

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; AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATED TO MEDICAL MARIJUANA DISPENSARIES.

WHEREAS, in 1996 the people of the State of California passed Proposition 215, the Compassionate Use Act, that allows the use of marijuana for medical purposes when recommended by a physician and excludes from criminal prosecution the patient and the primary caregiver, as defined; and

WHEREAS, in 2003, the State of California enacted Senate Bill 420, the Medical Marijuana Program Act [MMPA], that established requirements for the issuance of voluntary identification cards; provided a defense to criminal charges related to the cultivation, possession, sale, or storage of medical marijuana; prohibited the distribution of marijuana for profit; exempted from prosecution qualified patients and designated primary caregivers who associate to collectively or cooperatively cultivate marijuana for medical purposes; required the Attorney

General to issue guidelines for the security and non-diversion of medical marijuana; and allowed cities to adopt and enforce laws consistent with the MMPA; and

WHEREAS, under federal law, the possession, transfer, or sale of marijuana remains a criminal act; and

WHEREAS, all powers not delegated by the United States Constitution to the United States nor prohibited by it to the states are reserved to the states or the people, pursuant to the Tenth Amendment of the United States Constitution; and

WHEREAS, in the State of California, zoning is a local matter exercised by the cities pursuant to the police powers set forth in article XI, section 7 of the California Constitution; and

WHEREAS, on October 6, 2009, the San Diego City Council formed a Medical Marijuana Task Force in part for the purpose of advising on land use and zoning issues; and

WHEREAS, the land use recommendations of the Medical Marijuana Task Force have been considered by the City Council, which now desires to exercise its police powers solely to provide for the zoning of medical marijuana dispensaries in such a manner as to limit the impact on the City generally and residential neighborhoods in particular; NOW THEREFORE,

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

Section 1. That Chapter 11, Article 3, Division 1, of the San Diego Municipal Code is amended by amending section 113.0103 to read as follows:

**§113.0103 Definitions**

*Abutting property to Marquee* [No change in text.]

*Medical marijuana dispensary* 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*

*dispensary* 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.]

“*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.]

*Youth-oriented facility* means any establishment that primarily provides services intended for people under the age of 18 years, such as youth hostels, youth centers, and youth clubs.

Section 2. That Chapter 12, Article 6, Division 3, of the San Diego Municipal Code is amended by amending section 126.0303 to read as follows:

**§126.0303 When a Conditional Use Permit Is Required**

[No change in text.]

(a) [No change in text.]

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums to Marine-related uses in the Coastal Overlay Zone [No change in text.]

*Medical marijuana dispensaries*

Mining and extractive industries to Wrecking and dismantling of motor vehicles [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 <sup>(1)</sup> -		OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments</b> [No change in text.]	[No change in text.]						
<i>Medical marijuana dispensaries</i>	-	-	-	-	-	-	
<b>Sexual Encounter Establishment through Separately Regulated Signs Uses, Theater Marquees</b> – [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
<b>Open Space</b> through <b>Separately Regulated Commercial Services Uses</b> , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
<i>Medical marijuana dispensaries</i>		-		-	
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [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 <sup>st</sup> & 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
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b>	[No change in text.]																						
<i>Medical marijuana dispensaries</i>	-	-												-	-								
<b>Nightclubs &amp; Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees</b> [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	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishment</b> [No change in text.]	[No change in text.]													
<i>Medical marijuana dispensaries</i>	-	-			-			-		-		-		
<b>Sexual Encounter Establishment through Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]													

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

Section 3. That Chapter 13, Article 1, Division 5, of the San Diego Municipal Code is amended by amending section 131.0522, Table 131-05B to read as follows:

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

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

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

Section 4. That Chapter 13, Article 1, Division 6, of the San Diego Municipal Code is amended by amending section 131.0622, Table 131-06B to read as follows:

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

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

Section 5. That Chapter 14, Article 1, Division 6, of the San Diego Municipal Code is amended by adding a new section 141.0614 and by renumbering the current section 141.0614 to section 141.0615.

**§141.0614 Medical Marijuana Dispensaries**

*Medical marijuana dispensaries* may be permitted to operate with a Conditional Use Permit decided in accordance with Process 4 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 dispensaries* shall not be permitted within 1,000 feet of schools, parks, churches, child care facilities, playgrounds, libraries

owned and operated by the City of San Diego, *youth-serving facilities*, or other *medical marijuana dispensaries*.

- (b) Consultations by medical professionals shall not be a permitted *accessory use* at a *medical marijuana dispensary*.
- (c) *Medical marijuana dispensaries* shall comply with the following requirements:
  - (i) Provide adequate lighting shall adequately illuminate the interior of the *medical marijuana dispensary*, façade, 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.
  - (ii) Provide adequate security which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and present during business hours.
  - (iii) Post signs on the outside of the *medical marijuana dispensary* that contain only the name of the business, and shall be limited to two colors.
  - (iv) Post, in a location visible from outside of the *medical marijuana dispensary*, the name and emergency contact phone number of an operator or manager in character size at least two inches in height.
  - (v) *Medical marijuana dispensaries* shall be permitted to operate only between the hours of 7:00 a.m. to 9:00 p.m., seven days a week.

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

[No Change in Text.]

Section 6. That Chapter 15, Article 1, Division 1, of the San Diego Municipal Code is amended by amending section 151.0103 to read as follows:

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) Land Development Code, Chapter 11 (Land Development Procedures);
  - (2) Land Development Code, Chapter 12 (Land Development Reviews), except Chapter 12, Article 6, Division 6, where specifically excluded in the planned district regulations;
  - (3) Child care facilities regulations contained in Section 141.0606; and
  - (4) *Medical marijuana dispensary* regulations contained in section 141.0614. In addition, in planned districts where planned district-specific zones are applied, *medical marijuana dispensaries* may be permitted, as follows:
    - (A) In any planned district zone, subdistrict, district or overlay that allows commercial use and, except for watchkeeper's quarters, prohibits residential uses; and
    - (B) In any planned district zone, subdistrict, district or overlay that allows light industrial uses.

Section 7. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been available to the City Council and the public prior to the day of its passage.

Section 8. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By

\_\_\_\_\_  
Shannon Thomas  
Deputy City Attorney

ST:als  
10/18/10  
Or.Dept: LU&H  
O-2011-24

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

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

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

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anthony Young	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Carl DeMaio	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Donna Frye	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ben Hueso	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage \_\_\_\_\_.

AUTHENTICATED BY:

\_\_\_\_\_  
JERRY SANDERS  
Mayor of The City of San Diego, California.

(Seal)

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

By \_\_\_\_\_, 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

\_\_\_\_\_, and on \_\_\_\_\_.

I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

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

(Seal)

By \_\_\_\_\_, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O-_____</p>
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**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: STRIKEOUT**  
**NEW LANGUAGE: 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; AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATED TO MEDICAL MARIJUANA DISPENSARIES.

**§113.0103 Definitions**

*Abutting property to Marquee* [No change in text.]

Medical marijuana dispensary 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 dispensary 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.]

“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 ~~minors~~ any person less than eighteen (18) years old.

*Premises to Yard* [No change in text.]

Youth-oriented facility means any establishment that primarily provides services intended for people under the age of 18 years, such as youth hostels, youth centers, and youth clubs.

**§126.0303 When a Conditional Use Permit Is Required**

[No change in text.]

(a) [No change in text.]

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums to Marine-related uses in the Coastal

Overlay Zone [No change in text.]

Medical marijuana dispensaries

Mining and extractive industries to Wrecking and dismantling of motor

vehicles [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 <sup>(1)</sup> -		OF <sup>(11)</sup> -
	3rd >>		1-	2-	1-	1-	1-	
	4th >>		1	1	1	1	2	1
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments [No change in text.]			[No change in text.]					
<u>Medical marijuana dispensaries</u>			=	=	=	=	=	
Sexual Encounter Establishment through Separately Regulated Signs Uses, Theater <i>Marquees</i> – [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
<b>Open Space</b> through <b>Separately Regulated Commercial Services Uses</b> , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
<i>Medical marijuana dispensaries</i>		=		=	
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [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 <sup>st</sup> & 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
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b>		[No change in text.]																					
<u>Medical marijuana dispensaries</u>	=	=												=	=								
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses, Theater Marquees</b> [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	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishment</b> [No change in text.]		[No change in text.]												
<u>Medical marijuana dispensaries</u>	=	=			=			=		=		=		
Sexual Encounter Establishment through <b>Separately Regulated Signs Uses, Theater Marquees</b> [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 <sup>st</sup> & 2 <sup>nd</sup> >> 3 <sup>rd</sup> >> 4 <sup>th</sup> >>	CN <sup>(1)</sup> -	CR-		CO-		CV-		CP-		
		1-	1-	2-	1-	1-	1-				
		1 2 3	1 1	1 2	1 2	1					
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b> [No change in text.]	[No change in text.]										
<u>Medical Marijuana dispensaries</u>	=	=	<u>C</u>	=	=	=					
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses, Theater Marquees</b> [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 <sup>st</sup> & 2 <sup>nd</sup> >> 3 <sup>rd</sup> >> 4 <sup>th</sup> >>	CC-														
		1-	2-	3-	4-			5-								
		1 2 3	1 2 3	4 5	1 2 3 4 5	1 2 3 4 5										
<b>Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice</b> [No change in text.]	[No change in text.]															
<u>Medical marijuana dispensaries</u>	=	<u>C</u>	=	=	=											
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses, Theater Marquees</b> [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 <sup>st</sup> & 2 <sup>nd</sup> >>								
	3 <sup>rd</sup> >>	1-	2-	1-	2-	3-	1-	2-	1-
	4 <sup>th</sup> >>	1	1	1	1	1	1	1	1
<b>Open Space through Separately Regulated Commercial Services Uses</b> , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]							
<u>Medical marijuana dispensaries</u>		=	=	=	=	<u>C</u>	=	=	<u>C</u>
Nightclubs & Bars over 5,000 square feet in size through <b>Separately Regulated Signs Uses</b> , Community Entry <i>Signs</i> [No change in text.]		[No change in text.]							
<del>Neighborhood</del> <u>Neighborhood</u> Identification <i>Signs</i> through Theater <i>Marquees</i> [No change in text.]		[No change in text.]							

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

**§141.0614 Medical Marijuana Dispensaries**

Medical marijuana dispensaries may be permitted to operate with a Conditional Use Permit decided in accordance with Process 4 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 dispensaries shall not be permitted within 1,000 feet of schools, parks, churches, child care facilities, playgrounds, libraries owned and operated by the City of San Diego, youth-serving facilities, or other medical marijuana dispensaries.
- (b) Consultations by medical professionals shall not be a permitted accessory use at a medical marijuana dispensary.
- (c) Medical marijuana dispensaries shall comply with the following requirements:
  - (i) Provide adequate lighting to illuminate the interior of the medical marijuana dispensary, façade, 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.
  - (ii) Provide adequate security which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and present during business hours.
  - (iii) Post signs on the outside of the medical marijuana dispensary that contain only the name of the business, and shall be limited to two colors.
  - (iv) Post, in a location visible from outside of the medical marijuana dispensary, the name and emergency contact phone number of an operator or manager in character size at least two inches in height.

- (v) Medical marijuana dispensaries shall be permitted to operate only between the hours of 7:00 a.m. to 9:00 p.m., seven days a week.

§ ~~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) Land Development Code, Chapter 11 (Land Development Procedures);
  - (2) Land Development Code, Chapter 12 (Land Development Reviews), except Chapter 12, Article 6, Division 6, where specifically excluded in the planned district regulations; and
  - (3) Child care facilities regulations contained in Land Development Code Section 141.0606; and
  - (4) Medical marijuana dispensary regulations contained in section 141.0614. In addition, in planned districts where planned district-specific zones are applied, medical marijuana dispensaries may be permitted, as follows:
    - (A) In any planned district zone, subdistrict, district or overlay that allows commercial use and, except for watchkeeper's quarters, prohibits residential uses; and
    - (B) In any planned district zone, subdistrict, district or overlay that allows light industrial uses.

(O-2011-24)

ST:als  
10/18/10  
Or.Dept: LU&H  
O-2011-24

CITY ATTORNEY DIGEST

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

EFFECTIVE DATE \_\_\_\_\_

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; AND AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103, ALL RELATED TO MEDICAL MARIJUANA DISPENSARIES.

This Ordinance makes amendments to the City of San Diego Land Development Code that will allow medical marijuana dispensaries, as defined, to operate in some Commercial and Industrial Zones with a Conditional Use Permit granted by the Planning Commission. The medical marijuana dispensaries must be 1000 feet from each other, and from schools, playgrounds, libraries, child care facilities, youth facilities (including youth hostels, youth camps, youth clubs), parks, and churches. Medical marijuana dispensaries must comply with requirements regarding lighting, security, signage, and operating hours.

This ordinance contains a notice that a full reading of this ordinance is dispensed with prior to its passage, since a written or printed copy will be available to the City Council and the public prior to the day of its passage.

That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this ordinance applicable 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.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

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Or.Dept:LU&H  
O-2011-24