



THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: November 27, 2013 REPORT NO. PC-13-134

ATTENTION: Planning Commission, Agenda of December 5, 2013

SUBJECT: AMENDMENTS TO THE LAND DEVELOPMENT CODE AND THE CITY'S LOCAL COASTAL PROGRAM PERTAINING TO MEDICAL MARIJUANA COOPERATIVES. (PROCESS 5)

SUMMARY

Issue: Should the Planning Commission recommend to the City Council approval of amendments to the Land Development Code and the City's Local Coastal Program pertaining to medical marijuana consumer cooperatives?

Staff Recommendation: Recommend that the City Council approve the proposed amendments.

City Council:

- On September 13, 2010, the City Council voted 6-1 to initiate amendments to the Land Development Code and the City's Local Coastal Program pertaining to medical marijuana consumer cooperatives.
- On March 28, 2011 the City Council voted 5-2-1 to amend the Land Development Code to and the City's Local Coastal Program to include regulations for medical marijuana consumer cooperatives.
- On September 27, 2011 the City Council voted 7-6 to repeal the Medical Marijuana Consumer Ordinance rather than calling a special election to place the matter on the ballot.
- On April 22, 2013 the City Council held an informational hearing to discuss a new Medical Marijuana Consumer Cooperative Ordinance and voted 8-0 to direct the City Attorney to develop a revised 2011 Medical Marijuana Consumer Cooperative Ordinance that includes City Council directed revisions

Community Planners Committee: On October 22, 2013 the Community Planners Committee voted to recommend the City Council not adopt the ordinance regulating medical marijuana consumer cooperatives by a vote of 15-6-2.

Environmental Review: The Medical Marijuana Consumer Cooperative Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(3), in that it is not a Project as defined by CEQA Guidelines Section 15378. Adoption of the ordinance does not have the potential for resulting in

either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. Future projects subject to the ordinance will require a discretionary permit and CEQA review, and will be analyzed at the appropriate time in accordance with CEQA Guidelines Section 15004.

BACKGROUND

On October 6, 2009, the San Diego City Council voted to establish a Medical Marijuana Task Force to advise the City Council on: (1) guidelines for medical marijuana patients and primary caregivers; (2) guidelines for the structure and operation of medical marijuana consumer cooperatives (cooperatives); and (3) guidelines for police department enforcement regarding medical marijuana. On March 24, 2010, the Task Force presented their report to the Land Use and Housing Committee (LU&H). The committee directed the City Attorney to develop an ordinance based on the recommendations of the Medical Marijuana Task Force as modified by LU&H. The intent of LU&H was to allow cooperatives only in Industrial Light Zone IL-3-1, Industrial Small Lot Zone IS-1-1, Commercial zones which allow watchkeepers quarters as the only permitted residential use (CC-2-1, CC-2-2, CC-2-3 and CR-2-1).

In March 2011 the City Council approved a Medical Marijuana Ordinance that limited cooperatives to only those zones identified by LU&H. The ordinance also included the following:

- Definition of medical marijuana consumer cooperative, playground, and youth oriented facility
- Requirement to process a Conditional Use Permit (Process Three) with a five year expiration
- Provision of a 600-foot separation from
 - Schools
 - Parks
 - Churches
 - City Libraries
 - Playgrounds
 - Childcare Facilities
 - Youth Serving Facilities
 - Other Cooperatives
- Prohibition of onsite consultations by medical professionals
- The following operational and physical requirements
 - Post the name and emergency contact number of the manager in a location visible from the outside
 - Security to include cameras and a State licensed security guard
 - Obtain a permit pursuant to Chapter 4, Article 2, Division 15 (Medical Marijuana Consumer Cooperatives)
 - Light the interior, façade, surrounding area and parking facilities
 - Signage limited to only the name of the business and two colors
 - Restrict the hours of operation to 7 a.m. to 9 p.m. seven days a week

Following adoption of the ordinance a petition to repeal it was circulated, deemed sufficient and qualified for submittal to the voters, and subsequently presented to the City Council by the City Clerk. In accordance with the Municipal Code, the City Council was required to either grant the referendary petition and repeal the ordinance, or adopt a resolution to submit the matter to the

voters at a special election. The City Council voted to repeal the ordinance in part to avoid the costly expense associated with a special election.

DISCUSSION

On April 24, 2013 the City Council held a hearing to discuss components of a new Medical Marijuana Consumer Cooperative Ordinance. Generally speaking the new proposal differed from the 2011 ordinance in that it would increase the number of zones that could permit cooperatives, lowered the decision process from a Process Three CUP to a Process Two NUP, and specified the exact PDO zones that could allow cooperatives with an NUP whereas the 2011 ordinance allowed cooperatives in PDO zones that were similar to the citywide zones without specifically identifying those PDO zones.

After considerable testimony the City Council discussed the proposal and determined that it was too broad and voted 8-0 to direct the City Attorney to develop a new Medical Marijuana Consumer Cooperative Ordinance based on the 2011 ordinance. Included in the direction were the following specific items to be included in the new ordinance.

- Specifically identify the PDO zones that could permit cooperatives
- Revise the definition of “youth serving facilities” to be more specific
- Revise the definition of “schools” consistent with the definition in the April 2013 draft
- Change “child care facilities” to “child care centers”
- Add a 100-foot buffer from residential zones
- Add drug/alcohol rehabilitation centers (residential care facilities) to the sensitive uses
- Increase from 600 feet to 1,000 feet the buffer for sensitive uses and other cooperatives
- Prohibit use of patient operated vending machines for medical marijuana

These items are found in Resolution R-308124 (Attachment 1) and have been incorporated into the draft Medical Marijuana Consumer Cooperative Ordinance in Attachment Two

With regard to the land use regulations the City Council requested the Mayor’s Office do an analysis of potential zoning impacts. The mapping and data services of SANDAG were engaged to perform a number of analyses comparing the 2011 ordinance and the current proposal. The results of the analyses are threefold. First, it resulted in citywide and council district maps that identify the zones where cooperatives could locate and the areas within those zones (buffer areas) where cooperatives would be precluded due to proximity to specified uses in the ordinance. Second, mapping and data retrieval exercises were developed to identify the absolute maximum number of cooperatives that could exist under the two ordinances. And third, the maximum number of acres of permissible zones was identified citywide and by council district. The methodology used to develop the maps and data is provided in Attachment 3 and the data and citywide maps are provided in Attachments 4 through 7.

There are a number of factors that need to be understood with regard to the maximum number of potential cooperatives. First and foremost is that the numbers represent the absolute maximum potential number of cooperatives that could exist at this point in time, and that the actual number of cooperatives that could exist is very likely to be significantly less. Determining the maximum number of potential cooperatives was based the following assumptions.

- The cooperatives were perfectly located with the zone to maximize their number

- Every location within the zone is vacant and available
- Each of the locations would have a building that would be suitable for a cooperative (i.e. a 3,000 square-foot retail or office space could be suitable whereas a 30,000 square-foot industrial building would not be suitable)
- The property owner at each location would be willing to lease to a cooperative
- The methodology would capture absolutely every sensitive use (a submitted project application would be subject to verification that there was compliance with the distance separation from sensitive uses, other cooperatives, and residential zones)

It is not possible to determine the exact number of cooperatives that could be located within these zones, However when overlaying these five assumptions it becomes apparent that a significant number of potential cooperative locations would not be available.


CONCLUSION

Public testimony at the April 22, 2013 City Council hearing reflected a broad spectrum of opinion as to the level of restriction that is appropriate to site medical marijuana consumer cooperatives. The proposed land use ordinance regulating medical marijuana consumer cooperatives is consistent with City Council Resolution 308124.

ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the ordinance or that it adopt an ordinance with modifications.

Respectfully submitted,



Dan Normandin
Senior Planner,
Development Services Department



Cathy Winterrowd
Deputy Director,
Development Services Department

NORMANDIN

Attachments:

1. Resolution R-308124
2. Draft Medical Marijuana Consumer Cooperative Ordinance
3. Mapping and Data Methodology
4. Acreages of Zones that Could Permit Medical Marijuana Consumer Cooperatives
5. Maximum Potential Cooperatives
6. Citywide Map 2011 Ordinance
7. Citywide Map 2013 Ordinance

CLERK'S FILE COPY

ATTACHMENT 1

RESOLUTION NUMBER R- 308124
DATE OF FINAL PASSAGE MAY 10 2013

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO REGARDING MEDICAL MARIJUANA
REGULATION AND ENFORCEMENT.

WHEREAS, Council met on April 22, 2013, in open session regarding "Discussion of a Draft Medical Marijuana Ordinance and enforcement issues regarding medical marijuana"; and

WHEREAS, Council provided direction and made requests to the Mayor and City Attorney with respect to medical marijuana regulation and enforcement, as more specifically described in Attachment A, pages 3-4 (City of San Diego Memorandum, Subject: Item 200 of April 22, 2013 City Council Meeting) attached hereto; NOW, THEREFORE,

BE IT RESOLVED, Attachment A is incorporated into this resolution, and adopted by the Council.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Mary T. Nuesca
Mary T. Nuesca
Deputy City Attorney

MTN:jdf:cm
4/24/2013
Or.Dept:CITY ATTORNEY
Doc. No.: 552185

ATTACHMENT 1

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of APR 22 2013

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: _____
(date)

BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Note: This Resolution was returned unsigned by the Mayor's Office to the Office of the City Clerk on May 10, 2013, at 3:37 p.m. Pursuant to San Diego Charter Section 295 (a) (2), this Resolution is deemed approved on May 10, 2013.

City of San Diego
MEMORANDUM

DATE: April 24, 2013
TO: CITY ATTORNEY – Shannon Thomas/Mary Nuesca
FROM: Office of the City Clerk - Debbie Levenson-Cruz
SUBJECT: Item 200 of the April 22, 2013 City Council Meeting

ITEM-200: Discussion of a Draft Medical Marijuana Ordinance and enforcement issues regarding medical marijuana. (Citywide.) (Rev. 4/19/13)

ITEM DESCRIPTION:

A City Council hearing to discuss a draft medical marijuana ordinance based on the Medical Marijuana Ordinance adopted by the City Council on March 28, 2011 (O-20042) and subsequently repealed. Generally, the draft prepared for discussion increases the number of zones in which a medical marijuana dispensary (dispensary) may be located, modifies the separation distance between dispensaries and sensitive uses, modifies the separation distance between dispensaries, changes the permit process, and prohibits the permitting and siting of medical marijuana vending machines.

STAFF'S RECOMMENDATION:

Take the following action:

HEARING HELD/DIRECTION GIVEN

Provide staff with direction on how to proceed with drafting the ordinance.

STAFF SUPPORTING INFORMATION:

FISCAL CONSIDERATIONS:

Any costs associated with implementation of the regulations in the future will be borne by project applicants.

PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:

- On October 6, 2009, the San Diego City Council voted to establish a Medical Marijuana Task Force (MMTF).
- On January 5, 2010, the City Council voted to refer the recommendations of the MMTF to the Land Use and Housing Committee.
- On March 24, 2010, the Land Use and Housing Committee directed the City Attorney to prepare an ordinance based on the recommendations of the MMTF with changes.
- On April 28, 2010, the Public Safety and Neighborhood Services Committee directed the City Attorney to review the MMTF Report and bring back legal recommendations.
- On May 26, 2010, the Public Safety and Neighborhood Services Committee directed the City Attorney to develop an ordinance using the recommendations of the MMTF with changes.
- On September 13, 2010, the City Council voted 6-1 to initiate amendments to the Land Development Code and the City's Local Coastal Program pertaining to medical marijuana cooperatives consistent with the recommendations from the Land Use and Housing Committee.
- On March 28, 2011 the City Council voted 5-1 to approve an Ordinance allowing medical marijuana dispensaries in the IL-3-1 and IS-1-1 zones subject to restrictions.
- On September 27, 2011 the City Council voted 7-1 to repeal the Medical Marijuana Ordinance.

Westlake/Goldstone

Primary Contact\Phone: Dan Normandin\619-446-5388
Secondary Contact\Phone: Kelly Broughton\619-321-3233

City Attorney
Item 200 of the 04/22/2013 Council Meeting
Page 3 of 4

COUNCIL ACTION WAS: Motion by Councilmember Emerald to provide direction on how to proceed with drafting the ordinance.

Direct the City Attorney to draft a "land use" ordinance on medical marijuana nearly identical to O-20042 (Passed on April 27, 2011), except as revised below. Request that the revised ordinance be docketed as soon as it has been crafted with the direction below, and providing time for vetting by Community Planning Groups, CPC, Technical Advisory Committee and Planning Commission. Have the backup material include a study by a disinterested third party (i.e. University, private sector land use firm, etc) showing all prospective cooperative sites. The Mayor and Council President will work together regarding how a disinterested third party is selected and contracted. This study would be for the purpose of determining if the ordinance O-20042, as revised, would, in fact, be a "de facto ban".

The revised ordinance would differ from O-20042 as follows:

- Revise Section 151.0103 (b)(4), to apply the intent of that section regarding which Planned District Zones cooperatives may be located in, specifically to each Planned District;
- Revise the definition of "youth serving facilities" to be more specific;
- Revise the definition of "schools" per the currently proposed draft;
- Revise the sensitive use now listed as "child care facilities" to "child care centers";
- Add a 100-foot buffer from residential zones;
- Add drug/alcohol rehabilitation centers as a sensitive use;
- Extend buffer from sensitive uses and other cooperatives to 1000 feet;
- Prohibit placement and permitting of medical marijuana vending machines with the City Attorney issuing a legal opinion.

Request that the Mayor:

- Identify those City department(s) that will be responsible for issuing a permit to medical marijuana cooperatives under the "public safety" ordinance and enforcing its provisions;
- Develop a fee structure for full cost recovery of the issuance and enforcement of the "public safety" permit, for approval by Council;
- Provide a list of all the community groups that will be contacted for Planning Group consideration;
- Provide an analysis of the potential zoning impacts, in square footage, within each Council District.

Direct the Mayor to have Neighborhood Code Compliance Department investigate illegal dispensaries and take action to enforce the law.

Direct the City Attorney to:

- Provide the Council with its legal options regarding fees and/or taxes on Medical Marijuana above and beyond cost recovery.
- Examine the ability of the City to monitor doctors who recommend medical marijuana to patients.
- Bring back options for changes to the public safety ordinance regarding the system for medical card issuing.
- Look at various combinations of eligible areas in each council district, and issue a legal opinion as to whether the council can legally limit the number of dispensaries by council district. Second by Council President Pro Tem Lightner.

COUNCIL VOTE WAS: Unanimous; 4-vacant.

Please prepare the Ordinance to reflect Council's action using the appropriate language, and return to the City Clerk's Office for further processing.

ELIZABETH S. MALAND
City Clerk

By: Debbie Levenson-Cruz, Deputy

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222, TABLE 131-02B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322, TABLE 131-03B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, TABLE 131-04B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING A NEW SECTION 141.0614 AND RENUMBERING THE CURRENT SECTION 141.0614 TO 141.0615; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0312; AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 153.0309 AND 153.0310; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTION 1514.0305; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 3 BY AMENDING SECTIONS 1517.0301 AND 1517.0302; AMENDING CHAPTER 15, ARTICLE 19, APPENDIX A, ALL RELATED TO MEDICAL MARIJUANA CONSUMER COOPERATIVES.

§113.0103 Definitions

Abutting property to Marquee [No change in text.]

Medical marijuana consumer cooperative means a facility where marijuana is

transferred to qualified patients or primary caregivers in accordance with the Compassionate Use Act of 1996 and the Medical Marijuana Program Act, set forth in California Health and Safety Code sections 11362.5 through 11362.83. A *medical marijuana consumer cooperative* shall not include clinics licensed by the State of California pursuant to Chapters 1, 2, 3.01, 3.2, or 8 of Division 2 of the California Health and Safety Code.

MHPA to Planned Urbanized Communities [No change in text.]

Minor-oriented facility means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the *primary use* is devoted to people under the age of 18.

Playground means any outdoor premises or grounds owned or operated by the City that contains any play or athletic equipment used or intended to be used by any person less than eighteen (18) years old.

Premises to Yard [No change in text.]

§126.0303 When a Conditional Use Permit Is Required

[No change in text.]

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops to Major transmission, relay, or communication switching station [No change in text.]

Medical marijuana consumer cooperatives

Museums to *Wireless communication facilities* (under circumstances described in Section 141.0420)

(b) [No change in text.]

(c) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -	OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]				
<i>Medical Marijuana Consumer Cooperatives</i>		=	=	=	=	=
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees – [No change in text.]		[No change in text.]				

Footnotes for Table 131-02B [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
<u>Medical Marijuana Consumer Cooperatives</u>		=		=	
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

Footnotes for Table 131-03B [No change in text.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

**Table 131-04B
Use Regulations Table of Residential Zones**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																						
	1 st & 2nd >>	RE-	RS-												RX-	RT-								
	3rd >>	1-	1-												1-	1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice		[No change in text.]																						
<u>Medical Marijuana Consumer Cooperatives</u>		=	=												=	=								
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																						

Use Categories/ Subcategories	Zone Designator	Zones													
		[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	RM-											
3rd >>	1-			2-			3-			4-		5-			
4th >>	1		2	3	4	5	6	7	8	9	10	11	12		
Open Space through Separately Regulated Commercial Services Uses, Massage Establishment, Specialized Practice [No change in text.]		[No change in text.]													
<u>Medical Marijuana Consumer Cooperatives</u>		=				=					=				
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]													

Footnotes for Table 131-04B [No change in text.]

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in the Table 131-05B.

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1 st & 2 nd >>	CN ⁽¹⁾ -				CR-		CO-				CV-		CP-
	3 rd >>	1-				1-	2-	1-	2-	1-	2-	1-	1-	
	4 th >>	1	2	3	4	1	1	1	2	1	2	1	2	1
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]												
<u>Medical Marijuana Consumer Cooperatives</u>		=	=	<u>C</u>	=	<u>C</u>	=	<u>C</u>	=	=	=	=	=	
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]												

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zone																				
	1 st & 2 nd >>	CC-																				
	3 rd >>	1-			2-			3-			4-						5-					
	4 th >>	1	2	3	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]																				
<u>Medical Marijuana Consumer Cooperatives</u>		=	<u>C</u>	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=	=
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																				

Footnotes to Table 131-05B [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in the Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/Subcategories	Zone Designator	Zones							
		IP-		IL-			IH-		IS-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1 st & 2 nd >>	1-	2-	1-	2-	3-	1-	2-	1-
	3 rd >>	1	1	1	1	1	1	1	1
	4 th >>	1	1	1	1	1	1	1	1
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]							
<u>Medical Marijuana Consumer Cooperatives</u>		=	=	=	=	<u>C</u>	=	=	<u>C</u>
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Community Entry Signs [No change in text.]		[No change in text.]							
Neighborhood-Neighborhood <u>Neighborhood Identification Signs</u> through <u>Theater Marquees</u> [No change in text.]		[No change in text.]							

Footnotes to Table 131-06B [No change in text.]

§141.0614 Medical Marijuana Consumer Cooperatives

Medical marijuana consumer cooperatives may be permitted to operate for a maximum of five years with a Conditional Use Permit decided in accordance with Process 3 in the zones indicated with a “C” in the Use Regulations Table in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

(a) Medical marijuana consumer cooperatives shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:

- (1) 1,000 feet of public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San

Diego, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools.

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

(2) 100 feet of a residential zone.

(b) Consultations by medical professionals shall not be a permitted accessory use at a medical marijuana consumer cooperative.

(c) Lighting shall be provided to illuminate the interior of the medical marijuana consumer cooperative, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.

(d) Security shall be provided which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present during business hours.

(e) Signs shall be posted on the outside of the medical marijuana consumer cooperative that contain only the name of the business, limited to two colors.

(f) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the medical marijuana consumer cooperative in character size at least two inches in height.

- (g) The medical marijuana consumer cooperative shall operate only between the hours of 7:00 a.m. to 9:00 p.m., seven days a week.
- (h) The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code section 42.1502, is prohibited. For purposes of this section, a vending machine is any device which allows access to medical marijuana without a human intermediary.
- (i) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.

§ ~~141.0614~~ 141.0615 Nightclubs and Bars over 5,000 Square Feet in Size

[No change in text.]

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (7) [No change in text.]
 - (8) Medical marijuana consumer cooperative regulations contained in Section 141.0614, when that use is specifically allowed by that planned district ordinance.

§152.0312 Subdistrict D Permitted Uses

- (a) through (b) [No change in text.]
- (c) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.
- (d) [No change in text.]

§153.0309 Employment Center (EC)

(a) Permitted Uses

No building, improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged; nor shall any lot or premises be used except for one or more of the following purposes:

(1) through (10) [No change in text.]

(11) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

~~(11)~~ The following manufacturing uses only when secondary and supportive to the primary manufacturing use of the premises:

(A) through (D) [No change in text.]

~~(12)~~ The following uses and classes of uses shall be prohibited from locating in the Employment Center Zone:

(A) through (F) [No change in text.]

~~(13)~~ The following manufacturing uses shall be prohibited

(A) through (H) [No change in text.]

(b) through (c) [No change in text.]

§153.0310 Special Use Area (SP)

(a) [No change in text.]

(b) Permitted Uses

The following uses are permitted in the Special Use Area:

(1) through (11) [No change in text.]

(12) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

(4213) Any other use, including accessory uses, which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of this zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

(c) through (d) [No change in text.]

§156.0308 Base District Use Regulations

(a) Permitted Land Uses

The uses allowed and level of review required in the Centre City Planned District base districts and overlay districts are shown in Table 156-0308-A, below. The “Additional Regulations” column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

(b) [No change in text.]

Table 156-0308-A: CENTRE PLANNED DISTRICT USE REGULATIONS																
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space Through Separately Regulated Commercial Services, Maintenance & Repair [No change in text.]	[No change in text.]															
<u>Medical Marijuana Consumer</u>	=	=	=	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>	=	=	=	<u>C</u>	<u>§141.0614</u>		

Table 156-0308-A: CENTRE PLANNED DISTRICT USE REGULATIONS															
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
<u>Cooperatives</u>															
Regulated Commercial Services, Off-Site Services through Outdoor Activities [No change in text.]	[No change in text.]														

Footnotes to Table 156-0308-A [No change in text.]

§1514.0305 Commercial Zones (MV-CO, MV-CV, MV-CR)

(a) [No change in text.]

(b) Permitted Uses

- (1) No building or improvement, or portion there of, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the uses listed for applicable zones in Table 1514-03I. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03J

Symbol in Table 1514-03I

Description of Symbol

-

Not Permitted

P

Permitted

L

Subject to Limitations

CUP

Conditional Use Permit

**Table 1514-03J
Commercial Zones Use Table**

Commercial	MV-CO	MV-CV	MV-CR
Accessory Uses through Medical appliance sales [No change in text.]			
<u>Medical marijuana consumer cooperatives</u>	<u>CUP³</u>	<u>CUP³</u>	<u>CUP³</u>
Music stores through Any other use which the Planning Commission may find, in accordance with Process four, to be similar in character to the uses, including accessory uses, enumerated in this section and consistent with the purpose and intent of this planned district. The adopted resolution embodying such finding shall be filed in the office of the City Clerk. [No change in text.]			

Footnote Table 1514-03J

(1) through (2) [No change in text.]

(3) When the multiple use option is utilized, medical marijuana consumer cooperatives are prohibited.

(3) through (4) [No change in text.]

(c) through (l) [No change in text.]

§1517.0301 Permitted Uses

(a) Industrial Subdistrict

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarge, nor shall any premises be used except for one or more of the following purposes:

(1) through (9) [No change in text.]

(10) Medical marijuana consumer cooperatives

Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

(b) Commercial Subdistricts

(1) through (7) [No change in text.]

(8) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

§1517.0302 Otay International Center Precise Plan Subdistrict

In the Otay International Center Precise Plan Subdistrict identified in Map Drawing No. C-680.2, the property development regulations as set forth within the Otay International Center Precise Plan shall apply, and no building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for or more of the land uses permitted on the parcel by the Precise Plan, except that medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

Article 19: Southeastern San Diego Planned District

Appendix A: Uses

Legend: P = Permitted

- = Not Permitted

L = subject to Limitations

C = Conditional Use Permit in accordance with Chapter 12, Article 6, Division 3

SP = Special Permit

Special Permit for Alcohol Sales and Distribution - See Appendix C

Permitted Uses	Residential Zones		Commercial Zones			Industrial Zones	
	SF	MF	1	2	3	I-1	I-2
Residential through Commercial Establishments engaged in the Retail, Wholesale, Service or Office Uses for the following unless otherwise indicated: Medical Appliance Sales [No change in text.]							
<u>Medical Marijuana Consumer Cooperatives</u>	=	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=
Commercial Establishments engaged in the Retail, Wholesale, Service or Office Uses for the following unless otherwise indicated: Motor Vehicle, Parts and Accessories, Retail Sale of New Items Only through Addressing and Secretarial Services [No change in text.]							
Any other use which the Planning Commission may find to be similar in character or compatible to the uses permitted in the specific zone or zones. The adopted resolution embodying such finding shall be filed in the Office of the City Clerk. Any other use allowed with a Conditional Use Permit decided in accordance with Process Five as identified in Section 151.0401(f) (General Provisions).							

Footnotes for Appendix A: Uses
1 through 7 [No change in text.]

SMT:als
11/07/13
Or.Dept:DSD
Doc. No. 558503_2

GIS Analysis – Methodology

Areas were selected from the City Zoning layer (from the SanGIS database) based on a list of cooperative-compatible zones under the City Council 2011, and City Council 2013 proposals. Parcels for sensitive receptors were selected using available data, and buffered at the distance specified under each proposal (the 2011 buffer at both 600 ft and the 2013 buffer at 1,000 ft resulting in a layer of exclusionary areas. Areas in compatible zones that overlapped with the exclusionary layer were removed. A list of data sources used to select sensitive receptors is listed below. Planar square footage was tabulated for the remaining areas in compatible zones (square footage refers to the entire remaining area, not office space) by Council District.

Eligible dispensary sites (outside of a restricted area and having compatible zoning and land use) were selected randomly with the criteria to include as many sites as possible while maintaining the appropriate distance (600 or 1000 ft depending on the proposal) from other sites. 100 iterations were run for each proposal, and the result with the maximum number of remaining sites was used. Land use data is from SANDAG's existing land use database (2012), compatible land uses as selected by City staff are listed below.

The actual number of dispensaries that would open would likely be much lower, as factors such as available units for rent, rental rates, overall demand for dispensaries, and proximity of potential sites to target markets would rule out some sites. Additionally, this methodology was designed to identify the maximum number of potential sites. In practice, a dispensary operator who is aware of the proximity restriction between dispensaries would have incentive to locate at a site that would rule out as many other dispensaries as possible based on the 600 or 1,000 ft buffers.

Data Sources

Sensitive Receptor	Source	Notes
Schools	SANDAG GIS School Inventory layer	Based on California Department of Education schools database
Parks	SanGIS City of San Diego Parks layer, SANDAG Regional Parks inventory layer	SanGIS data is an extract from the City of San Diego Real Estate Assets "Allsites" file intended to serve as a "Parks" layer for the City of San Diego; SANDAG data maintained for District Attorney
Libraries	SanGIS Library Inventory layer	Maintained by San Diego County Library department
Churches	SanGIS parcel layer, SANDAG land use inventory layer	Parcels coded by Assessor as "church" or "church parking lot"; land coded as "religious facility"
Child Care	SanGIS State Licensed	Based on California Department of Social Services

Sensitive Receptor	Source	Notes
Centers	Child Care Centers layer	data, geocoded to parcels
Minority/Youth Oriented Facilities	YMCA of San Diego, San Diego Boys and Girls Clubs, SanGIS State Licensed Youth Group Homes layer	YMCA parcels and B&G Club data geocoded from addresses listed on website, Group Home data from California Department of Social Services. New Children's museum and Kroc Center also included.
Residential Care Facilities	County HHSA Alcohol and Drug Services listing (adult residential treatment services)	Geocoded address list
Playgrounds	SANDAG Regional Parks inventory layer	Maintained for District Attorney sex offender registry enforcement
Residential Zones	SanGIS City of San Diego Zoning layer	

Compatible Existing Land Uses

code	Light Industry
2101	Industrial Park
2103	Light Industry - General

code	Commercial
5001	Wholesale Trade
5002	Regional Shopping Center
5003	Community Shopping Center
5004	Neighborhood Shopping Center
5005	Specialty Commercial
5007	Arterial Commercial
5009	Other Retail Trade and Strip Commercial

**Acreages of Zones that Could Permit
Medical Marijuana Consumer Cooperatives**

City Council 2011

District	Allowable Acres¹	Prohibited Acres²	Total Compatible Acres
1	879.28	162.06	1,041.34
2	296.89	249.47	546.37
3	65.52	37.74	103.26
4	157.14	138.43	295.57
5	147.74	97.11	244.85
6	1,383.76	91.06	1,474.82
7	1,089.79	214.36	1,304.15
8	5,277.89	571.39	5,849.29
9	65.18	107.72	172.90
Total	9,363.20	1,669.35	11,032.55

City Council 2013

District	Allowable Acres¹	Prohibited Acres²	Total Compatible Acres
1	701.37	339.96	1,041.34
2	184.28	362.09	546.37
3	37.99	65.27	103.26
4	34.43	261.14	295.57
5	73.24	171.61	244.85
6	1,267.09	207.73	1,474.82
7	820.94	483.20	1,304.15
8	4,875.20	974.09	5,849.29
9	14.66	158.25	172.90
Total	8,009.21³	3,023.34	11,032.55

Footnotes:

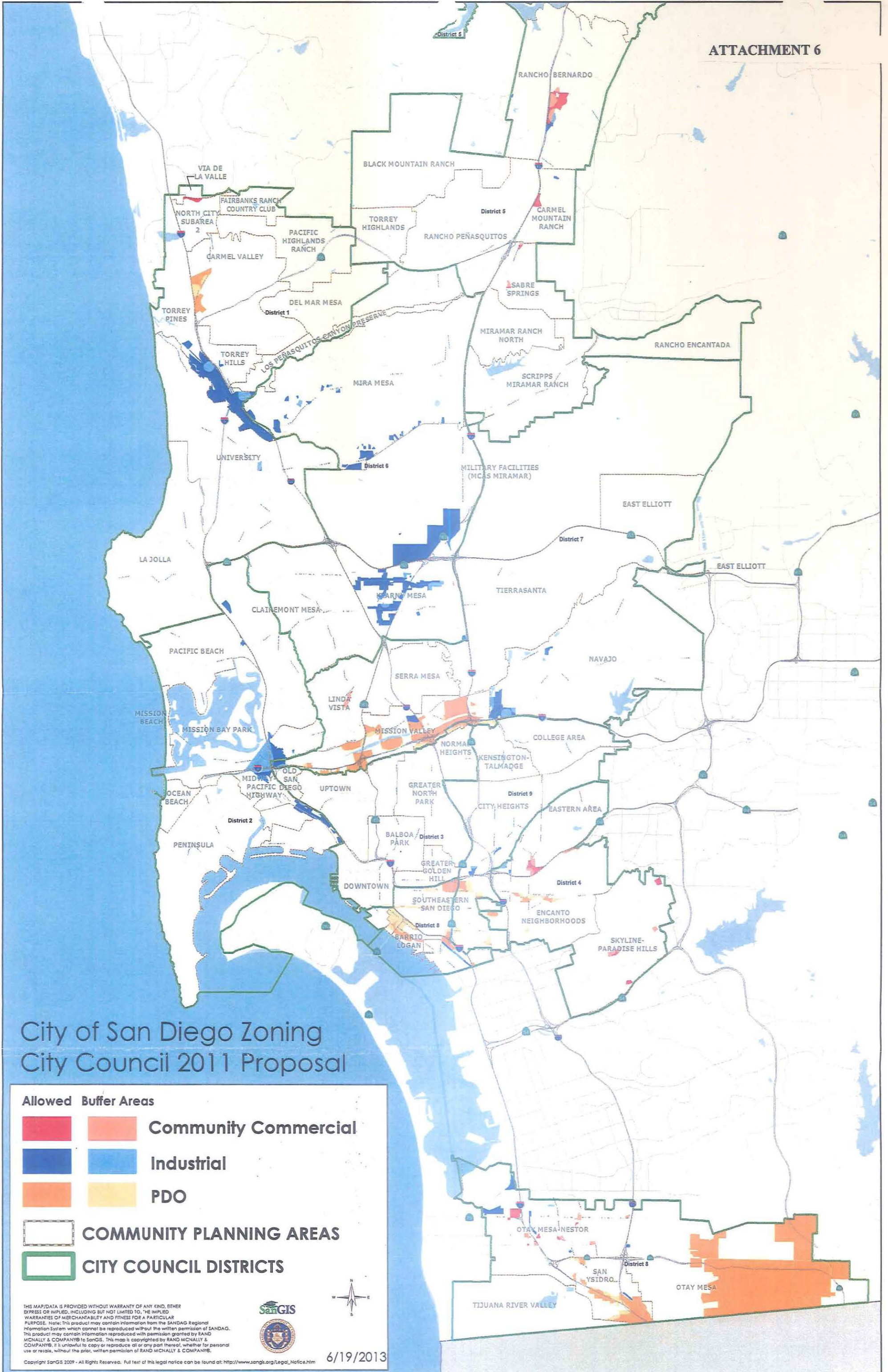
- ¹ Allowable acres are those acres within a permissible zone that are more than 1,000 feet from sensitive uses and other cooperatives, and 100 feet from a residential zone.
- ² Prohibited acres are those acres within a permissible zone that are less than 1,000 feet from sensitive uses and other cooperatives, and 100 feet from a residential zone.
- ³ The City Council 2013 ordinance represents 1,353 fewer allowable acres.

MAXIMUM POTENTIAL COOPERATIVES

DISTRICT	Council 2011 600ft	Council 2013 1000ft
1	25	15
2	22	9
3	0	0
4	16	5
5	7	3
6	56	28
7	32	14
8	107	54
9	6	3
Total	271	131

Note: Determining the maximum number of potential cooperatives was based the following assumptions.

- The cooperatives were perfectly located with the zone to maximize their number
- Every location within the zone is vacant and available
- Each of the locations would have a building that would be suitable for a cooperative (i.e. a 3,000 square-foot retail or office space could be suitable whereas a 30,000 square-foot space in an industrial building would not be suitable)
- The property owner at each location would be willing to lease to a cooperative
- The methodology would capture absolutely every sensitive use (a submitted project application would be subject to verification that there was compliance with the distance separation from sensitive uses and other cooperatives)



City of San Diego Zoning
City Council 2011 Proposal

Allowed Buffer Areas

- Community Commercial**
- Industrial**
- PDO**

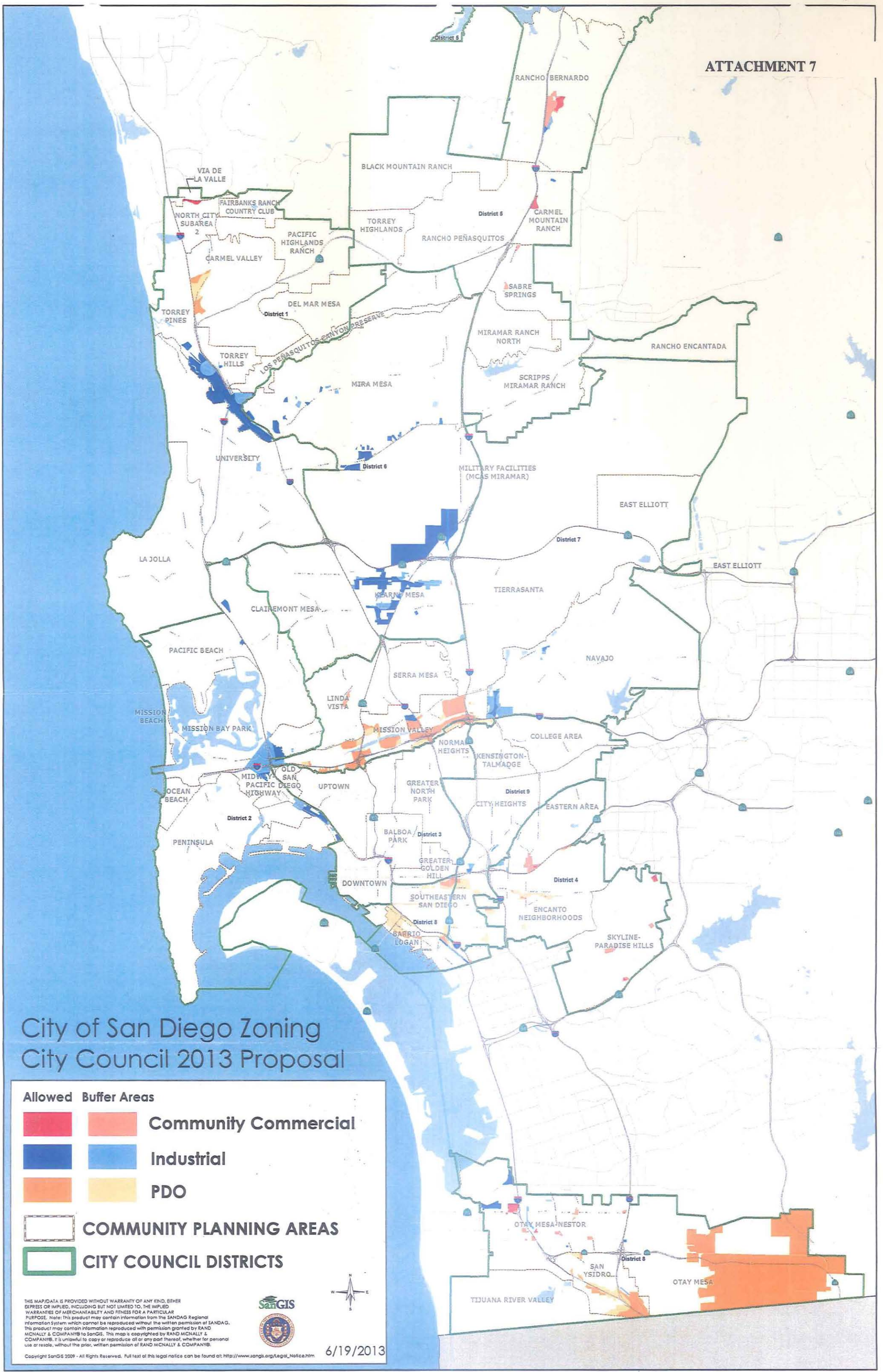
COMMUNITY PLANNING AREAS

CITY COUNCIL DISTRICTS

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6/19/2013



City of San Diego Zoning City Council 2013 Proposal

Allowed Buffer Areas

		Community Commercial
		Industrial
		PDO

COMMUNITY PLANNING AREAS

CITY COUNCIL DISTRICTS

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