

CARMEL VALLEY COMMUNITY PLANNING BOARD

**Attn: Allen Kashani, CVCPB Secretary
6025 Edgewood Bend Court
San Diego, CA 92130**

**858-794-2571 / Fax: 858-794-2599
www.cvsd.com/planning.html**

CARMEL VALLEY COMMUNITY PLANNING BOARD

7 pm, Thursday, April 25, 2013

**Carmel Valley Library, Community Room
3919 Townsgate Dr., San Diego, CA 92130**

A G E N D A

- A. CALL TO ORDER AND ATTENDANCE**
- B. APPROVAL OF MINUTES** – February 27, 2013 and March 28, 2013
- C. CONSENT AGENDA**
- D. PUBLIC COMMUNICATION** - Speakers are limited to topics not listed on the agenda. Presentations are limited to 2 minutes or less.
- E. ANNOUNCEMENTS** - San Diego Police Department, Officer Natalie Horn
- F. WRITTEN COMMUNICATIONS**
- G. COMMUNITY PLANNER REPORT** - Bernie Turgeon, City of San Diego
- H. COUNCIL DISTRICT 1 REPORT** - Mel Millstein, Office of Councilmember Sherri Lightner
- I. MAYOR'S REPORT** - Office of Mayor Bob Filner
- J. COUNTY SUPERVISOR'S REPORT** - Sachiko Kohatsu, Office of Supervisor Dave Roberts
- K. STATE ASSEMBLY REPORT** - Michael Lieberman, Office of Assemblymember Brian Maienschein
- L. STATE SENATE REPORT** - Allison Don, Office of State Senator Marty Block
- M. US CONGRESS** - Hugo Carmona III, Office of US Congressman Scott Peters
- N. INFORMATION AGENDA:**
 - 1. Merge:** Presentation of a two-story, mixed-use project on 4.11 acres at Carmel Mountain and Carmel Country Roads in the CVPD-NC zone in Neighborhood 10. Project proposes a Site Development Permit, Planned Development Permit, and Vesting Tentative Map to develop 10 townhomes with detached garages and private yards, 21 residential flats over 35,000 s.f. ground floor commercial and retail space, underground parking and private linear green space.
 - Applicant - Gary Levitt
 - 2. Shell Station @ Del Mar Height Road:** Presentation to remodel and add 720 sf to the building and a new 900 sf self serve carwash.
 - Applicant - Steve Thomas, Old Racer Properties

O. ACTION AGENDA:

1. **Board Elections:** Discussion of the Chair's proposal to appoint a member to fill a vacant Investor seat and the call for candidates to be considered for appointment to a Business seat. Validate the election results and seat new and reelected board members. Consider reappointment of Allen Kashani to Major Developer seat. Consider nominations for officer elections to be held in April.
2. **Meadowood:** Consideration of a proposed application for a 9-lot Single Family Detached development in the RS-1-14 zone in the Pacific Highlands Ranch community.
 - Applicant - Marc Perlman, Marker Company
3. **Carmel Valley FBA:** Consider update to Public Facilities Financing Plan and Facilities Benefit Assessment for FY 2014.
 - Applicant - City of San Diego
4. **Medical Marijuana Ordinance:** Provide position on City Council's recent decision on the Medical Marijuana Ordinance.
 - Applicant - CVCPB
5. **V-Calm Sign:** Consider installation of V-Calm sign on Old Carmel Valley Road by Sycamore Ridge Elementary School.
 - Applicant - City of San Diego
6. **One Paseo EIR Response:** Instruct Chair to submit responses or comments to City if necessary upon receipt of One Paseo EIR to meet the required time limits.
 - Applicant - Board

P. SUBCOMMITTEE MEETING REPORTS AND ANNOUNCEMENTS

- | | | |
|-----|---------------------------------------|-----------------------|
| 1. | Regional Issues & Design Review | Anne Harvey/Jan Fuchs |
| 2. | F.B.A. | Frisco White |
| 3. | M.A.D. | Rick Newman |
| 4. | M.A.D. N10 | Laura Copic |
| 5. | M.A.D. PHR | Manjeet Ranu |
| 6. | By-Laws/Elections/Policies/Procedures | Jill McCarty |
| 7. | Community Concourse | Frisco White |
| 8. | Trails | Anne Harvey |
| 9. | CVREP | Christian Clews |
| 10. | San Dieguito River Park | Anne Harvey/Jan Fuchs |
| 11. | Route 56 Steering Committee | Jan Fuchs |
| 12. | CPC | Hollie Kahn |
| 13. | Signage | John Dean |

Q. CHAIR'S REPORT

R. OLD / ONGOING BUSINESS

S. ADJOURNMENT

T. NEXT MEETING:

Thursday, May 23, 2013
Carmel Valley Library, 7 pm

**CARMEL VALLEY COMMUNITY PLANNING BOARD
MEETING MINUTES
7 p.m., 28 February 2013**

Carmel Valley Library, Community Room
3919 Townsgate Drive, San Diego, CA 92130

CALL TO ORDER AND ATTENDANCE

Board Member	Representing	Present	Excused	Absent
1. Rick Newman	Neighborhood 1	X		
2. Nancy Novak	Neighborhood 3	X		
3. Hollie Kahn	Neighborhood 4/4A	X		
4. Debbie Lokanc	Neighborhood 5	X		
5. Christopher Moore	Neighborhood 6	X		
6. Steven Ross	Neighborhood 7		X	
7. Frisco White, Chair	Neighborhood 8	X		
8. Anne Harvey	Neighborhood 8A & 8B	X		
9. Steve Davison	Neighborhood 9	X		
10. Laura Copic	Neighborhood 10	X		
11. Manjeet Ranu, Vice-Chair	Pacific Highlands Ranch, District 11	X		
12. VACANT	Pacific Highlands Ranch, District 12			
13. Jill McCarty	Business Representative	X		
14. Victor Manoushakian	Business Representative	X		
15. Allen Kashani, Secretary	Developer Representative	X		
16. Christian Clews	Investor Representative		X	
17. Rodney Hunt	Investor Representative	X		

APPROVAL OF MINUTES — 25 October 2012, 17 January 2013 – Special meeting, 24 January 2013

Minutes from October 2012 were amended. Hollie Kahn motioned to approve, seconded by Debbie Lokanc. Approved, 12-0-1.

Minutes from January 2013 special meeting were amended. Hollie Kahn motioned to approve, seconded by Debbie Lokanc. Approved, 11-0-2.

Minutes from January 2013 meeting were amended. Hollie Kahn motioned to approve, seconded by Debbie Lokanc. Approved, 14-0-0.

CONSENT AGENDA

Jill McCarty motioned to move action item 2, Carmel Park Dr., to the consent agenda. This was seconded by Hollie Kahn. Approved, 14-0-0.

A member of the public expressed support for posting the speed limit to 30mph and no objections have been aired.

Laura Copic motioned to accept the consent agenda, seconded by Jill McCarty. Approved, 14-0-0.

PUBLIC COMMUNICATION

It was announced that the Regional Issues and Design Review subcommittee will not be meeting in March. Anne Harvey announced that the work on the San Dieguito River Park Trail has been a great success. Signs with QR codes have been installed on the trail to work with an interactive app for smart phones.

Harvey also reported that the undercrossing at El Camino Real has been retrofitted and is now safer and easier to access. She added that the San Diego River Park Foundation offers free bird watching lessons on Saturday's at 9a.m.

Suzanne Bacon with Friends of Carmel Valley Library announced they will be holding a party to celebrate the 20-year anniversary of the library. The purpose of the party is to raise funds for building improvements. Specifically, the organization would like to raise \$59,000 to power wash and repaint the facility to prevent future wear and tear.

Allen Mokson, President of the North Coast Repertory Theatre, informed the board that Kilroy Realty approached him about possibly moving the theatre from Solana Beach to One Paseo. Mokson said they are looking to build a bigger theatre and wanted the board to be aware of their discussions with Kilroy.

Chair White publicly thanked Jason Kincade for his generosity in paying for walls to be painted in the Pines neighborhood. Chair White recommended a piece be written to show the boards gratitude.

Victor Manoushakian announced that the local Souplantation will be donating a portion of their profits to this evening towards the Boy and Girls Club.

ANNOUNCEMENTS

Elissa Krasenbaum, Brian Brady and Jonathan Tedesco announced their candidacy for the Board. Krasenbaum for Neighborhood 5, Brady for the business seat and Tedesco for PHR District 12. The election will be held prior to the March Carmel Valley Planning Board meeting. Jill McCarty reminded candidates to be sure to vote for themselves. Chair White explained to the candidates that the being a board member is not just attending a meeting once a month. It is expected that members serve on at least one subcommittee.

WRITTEN COMMUNICATIONS

None.

COMMUNITY PLANNER REPORT

None.

COUNCIL DISTRICT 1 REPORT

Council Representative Mel Millstein provided an update for Bernie Turgeon, Community Planner. Millstein announced that there will be a runoff election to fill the District 4 council seat previously held by Tony Young. Todd Gloria has been elected Council President. Mayor Filner recently announced the creation of a bike-ability initiative and is seeking suggestions from the public on where to place new bike corrals.

Chair White notified the board that he is part of the project working group for the Coastal Rail Bike Trail that will be extending up to Carmel Valley.

Millstein asked the public to report potholes in their area by contacting Councilmember Lightner's office.

Millstein announced that the Carmel Valley Recreation Council will meet March 5 at 7p.m. and Councilmember Lightner will be in attendance.

Jill McCarty informed Millstein she had received a notice that the storm drain near her house is under deposited by \$2,000.

Anne Harvey asked Millstein what happened to the plan to connect Carmel Valley trail to CVREP. Millstein explained that it was a funding issue. Chair White added that it was discussed at the Coastal Rail Trail project working group meeting.

MAYOR'S REPORT

None.

COUNTY BOARD OF SUPERVISOR'S REPORT

Sachiko Kohatsu reported for Supervisor Dave Roberts. Roberts is the first new supervisor in 18 years. Kohatsu announced that there will be an upcoming lawnmower exchange May 11 at Qualcomm Stadium. People with old gas mowers can bring them to Qualcomm Stadium and exchange them for new electric mowers.

Supervisor Roberts is concerned with accessibility to PACE loans. His staff is researching programs to bring the loans to residents in the County and is working with the Mayor's office to find a solution. Supervisor Roberts recently spent time with Ben Hueso to discuss Kathy's Law and is also working on water conservation issues.

STATE ASSEMBLY REPORT

None.

US CONGRESS

Hugo Carmona from Congressman Scott Peters office reported that Peters was opposed to the congressional recess and is concerned about upcoming spending cuts. Peters is making an effort to

bond with other freshman congressman and hopes to build a good relationship with them. Peters was in support of the Violence Against Women Act. Peters also plans to attend the One Paseo meeting next month.

INFORMATION AGENDA

None.

ACTION AGENDA

1. Rancho Del Sol II.: Consider renewal of existing permit for T-Mobile and maintenance replacement of existing antenna. All antennas will be hidden as they are today.

- Applicant - Lynnea Barrett, Mitchell J

Lynnea Barrett represented T-Mobile. She informed the board that the existing cell site is housed in a water tower design. There are six antennas which are all contained within the tank. T-Mobile wishes to update and replace the antennas and is part of T-Mobile's overall modernization project to bring 4G to San Diego. The permit for the tower expired last year.

Vice-Chair Ranu informed Barrett that there is a billboard on the side of the tower and requested it be removed.

Chair White asked whether T-Mobile is the owner of the structure. Barrett explained that the site is a lease with the property owner, typically a ten year rental.

Chair White asked Anne Harvey if the landscaping is acceptable. Harvey gave an overview of the local plants and hopes the dead plants will be replaced.

Marcela Escobar-Eck feels the landscaping is unnecessary because it is below street level. Escobar-Eck would prefer the tower without landscaping.

Jill McCarty requested that if trees are planted they only be double staked for a period of time or else they will die.

Vice-Chair Ranu motioned to approve extending the permit for the cell site, allow for upgraded antenna panels fully hidden within the stealth enclosure, on the condition that the unlawful billboard currently on the water tower be removed, that no new signage be allowed except required regulatory signs and that the landscape palette at the base of the tower use Toyon and similar plants to relate to the native landscape of the area, rather than an ornate and formal plant palette. Seconded by Anne Harvey. Approved, 12-1-1.

SUBCOMMITTEE MEETING REPORTS AND ANNOUNCEMENTS

Subcommittee	Representative	Report	Next Meeting
Regional Issues & Design Review	Harvey, Jan Fuchs	None	No March meeting.
FBA	White	None	To be announced.
MAD	Rick Newman	Discuss money needed for new palette for El Camino Real.	March 5, at CV Rec Center
MAD N 10	Copic	None	None noted
MAD PHR	Ranu	None	None noted
Bylaws/Elections/Policies/Procedures	Clews	None	None noted
Community Concourse	White	None	None noted
Trails	Harvey (Copic, alternate to LPCP CAC)	Improvements have been made to Carmel Mountain Rd.	None noted
CVREP	Clews	None	None noted
San Dieguito River Park	Harvey	SDRP has new executive director.	None noted
Prop 'C' phasing/SR-56 Steering Committee	Ranu	None	None noted
CPC	Hollie	There are open seats. Mayor Filner is set to attend the meeting in a couple of weeks.	Next week.
Signage	John Dean	None	None noted
Redistricting	Rick Newman	None	None noted

CHAIR'S REPORT

Vice Chair Ranu informed the board that he will be attending the Carmel Valley Recreation Council regarding the PHR park process.

OLD / ONGOING BUSINESS

Elections will be held March 28, 2013, from 500-530pm. Candidates must bring identification and seating with occur at the April meeting.

ADJOURNMENT

Chair White motioned to adjourn. Meeting adjourned 8:38pm.

NEXT MEETING - March 28, 2013, 6:30pm. Ocean Air Elementary, 11444 Canter Heights Drive, San Diego, CA 92130

**CARMEL VALLEY COMMUNITY PLANNING BOARD
MEETING MINUTES**

7 p.m., 28 March 2013

Ocean Air Elementary School, Multi-Use Room
11444 Canter Heights Dr., San Diego, CA 92130

CALL TO ORDER AND ATTENDANCE

Board Member	Representing	Present	Excused	Absent
1. Rick Newman	Neighborhood 1	X		
2. Nancy Novak	Neighborhood 3	X		
3. Hollie Kahn	Neighborhood 4/4A	X		
4. Debbie Lokanc	Neighborhood 5	X		
5. Christopher Moore	Neighborhood 6	X		
6. Steven Ross	Neighborhood 7		X	
7. Frisco White, Chair	Neighborhood 8	X		
8. Anne Harvey	Neighborhood 8A & 8B	X		
9. Steve Davison	Neighborhood 9	X		
10. Laura Copic	Neighborhood 10	X		
11. Manjeet Ranu, Vice-Chair	Pacific Highlands Ranch, District 11	X		
12. VACANT	Pacific Highlands Ranch, District 12			
13. Jill McCarty	Business Representative	X		
14. Victor Manoushakian	Business Representative	X		
15. Allen Kashani, Secretary	Developer Representative	X		
16. Christian Clews	Investor Representative	X		
17. Rodney Hunt	Investor Representative	X		

APPROVAL OF MINUTES — 28 February 2013

Chair White moved approval of the February minutes to the April meeting to allow for ample time to review the informational agenda item (One Paseo).

CONSENT AGENDA

None.

PUBLIC COMMUNICATION

None.

ANNOUNCEMENTS

Officer Natalie Horn had no updates to provide. Chair White noted she is available for questions/concerns, etc.

Jill McCarty informed the public of the results of the board elections. All incumbents maintained their seats and Jonathan Tedesco will fill the vacant seat for Pacific Highlands Ranch, District 12. At the April meeting, Chair White suggested a discussion about Brian Brady, to fill the open investor seat previously held by Rodney Hunt, instead of the Business Rep seat to which he was elected to. Chair White would like to open this seat up to a small business community representative.

WRITTEN COMMUNICATIONS

None.

COMMUNITY PLANNER REPORT

None.

COUNCIL DISTRICT 1 REPORT

Councilmember Sherri Lightner thanked city staff for coming to tonight's meeting and providing an overview on One Paseo. Lightner announced that one member of the planning board, Rodney Hunt, is stepping down and recognized him for his years of service on the board. Lightner encouraged the public to reach out to her district with any questions concerning One Paseo project.

MAYOR'S REPORT

None.

COUNTY BOARD OF SUPERVISOR'S REPORT

Supervisor Dave Roberts and Sachiko Kohatsu provided an update to the public. Roberts noted he has been serving for 81 days in office and is very excited about the projects/current initiative at the county level. He encouraged attendees to go to the website and subscribe to his weekly newsletter for community updates. He also announced that he has called upon representatives from the five cities in his district to get involved in the County Community Enhancement Program by appointing community members to serve on a committee that will collaborate with him on the process. The committee will be responsible for choosing among grant applicants and allocations for \$500,000 to nonprofits and government programs (funded by TOT collected from the unincorporated areas of the County). Chair White was chosen to serve on this committee and He also mentioned the County will be carrying out audits of all mental health services in the county, in response to the recent shooting in Encinitas. Many members of the public have also contacted the District office about solar mortgages. He explained that the ninth circuit court recently voted to favor the ruling to stop solar pace loans being first on mortgages and his office is looking at ways to resolve this and work around this ruling.

STATE ASSEMBLY REPORT

None.

US CONGRESS

Chair White introduced Field Representative for Senator Marty Block, Allison Don Field, to the group. Field will represent the Senator at future planning group meetings.

INFORMATION AGENDA

1. One Paseo: Board's discussion with City of San Diego engineering staff to review the traffic study and questions raised by CVCPB.

Chair White explained that the board prepared a list of 25 questions and concerns on the project's traffic study. He noted that this is only an informational meeting and that City staff is here to help the public better understand the traffic analysis.

Bernie Turgeon with the City of San Diego provided an update on the project status: City staff is currently evaluating public responses to comments provided on Draft EIR; responses have already been provided for the first 100 comments and the City will be reviewing the remaining comments during the next few weeks. Turgeon did not have a firm estimate as to when the Final EIR will be prepared but anticipated it would be sometime within the next couple of months. Turgeon said the planning board and public will have 14 days to review the EIR.

Chair White asked if an extension could be granted since the planning group meets on a monthly basis. Turgeon did not think this was possible but said he would address this with the project manager. If the planning group only has 14 days for review, Chair White requested that the board be permitted to meet with the One Paseo representatives to review the revised project with them.

Farah Mahzari from the City's Development Services Department addressed questions from the board. The planning board asked for explanations on how the proposed synchronized traffic light solution would work; whether the community-wide circulation system can accommodate One Paseo; whether there enough parking during peak hours; the average wait times at intersections; how peak congestion is projected within the project; what are the impacts from One Paseo if 5/56 interchange project is not completed; how traffic will be mitigated.

The city provided a side-by-side comparison (not visually) of the proposed project versus the current adopted land use for the site as well as existing conditions. At the end of the discussion, Chair White urged the board to look beyond just the traffic implications and focus on how the project as a whole will affect the community.

ACTION AGENDA

1. Meadowood: Consideration of a proposed application for a 9-lot Single Family Detached development in the RS-1-14 zone in the Pacific Highlands Ranch community.

- Applicant - Marc Perlman, Marker Company

Chair White moved this item to next month’s agenda due to lengthy One Paseo discussion.

SUBCOMMITTEE MEETING REPORTS AND ANNOUNCEMENTS

Subcommittee	Representative	Report	Next Meeting
Regional Issues & Design Review	Harvey, Jan Fuchs	None	None noted
FBA	White	None	None noted
MAD	Rick Newman	None	None noted
MAD N 10	Copic	None	None noted
MAD PHR	Ranu	None	None noted
Bylaws/Elections/Policies/Procedures	Clews	None	None noted
Community Concourse	White	None	None noted
Trails	Harvey (Copic, alternate to LPCP CAC)	None	None noted
CVREP	Clews	None	None noted
San Dieguito River Park	Harvey	None	None noted
Prop ‘C’ phasing/SR-56 Steering Committee	Ranu	None	None noted
CPC	Hollie	None	None noted
Signage	John Dean	None	None noted
Redistricting	Rick Newman	None	None noted

CHAIR’S REPORT

None.

OLD / ONGOING BUSINESS

None.

ADJOURNMENT

Chair White motioned to adjourn. Meeting adjourned at 9:30 p.m.

NEXT MEETING -

Thursday, April 25, 2013, 7 p.m., Carmel Valley Library, Community Room

EXECUTIVE SUMMARY SHEET

REQUESTED ACTIONS:

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

EXECUTIVE SUMMARY:

The issue of whether the medical marijuana dispensaries should be permitted to operate within the City began in earnest with the establishment of the Medical Marijuana Task Force (MMTF) in October 2009. The MMTF was established to advise the City Council on guidelines for patients and primary caregivers, the structure and operation of cooperatives, and police enforcement. On November 12, 2009, the MMTF issued its recommendations.

On March 28, 2011, the City Council adopted an ordinance establishing medical marijuana consumer cooperatives as a permitted use in the CR-2-1 commercial zone and the IL-1-3 and IS-1-1 industrial zones subject to restrictions. In general, there were two reactions to the ordinance. The first was that the ordinance was too restrictive in allowing medical marijuana dispensaries in such a limited number of zones and, second, that an ordinance allowing medical marijuana dispensaries should not have been approved. As a result of the first reaction – that the limited zones with an expansive number of buffer areas protecting “Sensitive Receptors” created a virtual ban on dispensaries anywhere -- a petition to place the matter on the ballot was circulated and received enough signatures to require the City Council to either place the item on the ballot or to repeal the ordinance. On September 27, 2011, the City Council voted to repeal the ordinance.

On January 28, 2013, the Mayor committed to the City Council that he would bring forward a new draft ordinance for the Council’s consideration within 30 days, and that the new draft would be based on the ordinance the Council passed previously.

This proposal to amend the Municipal Code to permit medical marijuana dispensaries is based on several principles:

- To allow patients in need with a proper prescription access for the compassionate use of medical marijuana throughout San Diego.
- To allow limited competition in permissible zones so that patients can find the strain they need to alleviate their symptoms and to improve the quality of their lives.
- To prevent dispensaries from encroaching on our residential neighborhoods.
- To promote legal and responsible business practices among dispensary operators
- To protect children from unprescribed use.
- To protect public safety.

The draft amendments to the Land Development Code reflect where this proposal differs from the amendments approved in March 2011. The major differences between the previously approved Medical Marijuana Ordinance and this discussion draft are as follows:

- The “medical marijuana consumer cooperative” has been renamed “medical marijuana dispensary” and the definition modified.
- The permit requirement has been changed from a Conditional Use Permit (CUP) Process Four to a Neighborhood Development Permit (NDP) Process Two.
- The number of zones where a medical marijuana dispensary may be permitted has been expanded to include all of the Community Commercial (CC) zones.

- The distance separation requirements from churches, libraries, and youth serving facilities have been deleted, and for purposes of §141.0614 (Medical Marijuana Dispensaries) “school” has been defined consistent with California Health and Safety Code Section 11362,768(h).
- The regulations state that a medical marijuana dispensary may not be located on a premises that includes any residential use.
- The Planned District Ordinance (PDO) zones that may permit medical marijuana dispensaries are now specified in PDOs that have specialized commercial zoning.
- Section 151.0103 has been modified to reflect the current Municipal Code section which was amended subsequent to the March 2011 hearing.

Staff is looking to the City Council to provide direction on how to proceed with the drafting of the ordinance. Specifically, Staff is looking to the Council to provide direction to the City Attorney to draft an ordinance that will: (1) Require that permitted medical marijuana dispensaries only sell medical marijuana to patients who have registered their physician recommendations in the California Department of Public Health’s central registry administered in San Diego by the County Health Services; (2) impose a reasonable, annual permit fee of \$5000 and a two-percent (2%) excise tax on all medical marijuana dispensary sales; and (3) prohibit the siting and location of medical marijuana vending machines in the City of San Diego.

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.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

This City Council hearing is the first step in a public participation and public outreach effort to develop a new medical marijuana ordinance. Staff will accept further direction on any additional public outreach the Council deems necessary or appropriate.

KEY STAKEHOLDERS & PROJECTED IMPACTS:

Key stakeholders include patients, advocates for access to medical marijuana dispensaries, residents, business owners, communities in which dispensaries may be permitted.

Kelly Broughton
Director, Development Services Department

Scott Chadwick
Interim Chief Operating Officer

Carmel Valley

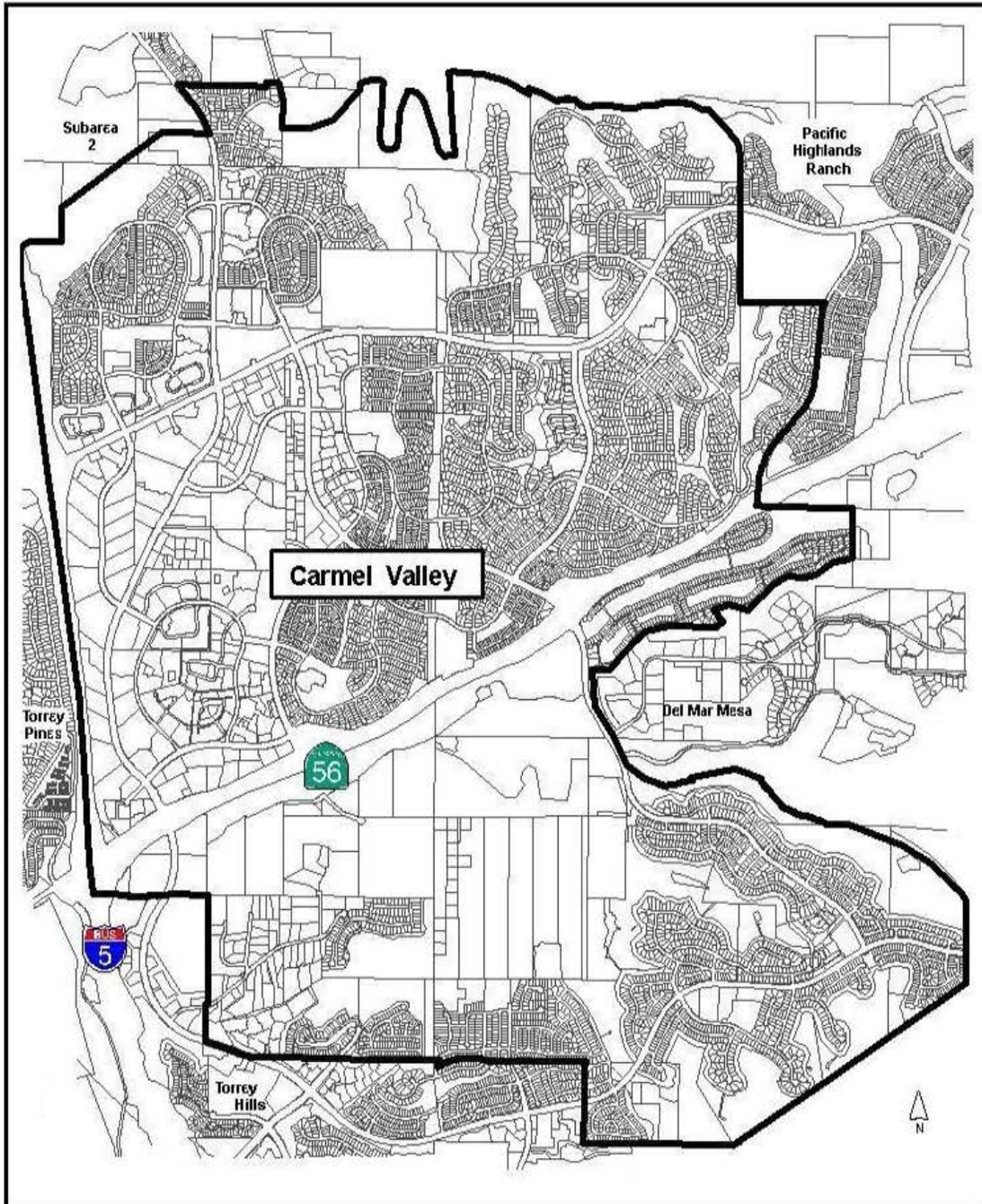
Public Facilities Financing Plan and Facilities Benefit Assessment

Fiscal Year 2014

4-9-13 Draft

Development Services Department, Economic Development and Project Development Division, Facilities Financing Program. This information will be made available in alternative formats upon request. To request a financing plan in an alternative format, call the Development Services Department (DSD) Facilities Financing Program, at (619) 533-3670. To view this document online, visit the City of San Diego website at: <http://www.sandiego.gov/planning/facilitiesfinancing/plans/carmelvalley.shtml> (WEB INFO TO BE UPDATED ONCE NEW LOCATION IS DETERMINED)

Figure 1 Carmel Valley Community Map/Area of Benefit



Mayor

Bob Filner

City Council

Sherri Lightner, Council President Pro Tem, Council District 1

Kevin Faulconer, Council District 2

Todd Gloria, Council President, Council District 3

Vacant, Council District 4

Mark Kersey, Council District 5

Lorie Zapf, Council District 6

Scott Sherman, Council District 7

David Alvarez, Council District 8

Marti Emerald, Council District 9

City Attorney

Jan Goldsmith, City Attorney

Heidi Vonblum, Deputy City Attorney

Development Services Department

Kelly Broughton, Director

Tom Tomlinson, Deputy Director

Scott Mercer, Supervising Project Manager

Megan Sheffield, Project Manager

Gloria Hensley, Principal Engineering Aide

Elena Molina, Administrative Aide

Carmel Valley Planning Group

Names to be added post elections.

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FBA AND DIF FEE SCHEDULE – LOCATED INSIDE BACK COVER

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FIGURE 3 ASSESSMENT LIST MAP57

Introduction

Authority

The Procedural Ordinance for Financing of Public Facilities in Planned Urbanizing Areas, the Facilities Benefit Assessment (FBA) Ordinance, was added to the San Diego Municipal Code August 25, 1980 by Ordinance O-15318. The City's General Plan was updated on March 10, 2008 by Resolution No. 303473; and new guidelines included the division of the City into two planning designations: Proposition A Lands and Urbanized Lands. As a result, communities subject to Facilities Benefit Assessments (previously designated Planned Urbanizing Areas) are now designated Urbanized Areas. In part to implement new General Plan guidelines, Ordinance O-19893, approved September 11, 2009 and amended October 11, 2011, amended the FBA Ordinance (Sections 61.2200 and 61.2210), and the Municipal Code section pertaining to Payment of Facilities Benefit Assessments and Developer Impact Fees (Municipal Code Section 142.0640).

Previous, Current and Future Updates

On April 24, 2008, by Resolution No. R-303600, the San Diego City Council (City Council) adopted the Fiscal Year (FY) 2009 Carmel Valley Public Facilities Financing Plan (Financing Plan) and Facilities Benefit Assessment (FBA). This report constitutes an update of the Financing Plan and reflects changes in the rate and amount of planned development; changes in interest and inflation rates; and changes in FBA contributions to CIP projects. The City Council may amend this Financing Plan in the future to add, delete, substitute or modify a particular anticipated project to take into consideration unforeseen circumstances.

Transportation Phasing Plan

The Carmel Valley (formerly North City West) Transportation Phasing Plan (TPP) limited the issuance of Carmel Valley building permits until certain transportation improvements were assured. The plan was declared satisfied on July 23, 1998, and there are no further limitations on building permit issuance. The TPP is contained in Financing Plan updates through FY 2007, but is excluded for this update because it has been fully satisfied.

Purpose and Scope of Report

The Financing Plan implements the facilities identified in the Carmel Valley Community Plan (Community Plan) and is prepared to ensure that all owners of undeveloped and underdeveloped property pay their fair share of the funding required to finance the community's needed public facilities. The Financing Plan applies to all property owners seeking to develop property, even if the subject property has an approved tentative or final map detailing its development.

This FY 2014 Financing Plan identifies public facilities that are anticipated over the next six years when full community developments is expected, and includes a development forecast and analysis, a capital improvement program, and an updated FBA Fee schedule. In addition, as the community builds out and development intensification occurs on properties that have previously paid FBA, or were never assessed FBA, Development Impact Fees (DIFs) will be collected to mitigate impact, in an amount equal to the calculation for FBA.

Methodology

Area of Benefit

The land within the Carmel Valley community boundary is known as the Area of Benefit; as shown on the inside front cover of this Financing Plan. The City Council initiates proceedings for the designation of an Area of Benefit by adopting a resolution stating its intention to do so (a Resolution of Intention).

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In Financing Plan updates through FY 2007, two separate maps had been provided for the Carmel Valley community planning area, one showing the area North of SR 56 and the other showing the area South of SR 56. Beginning with the FY 2009 Financing Plan update, the entire Carmel Valley community planning area is shown together in one map.

FBA Procedure

The FBA provides funding for public facilities projects anticipated in the Area of Benefit. The dollar amount of the assessment is based upon the collective cost of anticipated public facilities equitably distributed over the Area of Benefit.

Timing and Cost of Facilities

The public facilities anticipated to be financed by Carmel Valley FBA funds are shown on the Project Summary Table on page 13. The FBA also funds the administrative costs associated with the development, implementation and operation of the FBA program. Project categories include Transportation, Park and Recreation, Police, Fire-Rescue, Library, and Water/Wastewater. Descriptions of current and future projects can be found on individual project sheets beginning on page 21.

This Financing Plan update includes an analysis, by each of the sponsoring departments, of project costs for each anticipated public facility project. Since needed facilities are directly related to the growth rate of the community, construction schedules are contingent upon actual development within the community. Therefore, any slowdown in community development will require a modification to the schedule for providing anticipated public facilities.

For ease of reference, completed projects have been summarized and placed together in one section following the (individual) project sheets for current and future projects. With this update, all active and future projects will be numbered sequentially in the Financing Plan, starting with the number following the last completed project within the same facility type. In addition, because project identification numbers have evolved over time (specifically due to changes to the numbering and nomenclature associated with Financing Plan updates, City CIP project systems, and the City's computerized financial systems), where possible all numbering systems used over the life of each project will be included in project sheet and project summary.

New Project Sheets

Two Accessibility Compliance project sheets have been added to the Financing Plan to provide funding for American Disabilities Act (ADA) barrier removal and disability-related citizens' complaints at existing Carmel Valley Library and Park facilities.

A community-wide park study project sheet has been added to provide funding for a comprehensive study to develop viable options as to how to obtain /develop additional recreational acreage and facilities to serve the Carmel Valley community. This project replaces the previous park study project (uncompleted) which was specific to only the Northern community park area.

One library improvement project sheet and one park/recreation project sheet have been added to provide funding for future improvements that may be necessary at existing library and park facilities, to expand the use of the facilities and serve additional population. Future projects are conceptual in nature; no specific improvements or locations are identified; and there is no meaningful information available for environmental assessment at this time.

One park/recreation project sheet has been added to provide funding for additional park acreage and recreational facilities that may be necessary to serve existing and additional population in the Carmel

Valley community. Future projects are conceptual in nature; no specific improvements or locations are identified; and there is no meaningful information available for environmental assessment at this time.

Individual projects will be reviewed by City Engineers and may be modified to take into consideration unforeseen circumstances, which could include, for example, physical/logistical barriers, or identification of environmental impacts once the particular projects have been formulated to a sufficient level of detail to enable meaningful environmental review.

Sorrento Hills Development Agreement

The Torrey Hills (formerly Sorrento Hills) community paid for the public facilities necessary to serve future development in advance of individual property development, through a development agreement with the City of San Diego - commonly referred to as the “Sorrento Hills Development Agreement” or “SHDA”. This agreement, recorded on August 3, 1989, specified the amount of contribution required towards certain Carmel Valley public facilities that would ultimately serve the Torrey Hills community, including transportation improvements, park and recreation facilities, the police and fire stations, and the public library. The SHDA was deemed fully satisfied on November 2, 2009.

Development Forecast

Development projections are based upon best estimates of the timing of future development, including projections from property owners, developers, land use consultants and City staff. Economic factors can adversely affect these development projections. Changing interest and inflation rates, variable land and housing costs, economic recession, and issues involving transportation thresholds could slow or halt the development rate. Conversely, a period of robust business expansion could significantly increase the rate of development.

Current indications are that the remaining anticipated development of Carmel Valley will take place over the next seven years, through FY 2020. Residential development is categorized as either single family detached (SF) or multiple family units (MF), and non-residential development is categorized as Commercial, Industrial or Institutional.

Through fiscal year 2012, there were 13,769 residences (7,300 SF and 6,469 MF); 179.3 acres developed Commercial Acres; 50.5 developed Industrial Acres; and 41.1 developed Institutional acres. Through FY 2020, potential future residential development may bring an additional 882 units and 80.4 non-residential developed acres. However, for calculations of financing public facilities (the Financing Plan Cashflow), the community is considered buildout when 99% of all residentially assessed parcels (FBA liens) and 90% of non-residential assessed parcels are developed. Additional revenue collected will contribute fair share towards all facilities, but the additional revenue is not assumed for purposes of Cashflow modeling. The Carmel Valley Development Schedule showing development through buildout is shown in Table 1 on page 4.

Determination of Assessment Rates

FBA Fee Schedule

The FBA Fee Schedule is determined using the development schedule, schedule of anticipated facility expenditures (in FY 2013 dollars), and projected annual interest and inflation rates. Assessment rates are calculated to provide sufficient money to meet the scheduled direct payments for anticipated facilities provided by the fund.

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The assessment rates also consider the timing of credits and reimbursements to be paid to developers for FBA funded facilities. Due to inflation and changes in project scope, the cost for providing facilities may increase over time. The fee schedule reflects the rate of assessment for each category of land use, during each FY of anticipated future community development. The fee schedule through FY 2020 is shown in Table 2 (on page 4, and repeated on the inside back cover of this document).

Cashflow Analysis

The Carmel Valley Cashflow, shown on page 7, Table 4, presents an analysis of the FBA. For each FY of development the Cashflow shows the difference between anticipated revenues, and capital improvement expenditures inclusive of administrative costs.

Automatic Annual Increases

The FBA Ordinance provides for an annual adjustment of FBA. The fee schedule reflects an inflation factor of 3.0% per year for FY 2014 and each year thereafter. This factor is used to provide automatic annual increases in the assessment rate, and is effective at the beginning of each FY (July 1). The automatic increase provision is effective only until such time as the next Financing Plan update is approved by the City Council. The City of San Diego considers historic data while predicting the effect of inflation on construction project costs. The Los Angeles/San Diego Construction Cost Index (CCI) and the Consumer Price Index (CPI) for San Diego are the two indices used by the City while conducting a cashflow analysis. The indices are shown on page 8.

Table 1 Carmel Valley Development Schedule

FY	SF	MF	Total Res.	Comm. Acre	Ind. Acre	Inst. Acre
Through 2012	7,300	6,469	13,769	179.34	50.47	41.07
2013	4	0	4	5.68	0	0
2014	8	31	39	1.13	4	4
2015	8	76	84	3	4	5
2016	8	55	63	4	4	6
2017	8	25	33	4	3	5
2018	4	10	14	3	1	3
2019	2	10	12	2	0	0
2020	0	0	0	0	0	0
TOTAL	7,342	6,676	14,018	202.15	66.47	64.07

Table 2 Carmel Valley FBA Rate Schedule

FY	SF	MF	Comm. Acre	Indust. Acre	Inst. Acre
2013	\$29,428	\$20,600	\$109,179	\$101,527	\$105,059
2014	\$30,311	\$21,218	\$112,454	\$104,572	\$108,211
2015	\$31,221	\$21,854	\$115,828	\$107,710	\$111,457
2016	\$32,157	\$22,510	\$119,303	\$110,941	\$114,801
2017	\$33,122	\$23,185	\$122,882	\$114,269	\$118,245
2018	\$34,116	\$23,881	\$126,568	\$117,697	\$121,792
2019	\$35,139	\$24,597	\$130,365	\$121,228	\$125,446
2020	\$36,193	\$25,335	\$134,276	\$124,865	\$129,209

Property Assessments

An FBA Assessment Roll is prepared for Carmel Valley, and identifies the size, location, and anticipated land use of remaining assessed parcels. Liens are placed on undeveloped or underdeveloped parcels within the Area of Benefit, and the owner or developer is responsible to pay the assessment that applies to the type of development as it occurs. Assessments on residential development are based on the number and type of dwelling units anticipated. Assessments on non-residential development are based on the type of development and parcel acreage. The Assessment Roll includes the Parcel Number and Land Use anticipated, the estimated number of dwelling units or parcel acreage; and the estimated FBA dollar amount based on the FBA Fee Schedule for FY 2014. Identification numbers have been assigned to each parcel, and the remaining list may appear non-sequential as a result of the omission of parcels after assessments are paid, ownership changes, or as parcels are subdivided. Information on ownership is based on County records, as shown on the last Recorded Assessment Roll, as otherwise known to the City Clerk, or by other means which the City Council finds reasonably calculated to apprise affected landowners of Council hearings. A Resolution of Designation, when adopted by City Council, imposes the FBA in the form of a lien that is placed upon County Assessor parcels and final map properties. After City Council approves the Financing Plan update and sets the assessment schedule, the maps, plats, and summary of the Assessment Roll will be delivered to the County Recorder for recordation. The current assessment numerical list and map can be found starting on page 55.

Development Impact Fees

As the Carmel Valley develops, development intensification will occur on properties that have previously paid FBA, or were never assessed FBA. Development Impact Fees (DIF) are collected to mitigate the impact of that additional development. Collection of DIF is required at time of building permit issuance, and in an amount equal to the calculation for FBA.

Collection of Assessments and Impact Fees

While assessments on parcels are based on best and highest anticipated land use, an individual owner or developer will pay an assessment based upon the specific parcel or residential development being constructed. At the time of building permit issuance, FBA or DIF is calculated according to the FBA Fee Schedule in effect at the time the payment is made.

With this Financing Plan update, FBA and DIF revenues will be placed into separate interest bearing Special Funds. These funds are used within the Area of Benefit for those capital improvements and administrative costs identified in the Financing Plan. DIF revenues received to date have been scheduled for expenditure in active projects. However, because of the uncertain timing associated with future DIF revenues, anticipated revenues cannot be scheduled until receipt.

Consolidation of Funds

Because all FBA and DIF funds collected within the Carmel Valley community are intended to provide facilities that benefit all residents within the Carmel Valley community. With the FY 2009 Financing Plan update all Carmel Valley funds were considered to be consolidated and expended as one FBA funding source. (Please refer to the FY 2009 Financing Plan, page 10, for full text on this subject). Similarly, with the creation of a separate DIF fund, all past and future DIF revenues will be consolidated and expended as one DIF funding source.

Expenditures

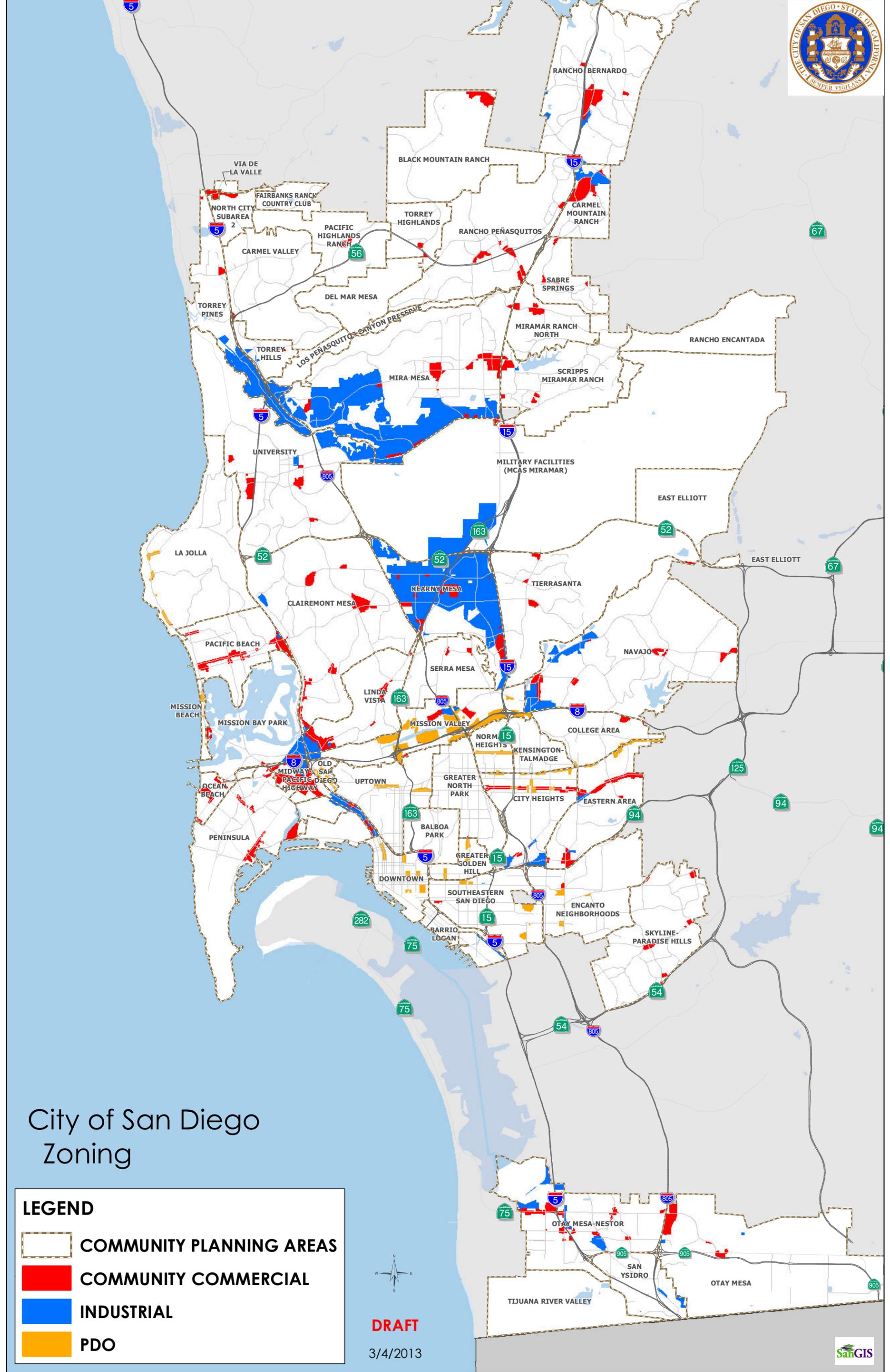
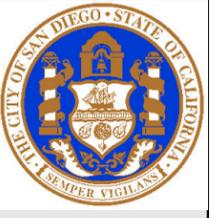
Expenditures which may be applied against FBA/ DIF funds include: direct payments for facility costs including administrative costs; credits to developers for facilities provided in accordance with the FBA Ordinance; and cash reimbursement to developers for providing facilities exceeding the cost of their FBA/DIF obligation. Whether a developer or the FBA/DIF funds directly provide for a facility, direct payments, credits, and cash reimbursements are all treated as expenses to the FBA/DIF funds. Pursuant to the terms of a reimbursement agreement with the City, a developer may be issued credits against an assessment for expenditures related to providing facilities in lieu of paying FBA/DIF. An approved reimbursement agreement with the City may also entitle a developer to cash reimbursement from FBA/DIF funds.

Changes to FBA funded Projects

Identified below are all major changes to FBA funded projects, including actual contribution amounts and updated cost estimates. In the chart below, a “C” before the project number indicates the project is completed. Initials “T”, P/R”, “PO”, “F” and “W” indicate the type of facility (Transportation, Park/Rec., Police, Water), and the number represents the order of project completion by facility type.

Table 3 Changes to FBA Funded Projects

Project	Project Title and Change	FY 2009	FY 2014	Change
C T-40	Carmel Mountain Road/I-5 Interchange	\$7,479,996	\$7,481,150	\$1,154
C T-41	East San Rafael Street Deceleration Lane	\$770,000	\$197,538	-\$572,462
C T-42	Del Mar Heights Road North of Ashley Falls Neigh. Park	\$845,250	\$859,422	\$14,172
C P/R-17	C. V. Community Park Town Center	\$21,110,136	\$20,118,975	-\$991,161
C P/R-18	C. V. Community Park South. Del Mar Union S.D. reimbursed City; overall project completed under budget.	\$4,157,279	\$1,902,684	-\$2,254,595
C P/R-19	C. V. Community Park South – Recreation Building	\$5,000,000	\$4,505,535	-\$494,465
C P/R-20	C. V. Skate Park	\$3,160,000	\$2,411,641	-\$748,359
C P/R-21	2009 Recreational Facilities Study. Deleted.	\$50,000	\$0	-\$50,000
C PO-1	Northwest Area Police Station.	\$12,144,560	\$11,429,830	-\$714,730
C W-4	Water Transmission Line Relocation	\$1,485,000	\$1,255,572	-\$229,428
C W-5	Carmel Mountain Rd. Water Transmission Line	\$3,295,000	\$2,106,265	-\$1,188,735
Completed/Deleted Project Savings:				-\$7,228,609
T-42	Misc. Street and Traffic Improvements	\$35,000	\$2,035,000	\$2,000,000
T-43	El Camino Real/SR-56 Bike Path Connector	\$267,000	\$461,640	\$194,640
T-46	Carmel Mountain Road. Project under budget.	\$4,618,120	\$3,785,584	-\$832,536
T-47	Carmel Country Road Low Flow Channel	\$1,712,000	\$2,712,000	\$1,000,000
T-48	(New) Accessibility Compliance – Trans. Facilities	\$0	\$1,610,000	\$1,610,000
P/R-22	C.V. Neighborhood Park & Frontage Road	\$5,034,350	\$6,581,870	\$1,547,520
P/R-24	Carmel Grove Mini-park Play Area	\$428,000	\$480,858	\$52,858
P/R-25	Del Mar Trails Park Play Area Upgrades.	\$530,811	\$596,366	\$65,555
P/R-26	Torrey High. Neigh. Park Play Area Upgrades.	\$535,000	\$940,377	\$405,377
P/R-27	Windwood II Mini-park Play Area Upgrades.	\$428,000	\$550,000	\$122,000
P/R-28	(New) Park and Recreational Facilities Improvements	\$0	\$5,500,000	\$5,500,000
P/R-29	(New) Carmel Valley Parks - Land and Rec. Facilities	\$0	\$18,750,000	\$18,750,000
P/R-30	(New) Carmel Valley Parkland and Facilities Study	\$0	\$150,000	\$150,000
P/R-31	(New) Accessibility Compliance – Park/Rec. Facilities	\$0	\$3,007,000	\$3,007,000
Increased Contributions Current & Future Projects:				\$33,572,414
Total:				\$26,343,805



City of San Diego Zoning

LEGEND

-  COMMUNITY PLANNING AREAS
-  COMMUNITY COMMERCIAL
-  INDUSTRIAL
-  PDO

DRAFT

3/4/2013



Draft Land Development Code Amendments - Medical Marijuana
Compared to Previously Approved Medical Marijuana Amendment
March 1, 2013

Chapter 11 – Land Development Procedures

§113.0103 Definitions

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Medical marijuana dispensaries, means a use where qualified patients, persons with identifications cards and designated primary caregivers of qualified patients and persons with identifications cards are able to associate, as an incorporated or unincorporated association, within the City of San Diego, in order to collectively or cooperatively provide medical marijuana for use exclusively by their registered members in strict accordance with California Health and Safety Code Sections 11362.5 and 11362.7, et seq.

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.]

Chapter 12 – Land Development Reviews

§126.0203 When a Neighborhood Use Permit Is Required

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

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**Draft Land Development Code Amendments - Medical Marijuana
Compared to Previously Approved Medical Marijuana Amendment
March 1, 2013**

Automobile service stations to Home occupations (under circumstances described in Section 141.0308) [No change in text.]

Medical marijuana dispensaries

Neighborhood identification signs to Wireless communication facilities (under certain circumstances described in Section 141.0420) [No change in text.]

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Chapter 13 - Zones

§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 dispensaries</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.]				

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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

**Draft Land Development Code Amendments - Medical Marijuana
Compared to Previously Approved Medical Marijuana Amendment
March 1, 2013**

[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.]			
<i>Medical marijuana dispensaries</i>		-		-	
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 for Table 131-03B [No change in text.]

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§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
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**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
Open Space through Separately Regulated		[No change in text.]																					

**Draft Land Development Code Amendments - Medical Marijuana
Compared to Previously Approved Medical Marijuana Amendment
March 1, 2013**

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-																						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Commercial Services Uses, Massage Establishments, Specialized Practice	[No change in text.]																							
<i>Medical marijuana dispensaries</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.]																							

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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 >>	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.]													
<i>Medical marijuana dispensaries</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.]													

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**Draft Land Development Code Amendments - Medical Marijuana
Compared to Previously Approved Medical Marijuana Amendment
March 1, 2013**

§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-		1-		1-	
	4 th >>	1	2	3	1	1	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.]										
<i>Medical marijuana</i>		-	-	N	-							
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.]										

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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	1	2	3	4	5	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>		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater <i>Marquees</i> [No		[No change in text.]														

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**Draft Land Development Code Amendments - Medical Marijuana
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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 >>								
	3 rd >>	1-	2-	1-	2-	3-	1-	2-	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.]							
<i>Medical marijuana dispensaries</i>		-	-	-	N	N	-	-	N
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses , Community Entry <i>Signs</i> [No change in text.]		[No change in text.]							
Neighborhood 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.]

Chapter 14 Separately Regulated Uses – Commercial Services

§141.0614 Medical Marijuana Dispensaries

Medical marijuana dispensaries may be permitted to operate for a maximum of five years with a Neighborhood Use Permit decided in accordance with Process 2 in

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**Draft Land Development Code Amendments - Medical Marijuana
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the zones indicated with a “N” in the Use Regulations Table in Chapter 13, Article 1 (Base Zones), subject to the following regulations.

- (a) The following distances between uses shall be measured in accordance with Section 113.0225:

Medical marijuana dispensaries shall not be permitted within 600 feet of the property line of schools, public parks, child care facilities, playgrounds, or other *Medical marijuana dispensaries*. 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.

- (b) Consultations by medical professionals shall not be a permitted *accessory use* at a *Medical marijuana dispensaries*.

- (c) A *Medical marijuana dispensaries* shall not be located on a premises that includes any residential use.

- (d) *Medical marijuana dispensaries* shall comply with the following requirements:

- (1) Provide adequate lighting shall adequately illuminate the interior of the *Medical marijuana dispensary*, 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.
- (2) 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.
- (3) 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.
- (4) 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.

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**Draft Land Development Code Amendments - Medical Marijuana
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- (5) *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.
- (6) Obtain a permit required pursuant to Chapter 4, Article 2, Division 15.

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§141.0615 Nightclubs and Bars over 5,000 Square Feet in Size
[No Change in Text.]

Chapter 15 - General Provisions for Planned District Ordinances

§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 dispensary* regulations contained in section 141.0614.

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Chapter 15 - Central Urbanized Planned District Ordinance

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C
[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section	Zone Designator	Zones
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**Draft Land Development Code Amendments - Medical Marijuana
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131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1 st & 2 nd >>	CU-							
	3 rd >>	1-(1)		2-			3-		
	4 th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7
Open Space through Separately Regulated Commercial Services Uses , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]							
<i>Medical marijuana dispensaries</i>		-		N ⁽¹⁴⁾			N ⁽¹⁵⁾		
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 155-02C
 (1) through (13) [No change in text.]
 (14) Permitted in the CU-2-3 zone only.
 (15) Permitted in the CU-3-3 zone only.

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Chapter 15 - Centre City Planned District Ordinance

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	Table 156-0308-A: CENTRE CITY 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	PF ¹⁰	PC	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.]															
<i>Medical marijuana dispensaries</i>	-	N	-	-	-	-	-	-	-	-	-	-	-	§141.0614	
Regulated Commercial Services , Off-Site Services through <i>Outdoor Activities</i> [No change in text.]															

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

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Chapter 15 - Greater Golden Hill Planned District Ordinance

**Draft Land Development Code Amendments - Medical Marijuana
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§158.0302 Commercial Zones (GH-CN and GH-CC)

- (a) Permitted Uses.
No building or improvement or portion thereof, shall be erected, constructed, converted, established, altered or enlarged, nor shall any lot or premise be used except as set forth in Table 158-02H. No use may be conducted outdoors except as indicated by footnote 6. Drive-thru facilities for any business are prohibited.

**Table 158-02H
Permitted Uses Table for Commercial Zones**

Legend for Table 158.02H
"P" = Permitted
"-" = Not Permitted

Permitted Uses	GH-CN	CH-CC
Antique Shops through Liquor Stores [No change in text.]		
<i>Medical marijuana dispensaries</i>	-	Subject to Section 141.0614
Music Stores Through Accessory uses to be appropriate in character and placement in relationship to a primary use. Such uses not to exceed 10 percent of the gross floor area of the primary use. [No change in text.]		
Footnotes for Table 158-02H [No change in text.]		

Chapter 15 - La Jolla Planned District Ordinance

§159.0302 Permitted Uses

The following regulations apply to all the zones and are not subject to modification or variance except as noted. No building or 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:

- (a) Zones 1, 2, 3 and 4 -
(1) through 5 [No change in text.]

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**Draft Land Development Code Amendments - Medical Marijuana
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- (6) *Medical marijuana dispensaries* in accordance with the requirements in Section 141.0614 in Zone 4 only, subject to a Neighborhood Use Permit.

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

Chapter 15 - Mid City Planned District Ordinance

§1512.0305 Commercial Zones (CN, CL, CV, NP) - Permitted Uses

- (a) No building or improvement, or portion thereof, shall be erected, constructed, converted, established, altered, or enlarged, nor be used except for one or more of the purposes indicated with an "P" in Table 1512-03I. No use may be conducted outdoors on any premises except as indicated by footnote 4, or by specific reference.

Legend for Table 1512-03I

"P" = Permitted

"-" = Not Permitted

**Table 1512-03I
Permitted Uses Table**

Permitted Uses	CN-1,2 CN-1A,2A CL-1(6) CL-3 CL-6 CV-1,2,4	CL-2(6)	CN-3,4(2) CV-3(2)	CL-5(6)	NP-1,2,3
Advertising, Secretarial & Telephone Answering Services through Medical, Dental, Biological and X-ray Laboratories [No change in text.]					
<i>Medical marijuana dispensaries</i>	Subject to Section 141.0614 ⁽¹³⁾				
Moving and Household Storage Facilities through Accessory Uses determined by the Development Review Director to be appropriate in character and placement in relationship to a primary use. [No change in text.]					

Footnotes for Table 1512-03I

¹ through ¹²[No change in text.]

¹³ Permitted in the CN-2A zone only.

(b) [No change in text.]

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**Draft Land Development Code Amendments - Medical Marijuana
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Chapter 15 - Mission Beach Planned District Ordinance

§1513.0306 Permitted Uses – Commercial Subdistricts

No building or 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:

- (a) Primary Uses
 - (1) through (5) [No change in text]
 - (6) *Medical marijuana dispensaries* in accordance with the requirements in Section 141.0614 in NC-S and NC-N zones only, subject to a Neighborhood Use Permit.

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Chapter 15 - Mission Valley Planned District Ordinance

§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 1514-03I

Symbol in Table 1514-03I	Description of Symbol
-	Not Permitted
P	Permitted
L	Subject to Limitations
CUP	Conditional Use Permit

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

**Draft Land Development Code Amendments - Medical Marijuana
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Commercial	MV-CO	MV-CV	MV-CR
Accessory Uses through Medical appliance sales [No change in text.]			
<i>Medical marijuana dispensaries</i>	Subject to Section 141.0614		Subject to Section 141.0614
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.]			

Footnotes Table 1514-03I [No change in text.]

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

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

Chapter 15 - Old Town San Diego Planned District Ordinance

§1516.0301 Permitted Uses

It is the purpose of this section to specify certain groupings of uses to be encouraged or emphasized based on each subareas physical, historical, and functional conditions.

(a) In the following subareas, no building or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall any premises be used except for one or more of the following purposes:

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

(3) Core.

(A) The following uses are permitted provided the ground floor area of any one establishment does not exceed 6,000 square feet:

(i) through (xx) [No change in text.]

(xxi) *Medical marijuana dispensaries* Subject to Section 141.0614

(xxii) Museums

(xxiii) Music stores

(xxiv) Pet shops

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**Draft Land Development Code Amendments - Medical Marijuana
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- (xxv) Photographic studios and shops and picture frame shops
- (xxvi) Restaurants, sidewalk cafes, bars, coffee houses, ice cream parlors and snack bars (incidental outdoor seating and live entertainment are permitted, drive-in or drive-through establishments are prohibited)
- (xxvii) Shoe sales and repair shops
- (xxviii) Sporting good stores
- (xxvix) Stationers book stores (excluding adult book stores), newspaper and magazine shops
- (xxx) Tailors and dressmakers
- (xxxi) Theaters -- (excluding adult entertainment)
- (xxxii) Tobacco shops
- (xxxiii) Travel agencies, ticket agencies, and telegraph offices
- (xxxiv) Wineries

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(B) [No change in text.]

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

(b) [No change in text.]

Chapter 15 - Southeastern San Diego Planned District Ordinance

Appendix A: Uses

Legend: P = Permitted
 - = Not Permitted
 L = subject to Limitations
 N = Neighborhood Use Permit in accordance with Chapter 12, Article 6, Division 2
 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.]							
<i>Medical marijuana dispensaries</i>	-	-	-	N	-	-	-
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.]							

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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.]

⁸ Permitted in the CT-2 zone only.

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