

#10
12/06/22

(O-2023-61)
(COR. COPY)

ORDINANCE NUMBER O- 21591 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 14 2022

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1,
DIVISION 5 BY AMENDING SECTION 141.0504 RELATING
TO REDISTRICTING AND CONDITIONAL USE PERMIT
EXTENSIONS FOR CANNABIS OUTLETS.

WHEREAS, the Development Services Department (DSD) Cannabis Business Division (CBD) oversees administration of cannabis businesses operating in the City of San Diego, including permitting, compliance, enforcement, and program development activities; and

WHEREAS, CBD has identified sections of the San Diego Municipal Code that should be amended including: 1) City Council district boundaries impacted by redistricting following the 2020 census; and 2) cannabis permit expiration dates; and

WHEREAS, this Ordinance allows permitted cannabis outlets to continue operating if their location is redistricted into a new City Council district that is at or over the cannabis outlet limitation; and

WHEREAS, this Ordinance prevents the unlimited extension of cannabis outlet Conditional Use Permits when an applicant submits an application for an amendment but fails to provide requested materials, information, fees, or deposits within 90 calendar days from the date the City deemed the application complete or the City's last written request, whichever is later; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 14, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 141.0504 to read as follows:

§141.0504 Cannabis Outlets

Cannabis outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones). No more than four *cannabis outlets* are permitted in each City Council District except that any permitted *cannabis outlet* that changes City Council District as a result of redistricting may remain at its originally permitted location for the duration of its permit, regardless of the number of permitted *cannabis outlets* within the new City Council District boundary, and subject to continued compliance with this section. *Cannabis outlets* are subject to the following regulations.

(a) through (m) [No change in text.]

(n) [No change in text]

(1) [No change in text.]

(2) A change in zoning or change in Council District as a result of redistricting after the approval date of the current Conditional Use Permit shall not be considered in making the findings required for amendments processed in accordance with Section 141.0504(n).

(3) [No change in text.]

(4) [No change in text.]

(A) [No change in text.]

- (B) An amendment application to extend the expiration date of a Conditional Use Permit must be submitted and *deemed complete* prior to the Conditional Use Permit expiration date. The Conditional Use Permit shall automatically be extended until a decision on the amendment request is final, and all available administrative appeals of the project decision have been exhausted. This automatic extension does not apply to *development permit* applications that are closed in accordance with Section 126.0115.

Section 2. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station Miramar, Gillespie Field, Montgomery-Gibbs Executive Airport, and Brown Field Airport (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 3. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless a deemed complete application for such permits is submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 4. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By /s/ Noah J. Brazier
Noah J. Brazier
Deputy City Attorney

NJB:jdf
09/20/2022
01/31/2023 COR. COPY
Or.Dept: DSD
Doc. No.: 3104254_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022.

ELIZABETH S. MALAND
City Clerk

By _____
Deputy City Clerk

Approved: _____
(date)

TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

(See attached memo and signature page.)

**Office of
The City Attorney
City of San Diego**

MEMORANDUM

DATE: January 31, 2023
TO: City Clerk
FROM: Noah J. Brazier, Deputy City Attorney
SUBJECT: O-21591 December 6, 2022

Please see the attached Ordinance O-2023-61 COR. COPY and Strikeout COR. COPY, the ordinance was corrected by deleting and at the end of first sentence on Section 141.0504(n)(4)(B).

NJB:jdf
Enclosure
cc: Gilbert Sanchez, Associate Management Analyst

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of DEC 06 2022

ELIZABETH S. MALAND
City Clerk

By *J. Krystell Medina*
Deputy City Clerk

Approved: 12/14/22
(date)

Todd Gloria
TODD GLORIA, Mayor

Vetoed: _____
(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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(1) [No change in text.]

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(A) [No change in text.]

(B) An amendment application to extend the expiration date of a Conditional Use Permit must be submitted and *deemed complete* prior to the Conditional Use Permit expiration date, ~~and the~~ The Conditional Use Permit shall automatically be extended until a decision on the amendment request is final, and all available administrative appeals of the project decision have been exhausted. This automatic extension does not apply to development permit applications that are closed in accordance with Section 126.0115.

NJB:jdf
09/15/2022
01/31/2023 COR. COPY
Or.Dept: DSD
Doc. No.: 3090266_2

DEC 06 2022

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 14 2022

AUTHENTICATED BY:

TODD GLORIA
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 15 2022, and on DEC 14 2022

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p style="text-align: right;">21591</p> <p>Ordinance Number O-_____</p>
