. ADMINISTRATIVE CITATIONS.

(a) Administrative citations may be issued pursuant to sections 18.101 et seq. of this code with the following exceptions:

(1) Warnings. Unless all of the following are true, no warning pursuant to section 18.103 is required for any violation of this code or any other County ordinance determined to be a result of

unlicensed commercial cannabis activity undertaken without a license as required by Division 10 (commencing with section 26000) of the Business and Professions Code:

(A) A tenant is in possession of the property that is the subject of the administrative action,

(B) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the commercial cannabis activity, and

(C) The rental property owner or agent did not know the tenant was engaging in unlicensed commercial activity for which a license was required, and no complaint, property inspection, or other information caused the rental property owner or agent to have actual knowledge of the unlicensed commercial cannabis activity.

(2) Amount of Fines. Fine amounts are as follows and are not pursuant to 18.106(a). Fines may be imposed per violation, per day and the fine amounts shall be cumulative where multiple citations are issued:

(A) Licensees

- a. A fine not exceeding \$1,000 for the first violation.
- b. A fine not exceeding \$2,500 for the second citation of the same County code provision within one (1) year of the first violation.
- c. A fine not exceeding \$10,000 for a third violation or subsequent citation of the same County code provision within one (1) year of the first violation.
- d. The maximum amount of accumulated fines, excluding any late payment charges or other costs, shall not exceed \$75,000 per parcel or structure per year for any related series of violations.

(B) Non-Licensees

- a. A fine not exceeding \$1,000 for the first violation.
- b. A fine not exceeding \$10,000 for the second violation within one (1) year of the first citation.
- c. A fine not exceeding \$25,000 for the third violation within one (1) year of the first citation.
- d. A fine not exceeding \$50,000 for the fourth or subsequent violation within one (1) year of the first citation.
- e. The property owner and each owner of the occupant business entity engaging in the unlicensed activity without a license as required by Division 10 (commencing with Section 16000) of the Business and Professions Code may be held jointly and severally liable for administrative fines.

SEC. 21.2540. CIVIL PENALTIES.

- (a) Civil Penalties may be assessed pursuant to sections 18.201 et seq. of this code.

(b) The property owner and occupant owner of the business may be held jointly and severally liable for all administrative fines, fees, and penalties.

(c) The Director may impose additional penalties for unlicensed commercial cannabis business activity pursuant to Government Code Section 53069.4.

SEC. 21.2541. LICENSEE AND LANDOWNER RESPONSIBLE FOR VIOLATIONS.

(a) The licensee and landowner shall be jointly responsible for compliance with all laws of the State of California or of the regulations and/or the ordinances of the County, whether committed by the licensee or any employee or agent of the licensee, which violations occur in or about the premises of the Cannabis Business whether or not said violations occur within the license holder's presence. Unless specifically designated otherwise, the licensee is considered to have prime responsibility for compliance; however, this does not relieve the property owner of the duty to take all necessary steps to assure compliance with this Chapter.

SEC. 21.2542. PROMULGATION OF PROCEDURES, STANDARDS, AND OTHER LEGAL DUTIES.

(a) In addition to any regulations adopted by the Board, the Director or their designee(s) shall adopt necessary and reasonable written policies and procedures governing the issuance of Cannabis Business Licensing operations, equipment, personnel, and program oversight for the effective and reasonable administration of this Chapter.

SEC. 21.2543. LIMITATIONS ON THE COUNTY'S LIABILITY.

(a) To the fullest extent permitted by law, the County of San Diego shall not assume any liability whatsoever with respect to having issued a Cannabis Business License pursuant to this Chapter or otherwise approving the operation of any Cannabis Business. As a condition to the approval of any Cannabis Business License, the applicant shall be required to meet all of the following conditions prior to receiving the Cannabis Business License:

(1) Execute an agreement, in a form approved by the County Counsel, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the County of San Diego, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the County's issuance of the Cannabis Business License, the County's decision to approve the operation of the Cannabis Business or activity, the process used by the County in making its decision, or the alleged violation of any federal, state or local laws by the Cannabis Business or any of its officers, employees or agents. The proposed transferee's application shall be accompanied by a transfer fee provided in section 362.1 of the County Code of Administrative Ordinances.

(2) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate by the County.

(3) Reimburse the County for all costs and expenses, including but not limited to legal fees and court costs, which the County may be required to pay as a result of any legal challenge related to the County's approval of the applicant's Cannabis Business license or related to the County's approval of a cannabis activity. The County, at its sole discretion, may participate at its own expense in the defense of any such action, but such participation shall

not relieve the applicant of any of the obligations imposed hereunder.

SEC. 21.2544. 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.

PUBLIC REVIEW Draft Regulatory Code Amendment

Reader Note: All proposed changes are shown in strikeout/underline format.

SEC. 21.2501. LEGISLATIVE FINDINGS AND INTENT LEGAL AUTHORITY.

~~(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 establishes 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 Marijuana 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 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. 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.~~

~~(e) On March 15, 2017, the 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.~~

~~(f)—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.~~

~~(g)—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.~~

~~(h)—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.~~

~~(i)—On May 24, 2022, the Board of Supervisors directed the Chief Administrative Officer to explore the establishment of a cannabis licensing program to be managed by Planning & Development Services, Code Compliance rather than by law enforcement and return to the Board with options for the Cannabis Facility Operation Certificate fee.~~

~~(a) This Chapter is adopted pursuant to the authority granted to the County by Section 7 of Article XI of the California Constitution, Sections 50022.1-50022.8 and 50022.10 of the California Government Code, Title 4, Division 19 of the California Code of Regulations, and the provisions of the Medical and Adult-Use Cannabis Regulation and Safety Act (MAUCRSA).~~

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.~~

~~(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 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).~~

~~(a) General. Unless otherwise defined in this Chapter, the County adopts the State definitions of various terms related to cannabis and cannabis activities as used in this Chapter. Other applicable definitions shall be as provided in State law and other sections of County Code, as amended. Future changes to applicable definitions in State law shall take effect locally ninety (90) days after the change takes effect at the State level.~~

~~(b) "Applicant" means a person or entity that submits an application for a Cannabis Business License under this Chapter.~~

~~(c) "Cannabis" as defined in Business and Professions Code Section 26001(f) means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, whether growing or not; the seeds thereof; the resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. "Cannabis" also means the separated resin, whether crude or purified, obtained from cannabis. "Cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. For the purpose of this division, "cannabis" does not mean "industrial hemp" as defined by Section 11018.5 of the Health and Safety Code.~~

~~(d) "Cannabis Business License" means a regulatory License issued by the County pursuant to this Chapter, to a Commercial Cannabis Business and is required before any commercial cannabis activity may be conducted in the County. The initial license and annual renewal of a license is made expressly contingent upon the business' ongoing compliance with all of the requirements of this Chapter and any regulations adopted by the County governing the commercial cannabis activity at issue.~~

~~(e) "Cannabis Business Licensee" or "Licensee" means a person or entity that has received a Cannabis Business License from the County as authorized under this Chapter.~~

~~(f) "Commercial Cannabis Business" or "Cannabis Business" means any business or operation which engages in medicinal or adult-use commercial cannabis activity authorized by this Chapter.~~

~~(g) "Cannabis Event Organizer" as defined in Business and Professions Code Section~~

26001(j) means a person authorized to plan and organize temporary cannabis events as authorized in Business and Professions Code Section 26200.

(h) “Cannabis Products” as defined in Business and Professions Code Section 26001(k), has the same meaning as in Section 11018.1 of the Health and Safety Code, and includes cannabis products intended for use on, or consumption by, an animal. Cannabis products are not considered food, as defined by Section 109935 of the Health and Safety Code, a drug, as defined by Section 109925 of the Health and Safety Code, or a cosmetic, as defined by Section 109900 of the Health and Safety Code.

(i) “Complete” means all requirements placed upon the cannabis business by statute, regulations, and other agencies with jurisdiction have been addressed in the application package.

(j) “Consumption” means smoking, eating, drinking, chewing, applying topically or otherwise ingesting.

(k) “Consumption Lounge” means an area that is part of the premises of a licensed permitted commercial cannabis retail business or storefront retail microbusiness, and that is designated for consumption of cannabis or cannabis products.

(l) “County” means the County of San Diego, California.

(m) “Cultivation” as defined in Business and Professions Code Section 26001(n), means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

(n) “Daycare center” as defined in Health and Safety Code Section 1596.76, means a child day care facility other than a family day care home, and includes infant centers, preschools, extended day care facilities, and school age childcare centers, and includes child care centers licensed pursuant to Section 1596.951 of the Health and Safety Code.

(o) “Delivery” as defined in Business and Professions Code Section 26001(r) means, the commercial transfer of cannabis or cannabis products to a customer. “Delivery” also includes the use by a retailer of any technology platform.

(p) “Director” means the Director of Planning & Development Services or their designee(s).

(q) “Dispensing” means any activity involving the retail sale of cannabis or cannabis products from a retailer.

(r) “Distributor” as defined in Business and Professions Code Section 26001(v) means, a licensee that is authorized to engage in the distribution of cannabis and cannabis products.

(s) “Limited-access area” means an area in which cannabis is stored or held and is only accessible to licensees and authorized personnel.

(t) “Local Agency” means county, city, or city and county.

(u) “Major violation” means a serious violation that poses a significant risk to health or safety.

(v) “Manufacture” as defined in Business and Professions Code Section 26001(ak) means, to compound, blend, extract, infuse, package, label, or otherwise make or prepare a cannabis product.

(w) “Medicinal cannabis” or “Medicinal cannabis product” as defined in Business and Professions Code Section 26001(al) means, cannabis or a cannabis product, respectively, intended to be sold or donated for use pursuant to the Compassionate Use Act of 1996 (Proposition 215), found in Section 11362.5 of the Health and Safety Code, by a medicinal cannabis patient in California who possesses a physician’s recommendation, or in compliance with any compassionate use, equity, or other similar program administered by a local jurisdiction.

(x) “Microbusiness” means, a licensee that is authorized to engage in at least three (3) commercial cannabis activities including cultivation of cannabis and to act as a licensed distributor, manufacturer, and retailer under this division, provided such licensee can demonstrate compliance with all requirements imposed by this Chapter on licensed cultivators, distributors, manufacturers, and retailers to the extent the licensee engages in such activities.

(y) “Non-Storefront retailer” means a business that is closed to the public and provides cannabis products to customers solely by means of a delivery service which the retailer owns and controls.

(z) “Owner” as defined in Business and Professions Code Section 26001(ap) means any of the following:

(1) A person with an aggregate ownership interest of 20 percent or more in the person applying for a license or a licensee, unless the interest is solely a security, lien, or encumbrance.

(2) The chief executive officer of a nonprofit or other entity.

(3) A member of the board of directors of a nonprofit.

(4) An individual who will be participating in the direction, control, or management of the person applying for a license.

(aa) “Package” means any container or receptacle used for holding cannabis or cannabis products.

(bb) “Person” means any individual, firm, partnership, joint venture, association, corporation, limited liability company, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

(cc) “Physician’s recommendation” as defined in Business and Professions Code Section 26001(as) means, a recommendation by a physician and surgeon that a patient may use

cannabis provided in accordance with the Compassionate Use Act of 1996 (Proposition 215), found at Section 11362.5 of the Health and Safety Code.

(dd) “Premises” as defined in Business and Professions Code Section 26001(at) means, the designated structure or structures and land specified in the application that is owned, leased, or otherwise held under the control of the applicant or licensee where the commercial cannabis activity will be or is conducted. The premises shall be a contiguous area and shall only be occupied by one licensee.

(ee) “Retailer” or “Storefront Retailer” as defined in Business and Professions Code Section 26001(ax) means, means a person authorized to engage in the retail sale and delivery of cannabis or cannabis products to customers.

(ff) “Revocation” means the permanent cancellation of a Cannabis Business License.

(gg) “State Agency” includes every state office, officer, department, division, bureau, board and commission.

(hh) “State license” means a permit or license issued by the State of California, or one of its departments or divisions, under the MAUCRSA and any subsequent related State of California legislation, to engage in cannabis activity. A state license alone will not authorize the holder to operate a Cannabis Business, as state law also requires a license or other authorization issued by a local jurisdiction.

(ii) “Suspension” means the temporary withdrawal of a Cannabis Business License.

(jj) “Temporary Cannabis Event” means an event of limited duration, and located in a specific area, which allows the on-site sale and/or consumption of cannabis at the event, in compliance with California Business and Professions Code Section 26200(e) and this Chapter.

(kk) “Testing Laboratory” means a laboratory, facility or entity in the State that offers or performs tests of cannabis or cannabis products and that is both of the following: (1) accredited by an accrediting body that is independent from all other persons involved in commercial cannabis activity in the State; and (2) licensed by the State Department of Cannabis Control.

(ll) “Youth center” means any public or private facility that is primarily used to host recreational or social activities for minors, including, but not limited to, private youth membership organizations or clubs, social service teenage club facilities, video arcades, or similar amusement park facilities.

SEC. 21.2503. OPERATING CERTIFICATE REQUIRED; APPLICATIONS. COMPLIANCE WITH STATE AND LOCAL LAWS AND REGULATIONS.

~~(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 Planning & Development Services Department to a member of the collective or owner and/or officer of the Commercial Cannabis~~

~~Microbusiness or Commercial Cannabis Retailer facility. The Department of Planning & Development Services 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 Department of Planning & Development Services. At a minimum, the application developed by the Department of Planning & Development Services shall require the applicant(s) to provide sufficient information deemed necessary by the Department of Planning & Development Services 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 Department of Planning & Development Services, the applicant must show proof that the location has been approved by the Zoning Division and a building permit (including a tenant improvement permit) has been applied for if required by the California Building Code.~~

~~(e) The 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.~~

~~(g) Section 21.108(e) 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 Department of Planning & Development Services 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 Planning & Development Service'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 362.1 of the County Code of Administrative Ordinances for Cannabis Facility 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 by the following procedure: upon request of all responsible persons listed on an Operating Certificate, the proposed transferee(s) shall apply to the Department of Planning & Development Services for a new Operating Certificate as required by this section. Upon issuance of a new Operating Certificate, the transferor's Operating Certificate shall expire. Removal of all responsible persons originally listed on an Operating Certificate shall constitute a transfer. Operating Certificates may also be updated to add responsible persons or include additional cannabis activities, subject to a reduced application fee reflecting Department of Planning & Development Services actual cost of any necessary background checks or investigation.~~

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

~~(a) It is the responsibility of the owners and/or operators of any Commercial Cannabis Business within the unincorporated county to ensure that they operate in a manner compliant with this Chapter, all applicable state and local laws, and any regulations promulgated thereunder, including but not limited to the MAUCRSA.~~

SEC. 21.2504. INFRASTRUCTURE REQUIREMENTS FOR CANNABIS FACILITIES. MAXIMUM NUMBER AND TYPE OF AUTHORIZED CANNABIS BUSINESSES.

~~(a) Alarms, closed circuit television.~~

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

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

~~(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.~~

~~(a) This section is intended to create a maximum number and types of Cannabis Businesses that may be issued licenses to operate in the County.~~

~~(b) The following cannabis license types are authorized to operate in the County of San Diego.~~

~~(1) Cannabis Storefront, Non-storefront Retail, and Consumption Lounges.~~

~~(2) Cannabis Distribution~~

~~(3) Cannabis Cultivation.~~

~~(4) Cannabis Manufacturing.~~

~~(5) Cannabis Microbusiness.~~

~~(6) Cannabis Testing Laboratory.~~

~~(7) Temporary Cannabis Events.~~

~~(c) Cannabis license types not identified in Section 21.2504(b) are prohibited from obtaining a Cannabis Business License in the County of San Diego.~~

~~(d) The maximum number of Cannabis Storefront Retail uses that shall be permitted to operate~~

in the County shall be no more than 25 Licensees.

(e) The maximum number of Cannabis Non-Storefront Retail, Cultivation, Manufacturing, Distribution, Microbusinesses, Testing Laboratories, and Events shall not be limited.

(f) Modifications to the number of Cannabis Business Licenses.

(1) Each year following the County's initial award of Cannabis Business Licenses, if any, or at any time in the Board's discretion, the Board may reassess the number of Cannabis Business Licenses which are authorized for issuance and make any changes by resolution.

(2) The Board, at its sole discretion, may determine that the number and/or types of Cannabis Business Licenses should remain the same or be modified.

SEC. 21.2505. OPERATING REQUIREMENTS FOR CANNABIS FACILITIES: CANNABIS BUSINESS LICENSE REQUIRED.

~~(a) The hours of operation of a Medical Cannabis Collective Facility, Commercial Cannabis Microbusiness, or 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 Department of Planning & Development Services:~~

~~(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 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.~~

~~(9) 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 Department of Planning & Development Services, 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 Department of Planning & Development Services, 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:~~

~~(10) A record showing the identification of the responsible persons for the collective by name, home address and telephone number.~~

~~(11) 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):~~

(a) Except as specifically authorized by this Chapter, microbusinesses, commercial cultivation, manufacture, processing, storing, special events, laboratory testing, labeling, sale, delivery, distribution, or transportation, of cannabis or cannabis products is expressly prohibited in the County.

(b) No person may engage in any Cannabis Business within the County, including cultivation, manufacture, processing, laboratory testing, distributing, dispensing, or sale of

cannabis or a cannabis product, unless the person meets all of the following requirements:

- (1) Possess a valid Cannabis Business License from the County;
- (2) Possess a valid Cannabis Tax Certificate from the County;
- (3) Possess a valid State of California Seller's Permit; and
- (4) Is currently in compliance with all applicable state and local laws and regulations pertaining to the Cannabis Business and the cannabis activities, including the duty to obtain any required state licenses.

(c) It shall not be a violation of this Code for an agent of a state agency, as defined in Section 1100 of the Government Code, or a local agency, as defined in Section 50001 of the Government Code, to possess, transport, or obtain cannabis or cannabis products as necessary to conduct activities reasonably related to the duties of the state or local agency.

SEC. 21.2506. FACILITY LIMITS; NAMING; TERM OF A CANNABIS BUSINESS LICENSE.

~~(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.~~

(a) All Cannabis Business Licenses issued under the provisions of this chapter shall be effective for a period not to exceed one (1) year from the date of issuance. The Director or their designee(s) may renew a license through the procedures identified in Section 21.2517 of this Code.

SEC. 21.2507. ADMINISTRATIVE AND CIVIL PENALTIES; LAND USE ENTITLEMENT.

~~(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.~~

~~(a) All Cannabis Businesses under this chapter shall be fully compliant with the Cannabis Land Use Ordinance in Section 6990 of the San Diego County Zoning Ordinance.~~

~~(b) All Cannabis Businesses under this chapter shall operate in accordance with the terms of their approved land use entitlement.~~

~~(c) Pursuant to the Cannabis Land Use Ordinance, and subject to exceptions expressly set forth therein, a Cannabis Business License cannot be issued until a Cannabis Land Use Entitlement is obtained in accordance with the requirements thereof and thereafter maintained in good standing.~~

SEC. 21.2508. SEVERABILITY. BUILDING PERMITS AND INSPECTIONS.

~~(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.~~

~~(a) Prior to commencing operations, a Cannabis Business licensee shall be subject to a mandatory building inspection and must obtain all required permits and approvals which would otherwise be required for any business of the same size and intensity operating in that zone. This includes but is not limited to obtaining any applicable building permit(s), or approval from the local Fire Authority, Code Compliance, Planning & Development Services, the Department of Environmental Health and Quality, or any other applicable zoning and land use entitlements(s) and approvals.~~

SEC. 21.2509. COUNTY'S RESERVATION OF RIGHTS.

~~(a) Prior to license issuance, the County may modify, postpone, or cancel any request for applications, at any time without liability, obligation, or commitment to any party, firm, or organization, to the extent permitted under California law. Persons submitting applications assume the risk that all or any part of the Cannabis Business License program, or any particular category of certificate potentially authorized under this Chapter, may be cancelled at any time prior to license issuance. The County further reserves the right to request and obtain additional information from any applicant submitting an application. In addition to a failure to comply with other requirements in this Chapter, an application may be rejected for any of the following reasons:~~

~~(1) The application was received after the designated time and date of the deadline.~~

~~(2) The application did not contain the required elements, exhibits, or was not organized in the required format.~~

~~(3) The application was considered not fully responsive to the request for a license application, i.e., was substantially incomplete.~~

SEC. 21.2510. APPLICATION SUBMITTAL REQUIREMENTS.

~~(a) A person may apply for a Cannabis Business License by filing an application with Planning & Development Services. The applicant must be an owner as defined in section 21.2502(z). The application must be on a form approved by the Director or their designee(s) and may require any information or documentation consistent with the provisions of this code and state law.~~

including but not limited to the following:

(1) Applicant.

(A) Name of the applicant.

(B) If applicable, business trade name, name of corporation, limited liability companies or limited partnership of the applicant as registered with the Secretary of State.

(C) A description of the statutory entity or business form that will serve as the legal structure for the applicant and a copy of its formation and organizing documents, including, but not limited to, articles of incorporation, certificate of amendment, statement of information, articles of association, bylaws, partnership agreement, operating agreement, and fictitious business name statement.

(D) The phone number and address to which notice of action on the application and correspondence is to be mailed.

(E) The name, address, verified email, telephone number, title, and function of each of the owners.

(F) An emergency contact who can be reached on a 24/7 basis and who can provide access to the premises in the event of an emergency.

(2) Business Location.

(A) A general description of the proposed business location, including the street address, parcel number, and the total square footage of the site.

(B) A premise diagram that meets the requirements of the Department of Cannabis Control Title 4, Division 19, §15006 Premises Diagram.

(C) Proof of ownership, lease agreement, or a "letter of intent" to lease premises proposed by applicant for operation of a cannabis business, executed with notarial acknowledgement, by owner of premises.

(D) Prior to the County's issuance of a Cannabis Business License pursuant to this Chapter, any person intending to open and to operate a Cannabis Business shall first provide sufficient evidence of the legal right to occupy and to use the proposed location.

(E) If the proposed location will be leased from the property owner, the applicant shall be required to provide a signed statement from the owner of the property, acknowledging that the property owner has read this Chapter and consents to the operation of the Cannabis Business on the owner's property.

(3) Security.

(A) A detailed security plan outlining the measures that will be taken to ensure the safety of persons and property on the business site. The security plan must be prepared by a qualified professional such as in-house staff or a third-party consultant possessing the necessary expertise, training, credentials, or experience in security management, risk assessment, or related fields.

(B) A lighting plan showing existing and proposed exterior and interior lights that will

provide adequate security lighting for the use.

(4) Business Operations.

(A) A plan describing how the cannabis business will operate in accordance with this code, state law, and other applicable regulations. The business plan must include plans for handling all cash and transporting all cannabis and all cannabis products to and from the site.

(B) The applicant's certificate of commercial general liability insurance and endorsements.

(C) A copy of the applicant's most recent annual budget for operations.

(5) Neighborhood Compatibility Plan.

(A) A plan describing how the business will take proactive steps to avoid becoming a nuisance or having negative impacts on its neighbors or surrounding community. The neighborhood compatibility plan should describe how the business will react and respond to complaints specifically related to noise, light, public consumption, loitering, littering, and vehicle and pedestrian traffic, and any other activities that could become a nuisance or have impacts on the surrounding community.

(B) The name, telephone number, and email address of an on-site community relations or staff person or other representative to whom the County can provide notice if there are operating problems associated with the facility or refer members of the public who may have any concerns or complaints regarding the operation of the facility.

(C) Any commitments that a business agrees to in their Neighborhood Compatibility Plan shall be incorporated into the terms and conditions under which the business will operate with the County's approval, if and when a Cannabis Business License is issued. Such terms and conditions shall be in addition to the requirements of this Chapter and enforceable pursuant to Section 21.2533.

(6) Odor Mitigation Plan.

(A) All cannabis businesses shall prepare, implement, and maintain, a site-specific odor mitigation plan.

(B) The plan shall provide guidance to on-site operation personnel by describing, at a minimum, the following items. If the operator will not be implementing any of these procedures, the plan shall explain why it is not necessary.

a. A description of on-site odor sources; and,

b. A description of the air treatment system or other best management practices that will be implemented to prevent cannabis odors from being detected outside the licensed premises.

(C) The odor mitigation plan shall be reviewed annually by the licensee to determine if any revisions are necessary.

(D) The odor mitigation plan shall be revised to reflect any changes and a copy provided to the Director or their designee(s) within 30 days of those changes.

(E) The odor mitigation plan shall be used by the Director or their designee(s) to determine

whether or not the cannabis business is following the procedures established by the licensee.

(7) Applicant's certification and Indemnification.

(A) A statement dated and signed by the applicant, under penalty of perjury, that the applicant has personal knowledge of the information contained in the application, that the information contained therein is true and correct, and that the application has been completed under the applicant's supervision.

(B) To the fullest extent permitted by local, state, and federal law, the County shall not assume any liability whatsoever with respect to having issued a Cannabis Business License or otherwise approving the operation of any cannabis business. As a condition to the approval of any Cannabis Business License, the applicant is to execute a separate indemnification agreement prepared by the County that fully indemnifies the County for all liabilities associated with the Cannabis Business License, the licensee's commercial cannabis activities, and any action taken by the cannabis licensee. The indemnification agreement shall include the defense of the County and reimbursement of all fees, costs and expenses incurred by the County related to any action arising from the agreement.

(b) At the time of filing, each applicant shall pay an application fee in the amount established by resolution of the County to cover costs incurred by the County in the application process.

SEC. 21.2511. PROCEDURE AND REVIEW CRITERIA TO EVALUATE CANNABIS BUSINESS LICENSE APPLICATIONS.

(a) By resolution, the Board shall adopt procedures for the County's evaluation of Cannabis Business License applications and subsequent issuance.

(b) The procedures shall provide the process for soliciting applications including time frames, limitations, requirements, forms, and rules for completing applications.

(c) The procedures shall include detailed instructions on the methodology to be used to evaluate applications.

(d) The Director or their designee(s) shall be authorized to prepare any necessary forms and adopt any necessary rules to implement the Procedure Guidelines and Review Criteria.

(e) At the time of filing, each applicant shall pay an application fee pursuant to section 362.1 of the County Code of Administrative Ordinances to cover all costs incurred by the County in the application process.

(f) For New and Renewal applications, Director or their designee(s) shall:

- (1) Review Application for Completeness and meets the requirements of 21.2513,
- (2) Conduct Application Investigation per Uniform Licensing Procedure 21.107, and
- (3) Provide notice pursuant to 21.107 (b)(3).

(g) For License Transfers and Modifications, Director or their designee(s) shall:

- (1) Review Application for Completeness and meets the requirements of 21.2513,

- (2) Conduct Application Investigation per Uniform Licensing Procedure 21.107, and
- (3) Noticing pursuant to 21.107 (b)(3), shall not apply to license transfers.

SEC. 21.2512. APPLICANT CRIMINAL BACKGROUND.

(a) Pursuant to sections 21.107 and 21.108 and Business and Professions Code Section 26051.5, all applicants for a cannabis license are required to undergo a criminal background check. The County shall accept the results of the LiveScan background check conducted by the State of California for all applicants.

(b) Evidence of a conviction pursuant to Business and Professions Code Section 26057(b)(4) shall be grounds for denial or revocation of a Cannabis Business Permit in the County of San Diego.

SEC. 21.2513. APPLICANTS PROHIBITED FROM HOLDING A CANNABIS BUSINESS LICENSE.

(a) Any person is prohibited from holding or maintaining a Cannabis Business License if any of the following apply:

(1) The applicant has had a cannabis license or permit suspended or revoked by any city, county, or any other state cannabis licensing authority; or

(2) The department receives evidence that the applicant is delinquent in payment of federal, state, or local fees, and took no steps to cure the delinquency when notified by the appropriate agencies.

SEC. 21.2514. INCOMPLETE AND ABANDONED APPLICATIONS.

(a) Incomplete applications will not be processed. Applications will only be considered complete if all of the information required under Section 21.2510 is included. The County shall issue a written notice to the applicant, by mail or email informing them that the application is incomplete and identifying the information missing from the application.

(b) If the applicant fails to submit all required information within 180 days from the date of the initial written notice, the application shall be deemed abandoned.

(c) An applicant may reapply at any time following an abandoned application and will be required to submit a new application and new application fee.

SEC. 21.2515. CANNABIS BUSINESS LICENSE ISSUANCE.

(a) The issuance of a new Cannabis Business License requires approval and signatures from all relevant County departments. The Director or their designee(s), upon completion of review of the application, will issue the license once the requirements below are met:

- (1) The location has been approved by the Zoning Division.
- (2) Applicant has passed final inspection and occupancy approval has been issued.
- (3) State Cannabis License has been issued.
- (4) Evidence of enrollment with the County Treasurer-Tax Collector for Cannabis Tax

Program.

- (5) Possess a valid State of California Seller's Permit.
- (6) Payment of all County fees.
- (7) Evidence of consultation with the County Department of Agriculture, Weights, and Measures.
- (8) Any additional licenses and permits that may be required as applicable.

SEC. 21.2516. EXERCISE OF A CANNABIS BUSINESS LICENSE.

(a) A Cannabis Business License shall be exercised within twelve (12) months of the final selection process, as defined by the Procedure and Review Criteria. A Cannabis Business License shall be considered exercised when any of the following occur:

- (1) A County Building Permit or Grading Permit is secured, and construction lawfully commenced,
- (2) Evidence of passing final building inspection, and
- (3) The permitted use(s) has commenced on the site.

(b) Failure to exercise a Cannabis Business License within the timeframe established in Section 21.2516(a) shall result in denial of the application.

(c) The Director or their designee(s), in their sole discretion, may extend the timeframe established in Section 21.2516(a) for up to a maximum of six months, if it is determined that the applicant has made a good faith effort to exercise the Cannabis Business License within the defined timeframe.

SEC. 21.2517. RENEWAL OF CANNABIS BUSINESS LICENSE.

(a) An application for renewal of a Cannabis Business License shall be filed by the Cannabis Business Licensee at least sixty (60) calendar days prior to the expiration date of the current license.

(b) The Director or their designee(s), in their sole discretion, may extend the renewal period for up to a maximum of sixty (60) days, provided that the Licensee was operating without any violations of applicable state or local laws as of the renewal deadline specified in Section 21.2516(a).

(c) Each application for renewal shall include updated information for any part of the application that has undergone a change in circumstance since the original application or last renewal filing and shall recertify all information submitted in prior application(s).

(d) The applicant shall pay a non-refundable fee as provided in section 362.1 of the County Code of Administrative Ordinances to cover the costs of processing the renewal license application, together with any costs incurred by the County to administer the program created under this Chapter. Any late renewal applications will be subject to a late fee equal to 50 percent of the applicable licensing fee required.

(e) An application for renewal of a Cannabis Business License may be rejected if any of the following exists:

(1) The application is filed less than sixty (60) days before its expiration or a shorter time period which shall be at the discretion of the Director or their designee(s).

(2) The Cannabis Business License is suspended or revoked at the time of the application.

(3) The department receives an application showing any change in ownership without having followed the transfer procedure as specified in section 21.2518.

(4) The Cannabis Business has not been in regular and continuous operation in the four (4) months prior to the renewal application or the approved extension of the deadline from the Director or their designee(s).

(5) The Cannabis Business has failed to conform to the requirements of the Cannabis Business License or this Chapter or any regulations adopted pursuant to this Chapter.

(6) The licensee fails or is unable to renew its State of California license.

(7) If the state has determined that the licensee or applicant is in violation of the requirements of the state rules and regulations and the state has determined that the violation is grounds for termination or revocation of the Cannabis Business License.

(8) Violation of Section 21.2512 of this Code.

(9) The licensee has unpaid fees issued by the County

(f) Renewal.

(1) The Director or their designee(s) is authorized to make all decisions concerning the issuance of a renewal license. In making the decision, the Director or their designee(s) is authorized to impose additional conditions to a renewal license, if it is determined to be necessary to ensure compliance with state or local laws and regulations or to preserve the public health, safety, or welfare.

(2) Appeals from the decision of the Director or their designee(s) shall be handled pursuant to this Chapter.

(g) If a renewal application is denied, a person may file a new application pursuant to this Chapter not sooner than one (1) year from the date of the denial.

SEC. 21.2518. TRANSFER OR MODIFICATION OF CANNABIS BUSINESS LICENSE.

(a) No owner of a Cannabis Business License shall be allowed to transfer all or any portion of its license prior to 12 months after the licensee has opened and continuously operated its Commercial Cannabis Business authorized thereunder.

(b) The owner of a Cannabis Business License shall not transfer ownership or control of the license to another person or entity unless and until the transferee obtains an amendment to the license from the Director or their designee(s) stating that the transferee is now the licensee.

(1) Such an amendment may be obtained only if the transferee files an application with the Director or their designee(s) in accordance with the provisions of this Chapter (as though the transferee were applying for an original Cannabis Business License).

(2) The proposed transferee's application shall be accompanied by a transfer fee as provided in section 362.1 of the County Code of Administrative Ordinances.

(3) The transferee's application will be treated as a new application and will be evaluated according to procedures adopted by the Director or their designee(s), pursuant to Section 21.2511.

(4) Any information provided pursuant to Section 21.2511 shall be considered confidential until such time as the owner's transfer occurs.

(c) Cannabis Business Licenses issued through the grant of a transfer by the Director, or their designee(s) shall be valid for a period of one year beginning on the day the Director or their designee(s) approves the transfer of the license.

(d) Before the transferee's license expires, the transferee shall apply for a renewal license and pay the appropriate fee in the manner required by this Chapter.

(e) If ownership changes, new owners must submit required information to Planning & Development Services within 14 days of the change. The business can continue operating under its active license while the Department reviews the new owners' qualifications, as long as at least one current owner remains. If all owners are transferring their ownership, the business must apply for a new license before operating. The former owner's inventory will be transferred to the new owner's account once the new license is issued, as per Section 15023(c)(1) of Title 4, Division 19 of the California Code of Regulations.

(f) A Cannabis Business License shall not be transferred when the County has notified the licensee in writing that the license has been or may be suspended or revoked.

(g) Any attempt to transfer a Cannabis Business License either directly or indirectly in violation of this section is hereby declared a violation of the License and this Chapter. Such a purported transfer shall be deemed grounds for revocation of the License.

SEC. 21.2519. CHANGE IN LOCATION.

(a) Any time the business location specified in the Cannabis Business License is changed, the licensee shall submit an updated application form to the Director or their designee(s) for approval prior to the change in location.

(b) The application will be treated as a new application and will be evaluated according to procedures adopted by the Director or their designee(s), pursuant to Section 21.2511.

(c) The applicant shall pay a fee as provided in section 362.1 of the County Code of Administrative Ordinances to cover the costs of processing the updated application form.

(d) Within fifteen (15) calendar days of any other change in the information provided in the updated application form or any change in status of compliance with the provisions of this Chapter, including any change in the Cannabis Business ownership or management members,

the applicant shall file an updated application form with the Director or their designee(s) for review along with an application amendment fee.

SEC. 21.2520. SUSPENSION OR REVOCATION OF CANNABIS BUSINESS LICENSE.

(a) Cannabis Business Licenses may be suspended, revoked or modified for any violation of this Chapter, any state or local laws, rules, and/or any standards, policies, procedures, or regulations adopted pursuant to this Chapter relating to Cannabis Businesses.

(b) When there is determined to be a major violation, the Director or their designee(s) may take immediate action to temporarily suspend a Cannabis Business License issued by the County.

(c) A decision of the County to suspend, revoke or modify a Cannabis Business License is appealable as set forth in this Chapter.

SEC. 21.2521. REAPPLYING FOR A CANNABIS BUSINESS LICENSE.

(a) If an applicant is denied a certificate due to a disqualifying factor including, but not limited to, failing a background check or not complying with any state, or local jurisdictions regulatory requirements in which legal or administrative action has been taken, a new application may not be filed by the applicant for one (1) year from the date of the denial. This section shall not apply to an approved applicant that is not awarded a license resulting from the County not selecting them in an application process with a finite number of available licenses.

SEC. 21.2522. ABANDONMENT OF A CANNABIS BUSINESS LICENSE.

(a) If the Cannabis Business has not been in regular and continuous operation in the preceding four (4) months at the permitted location, the Cannabis Business License shall be considered abandoned, unless mitigating circumstance occur which was beyond the control of the licensee and an extension has been authorized by the Director or their designee(s).

SEC. 21.2523. EFFECT OF STATE LICENSE SUSPENSION, REVOCATION, OR TERMINATION.

(a) Suspension of a license issued by the State of California, or by any of its departments or divisions, shall immediately suspend the Cannabis Business License of the Cannabis Business.

(b) If the State of California or its respective department or division reinstates or reissues the State license, the Cannabis Business may seek reinstatement of its Cannabis Business License if the business can demonstrate that the grounds for revocation of the license by the state no longer exist or that the underlying deficiency has otherwise been cured.

(c) Any Cannabis Business Licensee shall inform the County of any suspension of a state license. Furthermore, during the period of a state license suspension, the licensee shall not operate.

(d) Revocation or termination of a license issued by the State of California, or by any of its departments or divisions, shall immediately revoke or terminate the Cannabis Business.

(e) Any Cannabis Business Licensee shall inform the County of any revocation or termination of a state license.

(f) A Cannabis Business Licensee may appeal the immediate revocation or termination of the

Cannabis Business License pursuant to Section 21.2524 but may not operate pending the decision of the appeal.

SEC. 21.2524. APPEALS.

(a) Appeals relating to denial of an application; to revoke, suspend or modify a Cannabis Business License; to deny renewal of an application for a license; or to add conditions to a license shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure, sections 21.110(a), 21.112(b), 21.113, 21.114, 21.115, and 21.116.

SEC. 21.2525. GENERAL OPERATING REQUIREMENTS.

(a) Cannabis Businesses shall operate in compliance with Division 10 of the Business and Professions Code and Title 4, Division 19 of the California Code of Regulations, as may be amended under State law.

(b) Cannabis Businesses may operate only during the hours specified in the Cannabis Business License issued by the County.

(c) No person shall cause or permit the sale, dispensing, or consumption of alcoholic beverages or tobacco on or about the premises of the Cannabis Business.

(d) No smoking or any other consumption of cannabis is allowed at a Cannabis Business, unless located at licensed consumption lounges or temporary cannabis events, pursuant to sections 21.2528 or 21.2534.

(e) No cannabis or cannabis products or graphics depicting cannabis or cannabis products shall be visible from the exterior of any property issued a Cannabis Business License, or on any of the vehicles owned or used as part of the Cannabis Business.

(f) No outdoor storage of cannabis or cannabis products is permitted at any time.

(g) Each Cannabis Business shall have in place a point-of-sale or management inventory tracking system to track and report on all aspects of the Cannabis Business including, but not limited to, such matters as cannabis tracking, inventory data, gross sales (by weight and by sale) and other information which may be deemed necessary by the County. The Cannabis Business shall provide this information to the County upon request, in the format defined by the County. In addition, the system must have the capability to produce historical transactional data for review.

(h) All cannabis and cannabis products sold, distributed, or held shall be cultivated, manufactured, and transported by state licensed facilities that maintain operations in full conformance with the State and local regulations.

(i) Any crime, loss of product, or theft must be reported to law enforcement within 24 hours.

(j) Loitering in or around the Cannabis Business is prohibited. The Cannabis Business shall ensure the absence of loitering.

(k) Staff employed by the cannabis business shall be adequately trained in subjects pertinent to business operations and maintenance, verification of customer age and medical recommendations, emergency procedures, complaint response, odor mitigation, and the

requirements of this Chapter. A record of such training history shall be maintained and made available for inspection.

(l) Each Cannabis Business shall provide the Director or their designee(s) with the name, telephone number of an on-site employee or owner to whom emergency notice can be provided at any hour of the day.

(m) Signage and Notices.

(1) In addition to the requirements otherwise set forth in this section, business identification signage for a Cannabis Business shall conform to the requirements of Section 6250 of the San Diego County Zoning Ordinance and are required to obtain all sign permits as required.

(2) Each entrance to a Cannabis Business shall be visibly posted with a clear and legible notice indicating that smoking, ingesting, or otherwise consuming cannabis on the premises or in the areas adjacent to the Cannabis Business is prohibited.

(3) The entrance to the Cannabis Business shall be clearly and legibly posted with a notice that no person under the age of twenty-one (21) years of age is permitted to enter upon the premises of the Cannabis Business.

(n) Minors.

(1) Persons under the age of twenty-one (21) years shall not be allowed on the premises of a Cannabis Business and shall not be allowed to serve as a driver for a mobile delivery service. It shall be unlawful and a violation of this Chapter for any person to employ any person at a Cannabis Business who is not at least twenty-one (21) years of age.

(2) Notwithstanding Section 21.2535(j)(1), persons aged 18 to 20 years shall be allowed on the premises of a Storefront Retailer if they can produce a physician's recommendation. In that event, such persons can lawfully purchase cannabis for the sole purpose of addressing the medical need that is the subject of the physician's recommendation.

(o) Odor Control.

(1) Odor control devices and techniques shall be incorporated in all Cannabis Businesses in accordance with the business's approved Odor Mitigation Plan to ensure that odors from cannabis are not detectable outside the licensed premises.

(A) Cannabis Businesses sited on a parcel with other commercial uses, consumption lounges, indoor, greenhouse, and mixed-light cultivation activities shall provide a sufficient odor absorbing ventilation and exhaust system so that odor generated inside the Cannabis Business that is distinctive to its operation is not detected outside of the facility, anywhere on adjacent property or public rights-of-way, on or about the exterior or interior common area walkways, hallways, breezeways, foyers, lobby areas, or any other areas available for use by common tenants or the visiting public, or within any other unit located inside the same building as the Cannabis Business.

(2) Cannabis Businesses as described in Section 21.2525(n)(1)(A) must install and

maintain the following equipment, or any other equipment which the Director or their designee(s) determine is a more effective method or technology:

(A) An exhaust air filtration system with odor control that prevents internal odors from being emitted externally;

(B) An air system that creates negative air pressure between the Cannabis Business's interior and exterior, so that the odors generated inside the Cannabis Business are not detectable on the outside of the Cannabis Business.

(p) Display of Licenses and County Business Tax Certificate. The original copy of the Cannabis Business License issued by the County pursuant to this Chapter, County issued Cannabis Tax Certificate, and State issued License shall be posted inside the Cannabis Business in a location readily visible to the public. No person shall post a license after it has expired, been revoked or suspended.

SEC. 21.2526. SECURITY MEASURES AND INFRASTRUCTURE REQUIREMENTS.

(a) Cannabis businesses shall operate in conformity with their approved security and lighting plans.

(b) Security plans must describe the measures to prevent access to the licensed cannabis premises by unauthorized persons and include the following items at a minimum:

(c) Cannabis Businesses shall have a Sheriff Department-licensed, 24-hour centrally monitored video surveillance system that meets the following requirements:

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

(2) 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.

(3) 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.

(4) All video surveillance system recordings shall be accessible to the Director or their designee(s) and law enforcement officers at all times during operating hours and otherwise upon reasonable request. All recording systems shall be kept in a manner that allows copies to be obtained immediately at the licensed premises upon request. The licensee shall also send or otherwise provide copies of the recordings to the Department upon request within the time specified by the Director or their designee(s) or law enforcement.

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

(d) A licensed storefront retailer or licensed microbusiness authorized to engage in storefront retail sales shall hire or contract for, uniformed, security personnel who are at least 21 years of age, licensed by the Bureau of Security and Investigative Services.

(1) Security personnel shall be present at all times during hours of operation.

(e) Entrances, exits, doors.

(1) Cannabis businesses 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) Emergency 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.

(f) A description of the measures to prevent access to the licensed cannabis premises by unauthorized persons through the following locations: entrances, exits, windows, and roofs.

SEC. 21.2527. RETAILERS.

(a) A licensed retailer may conduct sales and delivery of cannabis goods between the hours of 7:00 a.m. Pacific Time and 10:00 p.m. Pacific Time.

(b) All deliveries must come from a facility with a valid State license and structure that has passed building inspection and obtained all required permits and approvals.

SEC. 21.2528. CONSUMPTION LOUNGES.

(a) Consumption License Types - The following license types for consumption lounges may be issued within the unincorporated San Diego County:

(1) Type A: Consumption – The consumption or ingestion of cannabis and cannabis-containing products only.

(2) Type B: Consumption with Smoking – The smoking or inhalation of cannabis or cannabis containing products, in addition to the activities authorized as a Type-A license.

(b) Consumption lounges must only be operated in conjunction with an existing cannabis storefront retail business that has been approved to operate within the unincorporated San Diego County and licensed by the State of California.

(c) Customers may smoke, inhale, consume or ingest cannabis and cannabis products within

~~the confines of the consumption lounge premises only. The smoking or inhalation of cannabis or cannabis containing products may only occur within a designated Cannabis Smoking Room.~~

~~(d) Licensees shall create customer consumption guidelines that shall include the utilization of labels, menu notifications, signage, portion control, dosage monitoring, and staff education to prevent the overconsumption of cannabis by customers. A consumption lounge is authorized to sell any type of cannabis product for consumption on-site in compliance with state packaging requirements. Cannabis goods shall only be provided to an individual in an amount reasonable for on-site consumption and consistent with personal possession and use limits allowed by the state.~~

~~(e) Licensees shall not permit customers to bring their own personal cannabis or cannabis goods to the consumption lounge facility.~~

~~(f) All cannabis goods purchased and opened at the facility must be smoked, inhaled, consumed or ingested on-site, and shall not be permitted to leave the facility unless repackaged in a container that is compliant with all applicable state law and regulation. Licensees shall only permit customers to leave the consumption lounge with cannabis and cannabis goods that remain in originally sealed and unopened packaging or have been transferred by the operator for repackaging in a container that is compliant with all applicable state law and regulation.~~

~~(g) The sale or consumption of alcohol or tobacco products is not allowed on the premises.~~

~~(h) Access to cannabis consumption areas shall be restricted to persons twenty-one (21) years of age and older.~~

~~(i) Each entrance to a cannabis consumption area shall include a prominently posted warning that notes cannabis consumption, including the smoking of cannabis, as applicable, is permitted inside.~~

~~(j) The smoking, inhalation, consumption or ingestion of cannabis or cannabis goods shall not be visible from any public place or area where minors may be present. The consumption lounge shall be located within a completely enclosed building.~~

~~(k) The licensee shall provide an adequate odor mitigation plan so as to prevent any detectable odor immediately outside of the premises (this shall include within business suites that may be located adjacent to the consumption lounge). Within twenty-four (24) hours of any complaint concerning odors emanating from or originating within the facility, the licensee shall respond to the complaint in question, and shall within one (1) business day file a written disclosure to the County documenting any and all actions taken and planned to address the odor complaints. If the odor complaints persist, the facility shall be closed until the situation is resolved.~~

~~(l) Licensees shall not provide service to impaired patrons and shall provide information on rideshare services.~~

~~(m) The sale of prepackaged, non-alcoholic beverages and prepackaged food products in the original manufacturer's packaging may be sold onsite.~~

~~(n) Non-cannabis food or beverage products may not be contaminated or commingled with any cannabis products sold or served on the premises.~~

(o) No person shall cause or permit the sale of non-cannabis infused food products unless specifically authorized by state law and the required permits have been obtained from the County Department of Environmental Health and Quality.

(p) Licensees that provide non-cannabis infused food and/or beverages as part of their business operation must comply with all applicable provisions established in the California Health and Safety Code, Sections 11370 et seq., also referred to as the California Retail Food Code, as well as applicable provisions established in this Code that pertain to the operation of a retail food facility.

(q) Additional requirements for Type B Licenses:

(1) Smoking or vaporizing of any cannabis product by an employee or customer is not allowed within the food preparation, food storage or warewashing area of a food facility located on the premises.

(2) Employees are permitted at their discretion and without penalty or sanction to wear a mask for respiration in any area where cannabis is smoked.

(3) When hired, employees who will be working where cannabis is smoked shall be provided in writing the California Department of Public Health's guidance regarding secondhand cannabis smoke.

(4) Secondhand smoke shall be included in the analysis of potential work hazards for the purposes of a cannabis business's injury and illness prevention plan, as applicable under current law.

(5) Smoking Room Ventilation Plan Application:

(A) An application for a Type B license shall be submitted to the Director or designee(s) prior to mechanical system approval from the PDS Building. The application must include a Cannabis Smoking Room Ventilation Plan and must contain the following:

a. A letter signed and stamped by a licensed mechanical engineer or other individual authorized by the California Business and Professions Code Sections 6700- 6799 (Professional Engineer Act) that demonstrates with reasonable certainty that the performance standards described in this ordinance will be met and the designated cannabis smoking room ventilation system will operate in compliance with the rules.

b. The Cannabis Smoking Room Ventilation Plan shall include enough project information (e.g. location, size, adjacent uses) to begin the Cannabis Smoking Room Ventilation approval process between the Department and the applicant. The proposal shall describe how the proposed facility will comply with the following standards:

i. Protection from particulate matter (PM 2.5) equivalent to the associated MERV 11 filtration pursuant to ASHRAE standards 52.2).

ii. The room shall remain under negative air pressure, at all times, while in use.

- c. Cannabis Smoking Room Ventilation Plan Contents. The plan must include a description for the following:
- i. Air change for the designated Cannabis Smoking Room
 - ii. Air change for common areas inside the licensed cannabis business.
 - iii. Filter type and odor control measures
 - iv. Location of air intakes and exhaust outlets (exhaust outlets located the maximum distance possible from any residential or commercial building, and no less than 15 feet). Exhaust outlets shall comply with the California Mechanical Code 502.2.2-Other Product-Conveying termination requirements.
 - v. If negative pressure in the Cannabis Smoking Room will be maintained
 - vi. If negative pressure will be maintained only in the Designated Cannabis Smoking Room
 - vii. Areas not served by enhanced ventilation
 - viii. Area or areas of building where smoking or vaping will occur
 - ix. If applicable, location of Z-ducts, trickle vents or similar unfiltered air system used for the licensed cannabis business.
 - x. Percentage of total square footage, for customer use, of the permitted Cannabis Retailer that will be used for vaping or smoking of cannabis in the Cannabis Smoking Room
 - xi. Evidence the Cannabis Smoking Room does not share space with employee work area.
 - xii. Maximum occupant load for the Designated Cannabis Smoking Room
 - xiii. Cannabis Smoking Room Operating Standards. The cannabis smoking room shall comply with the following operating standards:
 - xiv. The Cannabis Smoking Room will be located in a non-work area where employees are not required to enter the Cannabis Smoking Rooms as a condition of their employment.
 - xv. The Cannabis Smoking Room shall have signage to designate smoking areas and the locations where signage will be installed.
 - xvi. The Cannabis Smoking Room shall have a separate heating, ventilation and air-conditioning (HVAC) system such that none of the air in the Cannabis Smoking Room will be recirculated into other parts of the Cannabis Business's premises, or other parts of the premises.
 - xvii. The Cannabis Smoking Room shall be completely separated from the remainder of the premises by solid partitions or glazing without openings

other than doors, and all doors leading to the Cannabis Smoking Room must be self-closing. All doors to the Cannabis Smoking Room must be installed with a gasket to provide a seal where the door meets the stop.

- xviii. The Cannabis Smoking Room shall exhaust 100% of the air directly to the outside through a Pollution Control Unit and Odor Control Unit that, at a minimum, eliminates all detectable odor, smoke and by-product of combustion so as to prevent any and all public nuisances.
- xix. The Cannabis Smoking Room shall remain under negative pressure and shall have a 10% differential, in relation to the other spaces of the establishment.
- xx. The Cannabis Smoking Room shall be equipped with a ventilation system that provides 60 cubic feet per minute (cfm) of supply air per smoker.
- xxi. The Cannabis Smoking Room shall not be directly accessible from the primary outside entrance to the establishment, and may not be visible from the fronting street or store front.
- xxii. The Cannabis Smoking Room shall reside within the existing, Licensed Cannabis Business.
- xxiii. The Cannabis Smoking Room's ventilation system and all mechanical equipment will be designed to assure compliance with all requirements in the County of San Diego Noise Ordinance.
- xxiv. The permittee shall adopt a complaint process by which it will review and address complaints by employees or members of the public concerning on-site consumption or smoking and provide a written process to the Department.
- xxv. The Cannabis Smoking Room's ventilation system shall be designed to comply with the Product-Conveying Systems, per California Mechanical Code 505.0 requirements.
- xxvi. The Cannabis Smoking Room Ventilation Proposal must include a description of the Operations and Maintenance plan for the ventilation system and methods for recordkeeping to ensure that the Operations and Maintenance Plan is followed.
- xxvii. A current Operations and Maintenance Manual must be kept on-site and provided to all managers, building engineers and building owners.
- xxviii. The manual shall be reviewed annually and updated as appropriate.

SEC. 21.2529. DISTRIBUTORS [RESERVED].

SEC. 21.2530. CULTIVATORS [RESERVED].

SEC. 21.2531. MANUFACTURERS [RESERVED].

SEC. 21.2532. MICROBUSINESSES [RESERVED].

SEC. 21.2533. TESTING LABORATORIES [RESERVED].

SEC. 21.2534. TEMPORARY CANNABIS EVENTS.

(a) Purpose. In addition to the Cannabis Business License described elsewhere in this Chapter, the Director or their designee(s) may issue temporary cannabis event licenses authorizing sales of cannabis or cannabis products to, and/or consumption of cannabis or cannabis products by, persons 21 years of age or older, in connection with temporary events. This section provides for regulation of events for any number of expected attendees.

(b) License Required. No person shall conduct a temporary cannabis event as defined in Section 21.2503 in the unincorporated area of the County unless a license has been obtained pursuant to this chapter. A temporary cannabis event license shall not be subject to section 21.101-21.117, but some of those sections as designated below, may be applied to this Chapter.

(c) Informational or Educational Cannabis Events. A license is not required for informational or educational cannabis events where no sales, sampling, or consumption of cannabis goods is occurring.

(d) State Approval. A Temporary Cannabis Event License may be issued only to an applicant who holds a Cannabis Event Organizer License and a Temporary Cannabis Event License issued by the California Department of Cannabis Control, or that is otherwise authorized by State law to organize temporary cannabis events.

(e) Additional Approvals. An applicant for a Temporary Cannabis Event License shall be responsible to obtain all other required licenses, permits, and approvals from all federal, State and local entities before a license for the event may be granted.

(f) Application Requirements.

(1) An applicant for a temporary cannabis event shall be a Department of Cannabis Control licensed cannabis event organizer and meet the requirements of section 21.2512.

(2) An application for a Temporary Cannabis Event License shall be submitted by the Cannabis Event Organizer on a form provided by the Director or their designee(s) no less than sixty (60) calendar days before the first day of the temporary cannabis event. The application shall contain the list of Department of Cannabis Control licensees participating in the event. State approval for the event shall be received by the County no later than seven (7) days before the start date of the event.

(3) Applicant(s) for a Temporary Cannabis Event License must provide a copy of all final

application materials submitted to the State of California pursuant to California Code of Regulations Section 15002.1 (Temporary Cannabis Event Application) as amended from time to time.

(4) A plot plan showing:

(A) Each property on which the event, event parking, event staging and other incidental uses for the event will occur.

(B) Each property within 700 feet from the exterior boundaries of each property where the event, event parking, event staging and other incidental uses for the event will occur.

(C) The location of all existing structures, all structures to be erected, including booths, portable lavatories, stages, water fountains, medical and first aid stations, security command center, parking areas and trash disposal facilities, and the location of all outdoor cooking or live fires on the property shown in response to subparagraph (A) above.

(D) The pathways for pedestrian access on the property shown in response to subparagraph (A) above.

(E) The routes for vehicle and pedestrian access in the area surrounding the property shown in response to subparagraph (A) above.

(5) Property Owner Approval. A written statement from the owner or person in control of each property shown in paragraph (3)(A) above, authorizing the use of the property for the outdoor assembly.

(6) Insurance. An applicant for a temporary cannabis event license shall provide proof of comprehensive general liability insurance coverage pre-approved by the Risk Management Division of the County Human Resources Department (Risk Management). The policy shall insure the licensee, all entertainers, vendors, solicitors, and all other event participants against loss resulting from liability for damages for bodily injury or death and property damage arising from the event Risk Management shall determine the amount of insurance necessary based upon its determination of the risks presented by the event.

(7) An emergency plan that includes an emergency medical procedures plan and emergency evacuation or sheltering plan.

(g) Manager Registration. A temporary cannabis event for which a license is required by this chapter shall have a manager over the age of twenty-one (21) present at the event at all times while the event is being conducted. No person shall act as the manager of a temporary cannabis event unless they have registered with and been approved by the Issuing Officer. No person shall employ a manager of temporary cannabis event unless the Issuing Officers has approved the manager's registration.

(h) Security Personnel. A temporary cannabis event shall have a minimum of one (1) security personnel in attendance at all times per 100 attendees. Security personal shall be over the age of twenty-one (21) and licensed by the California Bureau of Security and Investigative Services. The Issuing Officer may, as a condition to issuing the license, require more than the minimum security personnel, if the Issuing Officer determines that additional security personnel are necessary to protect the health and safety of attendees and/or the community.

~~(i) Inspection by Law Enforcement Officers and Regulatory Officials. Any law enforcement officer, fire official, health or safety inspector, County code enforcement officer, or any other public officer having regulatory responsibility for any activity occurring at a Temporary Cannabis Event shall be allowed access to the property where the event is occurring for the purposes of conducting an inspection.~~

~~(j) License Conditions. Any applicant awarded a Temporary Cannabis Event License shall be responsible for ensuring that the temporary event is conducted in compliance with all State and County laws applicable to the sale and consumption of cannabis at the event. A Temporary Cannabis Event License holder and all retailers participating in the temporary event shall comply with all conditions required under State and County licenses and permits, in addition to, and not limited to, the following conditions:~~

~~(1) The Director or their designee(s) may impose any license conditions that the Director or their designee(s) deems conducive to the protection of public health and safety, the mitigation of potential adverse impacts on nearby neighborhoods or public spaces, and the prevention of underage or otherwise unlawful access to cannabis or cannabis products, or that otherwise would be conducive to the safe, lawful, and orderly operation of the proposed event.~~

~~(2) A Temporary Cannabis Event License shall only be issued for up to four (4) consecutive days consisting of no more than two (2) days of operation and two (2) days for set-up and breakdown/cleanup. The hours of operation for the event shall be no earlier than 10a.m. and no later than 10p.m.~~

~~(3) A Temporary Cannabis Event may be held on private property as approved by the County.~~

~~(4) All cannabis events must comply with California Department of Cannabis Control Regulations Title 4, Division 19 Chapter 5 § 15600, et seq., and all California Regulations adopted thereafter.~~

~~(5) San Diego County Sheriff's Deputies, County Code Enforcement Officers, or other agents or employees of the County requesting admission to a Temporary Cannabis Event for the purpose of determining compliance with these standards shall be given unrestricted access, including areas not open to the general public.~~

~~(6) The County may require the event organizer and all participants to cease operations without delay if, in the opinion of the County or law enforcement, it is necessary to protect the immediate health and safety of the public. Upon notification from the County that the event is to cease operations, the event organizer shall immediately stop the event and all participants shall be removed from the temporary cannabis event premises within the time frame provided by the County.~~

~~(7) Food may be consumed; however, the sale or consumption of alcohol or tobacco products on the premises is prohibited.~~

~~(8) Non-cannabis infused food and beverage products shall not be sold without all applicable permits having been obtained as required by County Department of Environmental Health and Quality.~~

~~(k) Site Restoration. As a condition of the license, the licensee shall be required to clean and restore the location where the event occurs, including the surrounding areas and any adjacent~~

roadways to the same condition as existed before the event. If the licensee fails to comply with this condition, the County may clean and restore the property and require the licensee to pay the costs the County incurs. The County may consider the licensee's failure to clean and restore any property, including property owned by others, after the event in denying a subsequent license application or conditioning a grant of a subsequent license upon posting security in an amount the County determines is appropriate based upon the licensee's prior failure.

(l) Issuance or Denial of Permit.

(1) The Director or their designee(s) may grant a Temporary Cannabis Event License in their reasonable discretion, or may deny a Temporary Cannabis Event License in their reasonable discretion based on one (1) or more of the following findings:

(A) The applicant has not sufficiently established that the sale or consumption of cannabis or cannabis products at the event would comply with applicable state and County laws;

(B) The applicant has not sufficiently established that the sale or consumption of cannabis or cannabis products at the event would be consistent with public health or public safety;

(C) The applicant has not sufficiently established that the sale or consumption of cannabis or cannabis products at the event would not have adverse impacts on nearby neighborhoods or public spaces;

(D) The applicant has not taken steps sufficient to reasonably ensure that the only individuals and/or entities that will provide on-site sales of cannabis goods at the proposed event are those that have been identified on the application as holding a Department of Cannabis Control retail license;

(E) The applicant has provided materially false or incomplete information in support of the application;

(F) There is insufficient time to process the permit application adequately in advance of the proposed event;

(G) If the San Diego County Sheriff's Office has insufficient staff available to cover other special events and patrol or respond to calls for service at a temporary cannabis event;

(H) There is other good cause to deny the permit.

(m) Appeals.

(1) Appeals relating to denial of an application; to revoke, suspend or modify a Cannabis Business License; to deny renewal of an application for a license; or to add conditions to a license shall be conducted as set forth in Chapter 1 of the County of San Diego Uniform Licensing Procedure

(n) Violation – License Suspension and Revocation. In addition to being subject to administrative remedies pursuant to Sections 21.2538 to 21.2540 of this chapter, if the Director or their designee(s) determines a licensee is not complying with license conditions or is conducting a temporary cannabis event in a manner that threatens the health or safety of any person, the Director or their designee(s) may immediately revoke the license, suspend the licensee's right to operate during certain hours or on certain days and/or may allow the licensee to continue to operate subject to additional conditions. Director or their designee(s) decision

under this section to revoke, suspend or impose a condition to the license is not appealable.

SEC. 21.2535. RECORDS AND RECORDKEEPING.

(a) Each owner and operator of a Cannabis Business shall maintain accurate books and records in an electronic format, detailing all of the revenues and expenses of the business, and all of its assets and liabilities for a period not less than seven (7) years.

(b) On no less than an annual basis (at or before the time of the renewal of a Cannabis Business License issued pursuant to this Chapter), or at any time upon reasonable request of the County, each Cannabis Business shall file a sworn statement detailing the number and amount of sales by the Cannabis Business during the previous twelve-month period (or shorter period based upon the timing of the request), provided on a per-month basis. The statement shall also include gross sales for each month, and all applicable taxes and/or fees paid or due to be paid.

(c) Each licensee shall be subject to regulatory compliance inspections and a gross receipts financial audit, where applicable, as determined by the County. Records must be kept in a manner that allows the records to be produced for the County in either hard-copy or electronic form.

(d) Each owner and operator of a Cannabis Business shall maintain a current register of the names and the contact information (including the name, address, and telephone number) of anyone owning or holding an interest in the Cannabis Business, and separately of all the officers, managers, employees, agents, and volunteers currently employed or otherwise engaged by the Cannabis Business. The register required by this paragraph shall be provided to the Director or their designee(s) upon request.

(e) All Cannabis Businesses shall maintain an inventory control and reporting system that accurately documents the present location, amounts, and descriptions of all cannabis and cannabis products for all stages of the production process until purchased as set forth in the MAUCRSA.

(f) All Cannabis Businesses shall maintain records of employee training as required by section 21.2525(j) and maintained for at least three (3) years.

SEC. 21.2536. FEES AND CHARGES.

(a) No person may commence or continue any cannabis activity in the County, without timely paying in full all fees and charges required for the operation of a Cannabis Business or Event as provided in section 362.1 of the County Code of Administrative Ordinances. Fees and charges associated with the operation of a cannabis activity shall be established by Planning & Development Services which may be amended from time to time.

(b) All Cannabis Businesses authorized to operate under this Chapter shall pay all license, permit, registration, and other fees required under federal, state, and local law.

SEC. 21.2537. INSPECTIONS.

(a) The Director or their designee(s) who is charged with enforcing the provisions of the San Diego County Code of Regulatory Ordinances, or any provision thereof, as well as law enforcement, and the fire authority having jurisdiction may enter the location of a Cannabis

Business at any time, without notice, and inspect the location of any Cannabis Business as well as any recordings and records which may include access to Point-of-Sale and Track and Trace data such as METRC that is required to be maintained pursuant to this Chapter or under applicable provisions of State law.

(b) All cannabis businesses shall be inspected at least once quarterly to verify compliance with this chapter, unless the Director approves a reduced inspection frequency. The Director may approve a reduced inspection frequency only if it will not pose an additional risk to public health and safety or the environment, but in no case shall the frequency be less than once per calendar year. The Department may develop additional procedures regarding the approval or denial of request for reducing the frequency of inspections in Section 21.2540 of this Chapter.

(c) It is unlawful for any person having responsibility over the operation of a Cannabis Business, to impede, obstruct, interfere with, or otherwise not to allow the County to conduct an inspection, review or copy records, recordings or other documents required to be maintained by a Cannabis Business under this Chapter or under state or local law. It is also unlawful for a person to conceal, destroy, deface, damage, or falsify any records, recordings or other documents required to be maintained by a Cannabis Business under this Chapter or under state or local law. Failure to allow the inspection under this section is grounds for suspension or revocation of the license.

(d) The Director or their designee(s), who is charged with enforcing the provisions of this Chapter may enter the location of a Cannabis Business at any time during the hours of operation and without notice to obtain samples of the cannabis to test for public safety purposes. Any samples obtained by the County of San Diego shall be logged, recorded, and maintained in accordance with established procedures by the Director or their designee(s) or these regulations.

SEC. 21.2538. ENFORCEMENT BY DIRECTOR.

(a) The Director may use any or all remedies outlined in Section 11.121 of this code to address any violation of this chapter or failure to abide by any requirement of this chapter.

(b) Any violation of this chapter is a public nuisance and may be enforced pursuant to section 16.201 et seq. of this code and any other remedy allowed by law.

SEC. 21.2539. ADMINISTRATIVE CITATIONS.

(a) Administrative citations may be issued pursuant to sections 18.101 et seq. of this code with the following exceptions:

(1) Warnings. Unless all of the following are true, no warning pursuant to section 18.103 is required for any violation of this code or any other County ordinance determined to be a result of unlicensed commercial cannabis activity undertaken without a license as required by Division 10 (commencing with section 26000) of the Business and Professions Code:

(A) A tenant is in possession of the property that is the subject of the administrative action,

(B) The rental property owner or agent can provide evidence that the rental or lease agreement prohibits the commercial cannabis activity, and

(C) The rental property owner or agent did not know the tenant was engaging in unlicensed

commercial activity for which a license was required, and no complaint, property inspection, or other information caused the rental property owner or agent to have actual knowledge of the unlicensed commercial cannabis activity.

(2) Amount of Fines. Fine amounts are as follows and are not pursuant to 18.106(a). Fines may be imposed per violation, per day and the fine amounts shall be cumulative where multiple citations are issued:

(A) Licensees

- a. A fine not exceeding \$1,000 for the first violation.
- b. A fine not exceeding \$2,500 for the second citation of the same County code provision within one (1) year of the first violation.
- c. A fine not exceeding \$10,000 for a third violation or subsequent citation of the same County code provision within one (1) year of the first violation.
- d. The maximum amount of accumulated fines, excluding any late payment charges or other costs, shall not exceed \$75,000 per parcel or structure per year for any related series of violations.

(B) Non-Licensees

- a. A fine not exceeding \$1,000 for the first violation.
- b. A fine not exceeding \$10,000 for the second violation within one (1) year of the first citation.
- c. A fine not exceeding \$25,000 for the third violation within one (1) year of the first citation.
- d. A fine not exceeding \$50,000 for the fourth or subsequent violation within one (1) year of the first citation.
- e. The property owner and each owner of the occupant business entity engaging in the unlicensed activity without a license as required by Division 10 (commencing with Section 16000) of the Business and Professions Code may be held jointly and severally liable for administrative fines.

SEC. 21.2540. CIVIL PENALTIES.

- (a) Civil Penalties may be assessed pursuant to sections 18.201 et seq. of this code.
- (b) The property owner and occupant owner of the business may be held jointly and severally liable for all administrative fines, fees, and penalties.
- (c) The Director may impose additional penalties for unlicensed commercial cannabis business activity pursuant to Government Code Section 53069.4.

SEC. 21.2541. LICENSEE AND LANDOWNER RESPONSIBLE FOR VIOLATIONS.

~~(a) The licensee and landowner shall be jointly responsible for compliance with all laws of the State of California or of the regulations and/or the ordinances of the County, whether committed by the licensee or any employee or agent of the licensee, which violations occur in or about the premises of the Cannabis Business whether or not said violations occur within the license holder's presence. Unless specifically designated otherwise, the licensee is considered to have prime responsibility for compliance; however, this does not relieve the property owner of the duty to take all necessary steps to assure compliance with this Chapter.~~

~~SEC. 21.2542. PROMULGATION OF PROCEDURES, STANDARDS, AND OTHER LEGAL DUTIES.~~

~~(a) In addition to any regulations adopted by the Board, the Director or their designee(s) shall adopt necessary and reasonable written policies and procedures governing the issuance of Cannabis Business Licensing operations, equipment, personnel, and program oversight for the effective and reasonable administration of this Chapter.~~

~~SEC. 21.2543. LIMITATIONS ON THE COUNTY'S LIABILITY.~~

~~(a) To the fullest extent permitted by law, the County of San Diego shall not assume any liability whatsoever with respect to having issued a Cannabis Business License pursuant to this Chapter or otherwise approving the operation of any Cannabis Business. As a condition to the approval of any Cannabis Business License, the applicant shall be required to meet all of the following conditions prior to receiving the Cannabis Business License:~~

~~(1) Execute an agreement, in a form approved by the County Counsel, agreeing to indemnify, defend (at applicant's sole cost and expense), and hold the County of San Diego, and its officers, officials, employees, representatives, and agents, harmless, from any and all claims, losses, damages, injuries, liabilities or losses which arise out of, or which are in any way related to, the County's issuance of the Cannabis Business License, the County's decision to approve the operation of the Cannabis Business or activity, the process used by the County in making its decision, or the alleged violation of any federal, state or local laws by the Cannabis Business or any of its officers, employees or agents. The proposed transferee's application shall be accompanied by a transfer fee provided in section 362.1 of the County Code of Administrative Ordinances.~~

~~(2) Maintain insurance at coverage limits, and with conditions thereon determined necessary and appropriate by the County.~~

~~(3) Reimburse the County for all costs and expenses, including but not limited to legal fees and court costs, which the County may be required to pay as a result of any legal challenge related to the County's approval of the applicant's Cannabis Business license or related to the County's approval of a cannabis activity. The County, at its sole discretion, may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any of the obligations imposed hereunder.~~

~~SEC. 21.2544. 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.~~

