OVERVIEW
On January 27, 2021 (4), the Board of Supervisors (Board) voted to approve the development of a Cannabis Permitting Program that includes numerous elements to prioritize social equity, access, and business opportunities. My board letter today expands on those elements to comprehensively address concerns raised by the communities I represent, including the children throughout the unincorporated communities.

Although I have never supported the legalization of cannabis, the California voters made their voice heard when Proposition 64 was passed in 2016. In that spirit, I have not opposed any of the Board votes related to implementation of legal recreational cannabis over the past year and a half that I have been in office. After listening to my constituents, however, it is paramount to broaden the discussion surrounding cannabis facilities and equity.

The County’s Socially Equitable Cannabis Program must include programs to address disproportionate impacts to the underserved unincorporated communities. These communities already lack equity with regards to public safety, infrastructure, transit options, health, education, and economic opportunity compared to incorporated residents. The underserved unincorporated residents will most greatly feel the impacts of the proliferation of legal cannabis operations in their communities. As we move forward with the Socially Equitable Cannabis Program, the needs of the communities impacted by the facilities deserve equal consideration as all other stakeholders.

I am requesting 16 measures to be included within the Cannabis Permitting Program Environmental Impact Report (EIR) and Socially Equitable Cannabis Program that will, broadly: enhance the safety of our residents, improve the character and vibrancy of our communities, and develop a youth cannabis prevention curriculum. Some of these measures will be enshrined within the program, some require staff research and a return back to the Board, while others will require outreach to our valued community members. These measures will ensure that our unincorporated communities will flourish along with the legal cannabis industry.

RECOMMENDATION(S)
SUPERVISOR JOEL ANDERSON

PROGRAM DESIGN FEATURES FOR THE CANNABIS PERMITTING PROGRAM EIR
The following measures shall be included as part of the project to be analyzed within the Cannabis Permitting Program EIR and alternatives, in addition to considering the recommendations within the Socially Equitable Cannabis Program:
1. Expand the definition of “sensitive” uses to include the following (as defined by the General Plan and/or Zoning Ordinance that can also be further refined by staff):
   a. regional parks, local parks, trails, recreation facilities, and preserves (if preserve has visitor-serving amenities)
   b. places of worship (churches, temples, etc.)
   c. childcare centers
   d. public libraries operated by the County and/or other cities
   e. residential care facilities
   f. schools (including public, private, and charter)
   g. other cannabis facilities

2. Increase the setback of any cannabis facility from “sensitive” land uses from 600 feet to 1,000 feet (measured at the property line)

3. Expand existing County billboard regulations to prohibit advertising of cannabis on a billboard within 1,000 feet of a “sensitive” use

PROGRAM CONSIDERATIONS THAT REQUIRE RESEARCH AND RETURN TO BOARD

The intent of these measures is to provide Planning & Development Services (PDS) staff the time to research and collaborate with the community and to return to the Board within one year to provide options. These measures would direct the CAO to report back on the following:

4. For each type of cannabis facility, develop a ministerial objective design guideline checklist, similar to existing design guidelines in unincorporated communities, that will generally serve to detract those under 21 from seeking to visit the facility. These criteria could prohibit such designs that include, but are not limited to, bright colors and misleading facility names. The design guideline criteria shall be included as a checklist. If any of the criteria cannot be met, the applicant shall be required to submit justification.

5. Propose options for each community planning area that includes a limit on each type of cannabis facility based on the following criteria (including criteria set forth within Measure 1), along with a cumulative limit on indoor consumption lounges in the unincorporated area:
   a. Geographic and population size of each community
   b. Facility type related to land use designations and zoning
   c. Consider previous Board direction related to VMT and sustainability

6. Develop a definition for a “cannabis event” and provide guidance that could include geographic restrictions and limit frequency of cannabis events that could include consideration of VMT, noise compatibility, and road safety.
7. Provide options to enhance restrictions set forth within State law (California Code of Regulations, Title 4, Section 15017) to include the same requirements set forth by the Alcohol Beverage Control (ABC) licensing process.

8. Determine the legality and return to the Board with options of prohibiting, limiting, or restricting employment using the same criteria set forth by the ABC licensing process.

9. Establish a Community Equity Contribution Program, to be funded by the County, that will be integrated within the Socially Equitable Cannabis Program. This would include a report with data-driven recommendations combined with a community-led input process to determine the needs of each unique community. The Program should explore the potential of permit fee waivers or other incentives that will instead provide direct benefits to the community where these facilities and operations will be located. The intent of the Program, which could be similar to work currently being researched by County staff for Community Benefit Agreements, would be specific to cannabis facilities and could include funding for education, community beautification, and other community-related benefits, as part of the Socially Equitable Cannabis Program.

10. With the Code Compliance division of PDS leading the effort, develop recommendations to combat the illicit cannabis market and public safety concerns, in consultation with Sheriff and other regional law enforcement stakeholders, that would include (but not limited to):
   a. Parameters on deliveries (must come from a facility with a valid license and building, geographical restrictions, and limits on hours of deliveries)
   b. Enhanced enforcement options (shoulder tap/minor decoy)
   c. Other possible restrictions related to onsite consumption lounges, temporary cannabis events, and cultivation practices

PROGRAM CONSIDERATIONS THAT REQUIRE FURTHER COST RESEARCH

These measures would direct the CAO to report back on resources needed within 180 days to determine the need for future budgets (and to determine potential alignment on efforts being worked on by the Office of Equality and Racial Justice) to accomplish the following:

11. Explore how to incentivize local ownership of cannabis facilities and explore guidelines on the transfer of business licenses

12. Determine exposure-related health risks to workers at indoor consumption lounges, and, if protective measures are necessary, create requirements that shall be followed through licensing requirements.

13. Determine if code enforcement penalties can be specific to cannabis facilities, and if so, develop a set of criteria that will result in possible penalties for cannabis facilities that have documented code violations that escalate quickly if not actively resolved. This should include, in order: financial fines, forced temporary closure, and permit revocation.
14. Work collaboratively with research partners engaged through the Marijuana Prevention Initiative to develop recommendations that include a comprehensive, evidence-based marijuana prevention curriculum to be available for schools throughout the San Diego region.

15. The curriculum should also include, but not be limited to, the following:
   a. Require education to cannabis retail staff not to provide medical advice
   b. Conduct education with public health nurses, school nurses, and programs serving pregnant women about the adverse impacts of marijuana use.
   c. Require warning signs in cannabis shops about contraindications and negative health impacts when using cannabis with prescribed medications.
   d. Establish a framework for updating educational materials as medical research documented within medical journals progresses

16. Develop a Board Policy that includes minimum funding requirements for code and law enforcement against illegal dispensaries.

EQUITY IMPACT STATEMENT
The unincorporated area of San Diego County is the size of the state of Connecticut and has a wide array of communities—from the somewhat densely urbanized areas to the sparsely populated rural areas. These communities rely on the County for almost all of their government services. Equity should inherently be all inclusive. The 16 measures proposed here will ensure that the unincorporated area will co-exist with this new industry while sharing the benefits, remaining a safe place to live, and to provide expanded educational opportunities. This action intends to build upon the existing work of the Socially Equitable Cannabis Program to include underserved unincorporated communities as equal stakeholders.

FISCAL IMPACT
Funds associated with the measures 1 through 10 are included in the Fiscal Year 2022-23 Chief Administrative Officer’s recommended budget in the Department of Planning and Development Services. If approved, the recommendations will result in costs of approximately $500,000. The funding source is unassigned General Fund Balance there will be no additional staff years and no change in General Fund net cost. Measures 11 through 16 direct County staff to research the cost that would be necessary to develop the specifics of each measure and return back to the Board.

BUSINESS IMPACT STATEMENT
The proposed actions will ultimately help cannabis facility operators as well as the communities affected by providing a programmatic mechanism to benefit communities, provide limitations on some types of facilities so that one community is not overconcentrated (likely leading to failure for inexperienced business operators), and will provide adequate protections for workers. The measures also intend to incentivize the local operations of these facilities to the extent feasible.
ACTION:
ON MOTION of Supervisor Anderson, seconded by Supervisor Desmond, the Board of Supervisors took action as recommended.

AYES: Anderson, Lawson-Remer, Fletcher, Desmond
ABSENT: Vargas

State of California)
County of San Diego) §

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

ANDREW POTTER
Clerk of the Board of Supervisors

Signed
by Andrew Potter