



THE CITY OF SAN DIEGO

Publication Date: July 27, 2017

Requesting Department: Development Services

Type of Notice: Public Hearing

DATE OF MEETING: MONDAY, SEPTEMBER 11, 2017 (Please note this hearing is being rescheduled from Monday, July 31, 2017.)

TIME OF MEETING: 2:00 P.M.

PLACE OF MEETING: COUNCIL CHAMBERS, 12TH FLOOR,
CITY ADMINISTRATION BUILDING,
202 "C" STREET, SAN DIEGO, CALIFORNIA, 92101

PROJECT TYPE: Municipal Code Amendment

PROJECT NAME: AMENDMENT TO THE MUNICIPAL CODE AND THE LOCAL COASTAL PROGRAM TO ADDRESS THE ADULT USE OF MARIJUANA ACT

APPLICANT: City of San Diego

COMMUNITY PLAN AREA: Citywide

COUNCIL DISTRICT: Citywide

FOR ADDITIONAL INFORMATION, PLEASE CONTACT

CITY PROJECT MANAGER/PHONE: Dan Normandin at (619) 446-5388 /

DNormandin@sandiego.gov

PLEASE ACCEPT THIS AS A NOTICE TO INFORM YOU, as a property owner, tenant or interested citizen, that the Council of The City of San Diego, California will conduct a public hearing, as part of a scheduled City Council meeting, on the following project:

To consider approval of amendments to Chapter 11, Article 3, Division 2; Chapter 12, Article 6, Division 3; Chapter 12, Article 7, Division 1; Chapter 13, Article 1, Divisions 1 through 6; Chapter 13, Article 2, Division 15; Chapter 14, Article 1, Division 5;

Chapter 14, Article 3, Division 1; Chapter 14, Article 1, Division 10; Chapter 15, Article 1, Division 1; Chapter 15, Article 2, Division 3; Chapter 15, Article 5, Division 2; and Chapter 15, Article 6, Division 3; of the Land Development Code (LDC) and Local Coastal Program as well as amendments to the Health and Sanitation Code Chapter 4, Article 2, Division 15 all relating to the Adult Use of Marijuana Act.

Two options for amendments are proposed to the Land Development Code and the Local Coastal Program. Option 1 will create a new land use, testing labs. A testing lab is where products (including marijuana and marijuana products) are tested for health and safety purposes. Option 1 also includes clarifications and clean-up items to Chapter 4, Article 2, Division 15 of the Health and Sanitation Code. Option 2 will create two new uses, testing labs and marijuana production facilities. A marijuana production facility is where individual or combined uses are engaged in the agricultural raising, harvesting and processing of marijuana; wholesale distributing and storing of marijuana and marijuana products; and producing from marijuana and marijuana products. Marijuana production facilities will generally be subject to the regulations currently applied to marijuana outlets. Additionally, marijuana production facilities may be permitted with a Conditional Use Permit, are prohibited from providing marijuana or marijuana products to the public, are limited to two facilities per City Council district, and are permitted to locate in only the light and heavy industrial zones. Option 2 also amends Chapter 4, Article 2, Division 15 of the Health and Sanitation Code. The amendment adds a definition for marijuana production facilities, subjects marijuana production facilities to the requirements applied to marijuana outlets, and includes clarifications and clean-up items.

On December 15, 2016, the Planning Commission recommended approval of the amendments to the Land Development Code and the Local Coastal Program by a vote of vote 5-0 and recommended the regulations be modified to permit cultivation and processing, distribution and storage, and testing of marijuana and marijuana by-products at appropriate locations with a Conditional Use Permit; require all cultivation activities be in a secured location; further redefine parks; review parking requirements; delete the separation requirement of outlets from one another; provide standards for retail outlets; remove from consideration of an Extension of Time rezones that occur after approval of a CUP; and consider a separate ordinance for delivery services.

The new testing lab use in both Option 1 and Option 2 were reviewed for consistency with the certified Land Development Code (LDC) Environmental Impact Report (EIR) No. 96-0333, in accordance with Public Resources Code Section 21166 and California Environmental Quality Act (CEQA) Guidelines Section 15162. Based on this evaluation, it was determined that neither option would result in new impacts or changed circumstances that would require a new environmental document and that the previous environmental document adequately covers the modifications to the LDC resulting from the adoption of either option. With respect to Option 2 and the proposed new use, marijuana production facilities, this proposed amendment would be statutorily exempt pursuant to Section 26055(h) of the California Business and Professions Code, as it is the adoption of an ordinance related to cannabis cultivation and associated activities that

would require further discretionary review and review under CEQA upon application for a Conditional Use Permit for the marijuana production facility.

In accordance with state law, following City Council action, the City will be required to submit the amendments to the Land Development Code to the San Diego County Regional Airport Authority for a determination that they are consistent with applicable Airport Land Use Compatibility Plans. The amendments will not be effective until the Airport Authority determines the amendments are consistent with adopted ALUCPs, or the City processes an overrule, but not until the State of California has begun issuing licenses for commercial non-medical cannabis activities, as defined in California Business Professions Code section 26001.

The amendments to the Land Development Code and the Local Coastal Program are intended to apply within the coastal zone; therefore the City Council's decision requires amending the City's Local Coastal Program. As such, the final decision for areas located within the coastal zone will be with the California Coastal Commission. The City of San Diego will submit the ordinances for certification following City Council and Airport Authority action. The ordinance will not be effective in the coastal zone until the Coastal Commission unconditionally certifies the amendment, and not until the State of California has begun issuing licenses for commercial cannabis activities, as defined in California Business Professions Code section 26001.

Copies of the draft amendments are available for viewing at the City of San Diego, Planning Department at 1010 Second Avenue, San Diego, CA 92101, 12th Floor. Materials for this item will be posted 72 hours prior to the public hearing with the City Council docket at www.sandiego.gov/city-clerk/.

If you wish to be noticed of the Coastal Commission hearing on this issue, prior to the close of the City Council public hearing, you must submit a request in writing to City of San Diego, Development Services Department, 1222 First Avenue, MS-501, San Diego, CA 92101. Attention: Dan Normandin.

COMMUNICATIONS

This item may begin at any time after the time specified. Any interested person may address the City Council to express support or opposition to this issue. **Time allotted to each speaker is determined by the Chair and, in general, is limited to three (3) minutes;** moreover, collective testimony by those in support or opposition shall be limited to no more than fifteen (15) minutes total per side.

Those unable to attend the hearing may write a letter to the Mayor and City Council, Attention: City Clerk, City Administration Building, 202 "C" Street, San Diego, CA 92101-3862, Mail Station 2A; OR you can reach us by E-mail at: Hearings1@sandiego.gov or FAX: (619) 533-4045. All communications will be forwarded to the Mayor and Council.

If you wish to challenge the Council's actions on the above proceedings in court, you may

be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence to the City Council at or prior to the public hearing. All correspondence should be delivered to the City Clerk (at the above address) to be included in the record of the proceedings.

This material is available in alternative formats upon request. To order information in an alternative format, or to arrange for a sign language or oral interpreter for the meeting, please call the City Clerk's office at least 5 working days prior to the meeting at (619) 533-4000 (voice) or (619) 236-7012 (TT).

**Notice Date: 072717
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**ELIZABETH MALAND
SAN DIEGO CITY CLERK**