

# CITY OF SAN DIEGO LAUNCHES RECREATIONAL CANNABIS CITY WEBSITE

News 8 reports...

“We developed this webpage to explain the changes that will take effect after January 1,” said Development Services Director Robert Vacchi. “It also provides details about the permit application process for those interested in starting a marijuana business. This webpage will help individuals understand the guidelines and rules established for this new industry.”

In addition to the final approved ordinances governing Marijuana Outlets and Marijuana Production Facilities, the website includes:

- General submittal instructions to apply for a Conditional Use Permit;
- Text of the legislation legalizing recreational marijuana in the City of San Diego;
- New/revised use categories and definitions for the new business categories;
- Lists and maps of existing marijuana outlets (formerly medical marijuana consumer cooperatives);
- Permitting instructions;
- Special operating requirements and prohibitions; and
- Information Bulletins.

Permit application processing began on Thursday, Nov. 16, 2017. For more information visit [www.sandiego.gov/marijuanainfo](http://www.sandiego.gov/marijuanainfo).

## INFORMATION ON WEBSITE 27 OCTOBER 2017

<https://www.sandiego.gov/blog/marijuana-cultivation-testing-sales-and-delivery>

Prospective business owners seeking to open Adult Use Marijuana businesses within the San Diego city limit may refer to the following information for guidance. Municipal Code Regulations were passed to outline the

City's definition and requirements for Marijuana businesses, as mandated by the passage of Proposition 64 by State of California voters on Nov. 8, 2016.

## Legislation

In 2017, the City introduced amendments to the Land Development Code to include regulations that will allow marijuana outlets, a retail establishment (recreational, medicinal or combination) operating with a Conditional use Permit where marijuana, marijuana products and marijuana accessories are sold to the public. Marijuana outlets may be approved with a Process Three CUP and are limited to no more than four per Council District, 36 citywide. An outlet with a City of San Diego issued permit would be allowed to sell both medicinal and recreational marijuana. However, retail marijuana sales would be prohibited until the State has begun issuing licenses for commercial marijuana activities, as defined in California Business and Professional Code section 26001. The 15 currently approved Medical Marijuana Consumer Cooperatives would become Outlets at that time, and would be allowed retail sale of marijuana as well.

Ordinance No. O-20793, introduced in February 2017, approved amendments to the Land Development Code and the Local Coastal Program and replaced the Medical Marijuana Consumer Cooperative (MMCC) use with a new retail sales use, called a Marijuana Outlet (Outlet). It became effective on April 12, 2017 in areas of the City of San Diego outside of the Coastal Overlay Zone, and became effective on October 12, 2017 within the Coastal Overlay Zone.

Ordinance No. O-20859 was introduced on September 11, 2017 to regulate the marijuana industry including commercial cultivation, distribution and storage, and production of medical and recreational marijuana and marijuana products, and to allow testing labs when new state laws take effect in January 2018.

San Diego voters approved a local tax measure on recreational marijuana in 2016 that would start at five percent and rise to eight percent in July 2019. That excise tax, which could rise as high as 15 percent (with Council approval), would apply to marijuana farms, factories and dispensaries. San Diego has allowed consumer cooperatives to sell marijuana to medical patients since 2015, and agreed in early 2017 to allow the 15 previously approved medical marijuana consumer cooperatives to expand their sales to recreational customers next year.

Links to the final ordinance language passed by the San Diego City Council for commercial marijuana businesses can be found below:

 [ORDINANCE NUMBER O-20793](#) – RELATING TO MARIJUANA OUTLETS

 [ORDINANCE NUMBER O-20858](#) – RELATING TO MARIJUANA PRODUCTION FACILITIES AND THE DISTRIBUTION AND TRANSPORT OF MARIJUANA AND MARIJUANA PRODUCTS.

 [ORDINANCE NUMBER O-20859](#) – RELATING TO TESTING AND MARIJUANA PRODUCTION FACILITIES.

## Definitions

### NEW/REVISED USE CATEGORY

**Marijuana Production Facilities:** Created a new use category for individual or combined facilities engaged in the agricultural raising, harvesting and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of the California Departments of Food and & Agriculture, Consumer Affairs, and Public Health. Retail sales and testing are prohibited.

- Separation requirements from sensitive receptors
- 1,000' from public parks, churches, childcare, playgrounds, libraries, minor oriented facilities, residential care facilities and schools
- 100' from residential zones
- No separation requirements from other Marijuana Production Facilities or Marijuana Outlets

**Marijuana Outlet:** An establishment (retail, medicinal or combination) operating with a Conditional Use Permit (CUP) where marijuana, marijuana products, and marijuana accessories are sold to the public.

**Marijuana Testing Facilities:** Testing for scientific research (including cannabis testing) that leads to the development of new product and processes is currently an allowed use (Research & Development). A new use category has been introduced allowing commercial testing of marijuana & marijuana products.

**Limited Zones:** Research & Development is permitted in several industrial and commercial zones. Commercial testing of marijuana will be permitted in those zones where residential use is prohibited. No limitations or restrictions on the number of facilities or proximity from sensitive receptors/other testing facilities. Permitted use.

 [List of Pending Marijuana Outlet applications by Council District \(previously MMCC\)](#)

 [Map of permitted Marijuana Outlets](#)

## Permitting Requirements MARIJUANA PRODUCTION FACILITIES

- Permit process consistent with Marijuana Outlets
- CUP Process Three – Hearing Officer; appealable to Planning Commission
- CUP expiration 5 years / CUP extension 5 years
- Remove from consideration for CUP extensions those sensitive receptors or zone changes occurring AFTER approval of CUP
- 24-month sunset for those existing facilities operating with a valid Business Tax Certificate that was issued on/before January 31, 2017.

## SPECIAL OPERATING REQUIREMENTS MARIJUANA PRODUCTION FACILITIES

- Retail sales strictly prohibited
- Facilities must be entirely enclosed / no outdoor storage or operations
- Lighting/security; include operable cameras, alarms and security guard
- Emergency contact information must be displayed from the public right-of-way
- No signage allowed, address only
- Requirements for fingerprinting, background (similar to Marijuana Outlets)

 [Information Bulletin \(IB\) 170 – Marijuana Outlets \(formerly known as Medical Marijuana Consumer Cooperatives \(MMCC\)\)](#)

 [Information Bulletin \(IB\) 171 – Marijuana Production Facility – \*\*Regulations Effective Nov. 16, 2017\*\*](#)

## Permit Process

Conditional Use Permits are required for both Marijuana Outlets and Marijuana Production Facilities.

- Marijuana Production Facility: CUP applications accepted beginning November 16, 2017, by appointment only. Registration for submittal appointments are currently being accepted immediately.

 [Learn more about the Permit Process for Marijuana Production Facilities](#)

- Marijuana Outlet: CUP applications are now being accepted. For more details, including the permit process for Marijuana Outlets, refer to  [Information Bulletin 170](#).

## Prohibitions Under State Proposition 64

The City also proposed the following prohibitions to further clarify what is not permitted:

- Sale and distribution of marijuana and marijuana by-products at special events;
- Outdoor growing of personal residential marijuana; and
- No smoking in public places or on the business premises.