

ORDINANCE NUMBER O- 20793 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 22 2017

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 42.0709; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0225; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0323; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY ADDING NEW SECTION 141.0504, BY RENUMBERING SECTION 141.0504 TO SECTION 141.0505, SECTION 141.0505 TO SECTION 141.0506, SECTION 141.0506 TO SECTION 141.0507, AND SECTION 141.0507 TO SECTION 141.0508; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY REPEALING SECTION 141.0614; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0312; AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 153.0309 AND 153.0310; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTION 1514.0305, ALL RELATING TO MARIJUANA REGULATIONS.

WHEREAS, the City of San Diego has adopted land use regulations for facilities for the transfer of medical marijuana to qualified patients and primary caregivers, known as medical marijuana consumer cooperatives; and

WHEREAS, on November 8, 2016, the Adult Use of Marijuana Act (AUMA) was approved by the voters, which establishes state licensing requirements for commercial marijuana activity, defined as the cultivation, possession, manufacture, distribution, processing, storing, laboratory testing, labeling, transportation, delivery, or sale of marijuana and marijuana products, regardless of medical purposes; and

WHEREAS, the City of San Diego desires to amend the current medical marijuana consumer cooperative land use regulations in accordance with state law, to apply to the retail of all marijuana; and

WHEREAS, the City of San Diego desires to explicitly prohibit the cultivation, distribution, storage, production, and testing of marijuana and marijuana products; and

WHEREAS, the City of San Diego does not currently regulate marijuana deliveries, however, because the unrelated use of land for the delivery of marijuana has resulted in facilities being used for the distribution of marijuana without regulation, the City of San Diego desires to explicitly prohibit the delivery of marijuana, except from a permitted location, and as may be otherwise authorized pursuant to Proposition 215; NOW, THEREFORE,

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

Section 1. That Chapter 4, Article 2, Division 7 of the San Diego Municipal Code is amended by amending section 42.0709, to read as follows:

§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance—Regulations and Exceptions

- (a) through (d) [No change in text.]
- (e) Keeping or maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with section 141.0203, or developed

with a retail farm in accordance with section 141.0506, is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.

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

(f) [No change in text.]

Section 2. 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 through *Map, tentative* (See *tentative map*) [No change in text.]

Marijuana outlet means a retail establishment operating with a Conditional Use Permit in accordance with Section 141.0504, where marijuana, marijuana products, and marijuana accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, are sold to the public in accordance with dispensary or retailer licensing requirements pursuant to the California Business and Professions Code. A *marijuana outlet* does not include clinics licensed by the State of California pursuant to California Health and Safety Code Division 2, Chapters 1, 2, 3.01, 3.2, or 8.

Market value through *Marquee* [No change in text.]

MHPA through *Yard* [No change in text.]

Section 3. That Chapter 11, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 113.0225, to read as follows:

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. See Diagram 113-02E.

Diagram 113-02E

Distance Between Uses

[No change in text.]

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

(c) When measuring distance for separation requirements for *marijuana outlets*, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as *freeways or flood control channels* that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

Section 4. 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

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

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

Marijuana outlets

Museums through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

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

Section 5. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) [No change in text.]

(2) Agriculture Use Category

This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The raising, harvesting, and processing of marijuana and marijuana products is prohibited. The agriculture subcategories are:

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

(3) through (5) [No change in text.]

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

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

(L) Tasting rooms - Uses accessory to a beverage manufacturing plant that offer tastings and sell beverages manufactured on the *premises* for on-site or off-site consumption. The subcategory includes establishments such as breweries, wineries, and distilleries that offer tastings and sales of alcoholic beverages in accordance with a license issued by the California Department of Alcoholic Beverage Control. This subcategory does not include uses that qualify as retail tasting stores under Section 141.0508.

(7) through (8) [No change in text.]

(9) Distribution and Storage Use Category

This category includes uses that distribute and store goods. Long-term and short-term storage of commercial goods and personal items is included. Distribution and storage of marijuana and marijuana products, unless otherwise specifically allowed, is prohibited. The subcategories are:

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

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. Production of goods from marijuana and marijuana products and testing of marijuana and marijuana products is prohibited. The subcategories are:

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

(11) [No change in text.]

(b) [No change in text.]

Section 6. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§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 for 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	1
Open Space through Residential, Single Dwelling Units [No change in text.]	[No change in text.]						
Separately Regulated Residential Uses							
Residential, Separately Regulated Residential Uses, Boarder & Lodger Accommodations through Retail Sales, Wearing Apparel & Accessories [No change in text.]	[No change in text.]						
Separately Regulated Retail Sales Uses							
Retail Sales, Separately Regulated Retail Sales Uses, Agriculture Related Supplies & Equipment through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]	[No change in text.]						
<i>Marijuana Outlets</i>	-	-	-	-	-	-	-
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]						
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Offices, Regional & Corporate Headquarters [No change in text.]	[No change in text.]						
Separately Regulated Office Uses							
Offices, Separately Regulated Office Uses, Real Estate Sales Offices & Model Homes through Industrial, Trucking & Transportation Terminals [No change in text.]	[No change in text.]						
Separately Regulated Industrial Uses							
Industrial, Separately Regulated Industrial Uses, Hazardous Waste Research Facility through Signs, Allowable Signs [No change in text.]	[No change in text.]						
Separately Regulated Signs Uses							
Signs, Separately Regulated Signs Uses, Community Entry Signs through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]						

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

Section 7. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending sections 131.0322 and 131.0323, to read as follows:

§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 for 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 Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
<i>Marijuana Outlets</i>		-		-	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]			

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

§131.0323 Additional Use Regulations of Agricultural Zones

The additional use regulations identified in this section are applicable to uses where indicated in Table 131-03B.

- (a) [No change in text.]
- (b) Horticulture nurseries are permitted subject to the following:
 - (1) Only plants are permitted to be sold on the *premises*. The sale of non-plant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.0505;
 - (2) and (3) [No change in text.]

Section 8. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

§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 for 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																						
	1st & 2nd >>	RE-	RS-												RX-		RT-								
	3rd >>	1-	1-												1-		1-								
	4th >>		1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmer’s Markets, Daily Farmers’ Market Stands [No change in text.]	[No change in text.]																								
<i>Marijuana Outlets</i>	-	-												-		-									
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]																								
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]	[No change in text.]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones												
	1st & 2nd >>	RM-												
	3rd >>	1-			2-			3-			4-		5-	
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]	[No change in text.]													
<i>Marijuana Outlets</i>	-	-	-	-	-	-	-	-	-	-	-	-		
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]													

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

Section 9. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in 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												
	1st & 2nd >> 3rd >> 4th >>	CN ⁽¹⁾ -					CR-		CO-			CV-		CP-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-	
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]												
<i>Marijuana Outlets</i>		-	-	C	-	C	-	C	-	-	-	-	-	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]												
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [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 >>	CC-																																												
	3rd >>	1-			2-			3-			4-			5-																																
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6													
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]																																												
<i>Marijuana Outlets</i>		-			C				-			-			-			-			-			-			-			-			-													
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]																																												
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																												

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

Section 10. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial 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 >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]	[No change in text.]										
<i>Marijuana Outlets</i>	-	-	-	-	-	C	-	-	C	C	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]										
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

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

Section 11. That Chapter 14, Article 1, Division 5 of the San Diego Municipal Code is amended by adding new section 141.0504, and by renumbering section 141.0504 to section 141.0505, section 141.0505 to section 141.0506, section 141.0506 to section 141.0507, and section 141.0507 to section 141.0508, to read as follows:

§141.0504 Marijuana Outlets

Marijuana outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with

Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four *marijuana outlets* are permitted in each City Council District. *Marijuana outlets* are subject to the following regulations.

- (a) *Marijuana outlets* shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:
 - (1) 1,000 feet from resource and population-based city parks, other *marijuana outlets*, *churches*, child care centers, *playgrounds*, libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
 - (2) 100 feet from a residential zone.
- (b) Lighting shall be provided to illuminate the interior, façade, and the immediate surrounding area of the *marijuana outlet*, including any *accessory uses*, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security shall be provided at the *marijuana outlet* which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premises*

during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.

- (d) Primary *signs* shall be posted on the outside of the *marijuana outlet* and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.
- (e) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the *marijuana outlet* in character size at least two inches in height.
- (f) The *marijuana outlet* shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.
- (h) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (i) A Conditional Use Permit for a *marijuana outlet* shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an *accessory use* only from *marijuana outlets* with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.

- (k) The *marijuana outlet*, adjacent public sidewalks, and areas under the control of the *marijuana outlet*, shall be maintained free of litter and graffiti at all times.
- (l) The *marijuana outlet* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted *accessory use* at a *marijuana outlet*.
- (n) An extension of time for a Conditional Use Permit granted to a *marijuana outlet* shall comply with the requirements of Section 126.0111, with the following exceptions:
 - (1) The extension shall be for no more than five years.
 - (2) A decision on an application for an extension of time shall be made in accordance with Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.
 - (3) The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.0504(a) has located within the required distance after the approval date of the initial Conditional Use Permit.
 - (4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).

§141.0505 Plant Nurseries

[No change in text.]

§141.0506 Retail Farms

[No change in text.]

§141.0507 Swap Meets and Other Large Outdoor Retail Facilities

[No change in text.]

§141.0508 Retail Tasting Stores

[No change in text.]

Section 12. That Chapter 14, Article 1, Division 6 of the San Diego Municipal Code is amended by repealing section 141.0614.

Section 13. 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) through (8) [No change in text.]

(9) *Marijuana outlet* regulations contained in Section 141.0504 when the use is specifically allowed by the Planned District Ordinance.

(10) Processing, raising, harvesting, retail sales, distributing, storing, or manufacturing, as described in Section 131.0112, of marijuana or marijuana products when the use is specifically allowed by the Planned District Ordinance.

Section 14. That Chapter 15, Article 2, Division 3 of the San Diego Municipal Code is amended by amending section 152.0312, to read as follows:

§152.0312 Subdistrict D Permitted Uses

- (a) through (b) [No change in text.]
- (c) Marijuana outlets are permitted in accordance with Section 141.0504.
- (d) [No change in text.]

Section 15. That Chapter 15, Article 3, Division 3 of the San Diego Municipal Code is amended by amending sections 153.0309 and 153.0310, to read as follows:

§153.0309 Employment Center (EC)

- (a) Permitted Uses
No building, improvement, or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:
 - (1) through (10) [No change in text.]
 - (11) Marijuana outlets are permitted in accordance with Section 141.0504.
 - (12) through (14) [No change in text.]
- (b) through (c) [No change in text.]

§153.0310 Special Use Area (SP)

- (a) [No change in text.]
- (b) Permitted Uses
The following uses are permitted in the Special Use Area:
 - (1) through (11) [No change in text.]

(12) Marijuana outlets are permitted in accordance with Section 141.0504.

(13) [No change in text.]

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

Section 16. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0308, to read as follows:

§156.0308 Base District Use Regulations

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

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	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space through Retail Sales [No change in text.]	[No change in text.]															
Separately Regulated Retail Sales Uses																
<i>Marijuana Outlets</i>	-	-	-	-	C	-	-	C	C	-	-	-	C	§141.0504		
Commercial Services, Animal Grooming & Veterinary Offices through Commercial Services, Maintenance & Repair [No change in text.]	[No change in text.]															
Commercial Services, Off-Site Services through Other Use Requirements, Temporary Uses and Structures [No	[No change in text.]															

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	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	<i>MS/CS & E Overlays</i>
change in text.]															

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

Section 17. That Chapter 15, Article 14, Division 3 of the San Diego Municipal Code

is amended by amending section 1514.0305, to read as follows:

§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 thereof, 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 1514-03J. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03J

[No change in text.]

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

COMMERCIAL	MV- CO	MV- CV	MV- CR
Accessory Uses through Locksmith shops [No change in text.]	[No change in text.]		
Marijuana outlets	CUP ³	CUP ³	CUP ³
Medical, dental, biological, and X-ray laboratories through Medical appliance sales [No change in text.]	[No change in text.]		
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.]	[No change in text.]		

Footnotes for Table 1514-03J

¹ through ² [No change in text.]

³ When the multiple use option is utilized, marijuana outlets are prohibited.

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

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

Section 18. That a medical marijuana consumer cooperative with a valid Conditional Use Permit as of the effective date of this Ordinance may operate as a marijuana outlet for the remaining term of the Conditional Use Permit without need for amendment pursuant to San Diego Municipal Code section 126.0113.

Section 19. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 20. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force no sooner than the thirtieth day from and after the finding of consistency, except that the provisions of this Ordinance 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.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended 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.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance 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 California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 21. Notwithstanding Chapter 12, Article 7, Division 1, or the previous issuance of a Zoning Use Certificate pursuant to Chapter 12, Article 3, Division 3, or a Business Tax Certificate pursuant to Chapter 3, Article 1, Division 1, no development or uses that are inconsistent with this Ordinance are allowed after the effective date of this Ordinance, which date is determined in accordance with Section 20, above, except for those medical marijuana consumer cooperatives with a valid Conditional Use Permit as of the effective date of this Ordinance and those businesses with an approved Zoning Use Certificate and Business Tax Certificate as of today's date, January 31, 2017, which are grandfathered in and are a previously

conforming use until such time that Council adopts regulations related to issues of cultivation, distribution, processing, storage, and testing.

Section 22. No marijuana outlet or medical marijuana consumer cooperative may be used for recreational marijuana purposes until the State of California has begun issuing licenses for commercial marijuana activities, as defined in California Business and Professions Code section 26001.

Section 23. That if this Ordinance is unconditionally certified by the California Coastal Commission before the San Ysidro Community Plan Amendment approvals contained in City Council Resolution R-310804 and Ordinances O-20772, O-20773, and O-20774 (San Ysidro Approvals) are unconditionally certified, the reference to “medical marijuana consumer cooperatives” in the Southeastern San Diego Planned District Ordinance, Appendix A shall be deemed to read “marijuana outlets” for applications in the Coastal Zone, until the San Ysidro Approvals are unconditionally certified by the California Coastal Commission and the Southeastern San Diego Planned District Ordinance is thereby repealed.

Section 24. That, upon final passage, the Clerk is directed to transmit copies of this Ordinance to the State of California Department of Consumer Affairs (Bureau of Marijuana Control), Food and Agriculture, and Public Health.

Section 25. That the proposed amendments to Section 131.0112 sunset nine months after Council adoption of this Ordinance.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

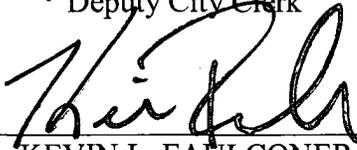
SMT:als
01/12/2017
02/02/2017 Rev. Copy
Or.Dept: Planning
Doc. No.: 1391106_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 14 2017

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 2/22/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~
NEW LANGUAGE: Double Underline

ITEM# 51-A
2/14/17

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 4, ARTICLE 2, DIVISION 7 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 42.0709; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0225; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0323; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY ADDING NEW SECTION 141.0504, BY RENUMBERING SECTION 141.0504 TO SECTION 141.0505, SECTION 141.0505 TO SECTION 141.0506, SECTION 141.0506 TO SECTION 141.0507, AND SECTION 141.0507 TO SECTION 141.0508; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY REPEALING SECTION 141.0614; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0312; AMENDING CHAPTER 15, ARTICLE 3, DIVISION 3 BY AMENDING SECTIONS 153.0309 AND 153.0310; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTION 1514.0305, ALL RELATING TO MARIJUANA REGULATIONS.

**§42.0709 Fowl, Rabbits, Racing or Homing Pigeons or Fancy Pigeons, Maintenance—
Regulations and Exceptions**

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

(e) Keeping or maintaining chickens located on a premises zoned for a single dwelling unit, developed with a single dwelling unit, developed with a community garden in accordance with section 141.0203, or developed with a retail farm in accordance with section 141.0505~~6~~, is subject to the following requirements, except that section 42.0709(e) shall not apply to single dwelling units located in agriculture base zones.

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

(f) [No change in text.]

§113.0103 Definitions

Abutting property through *Map, tentative* (See *tentative map*) [No change in text.]

Marijuana outlet means a retail establishment operating with a Conditional Use Permit in accordance with Section 141.0504, where marijuana, marijuana products, and marijuana accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, are sold to the public in accordance with dispensary or retailer licensing requirements pursuant to the California Business and Professions Code. A *marijuana outlet* does not include clinics licensed by the State of California pursuant to California Health and Safety Code Division 2, Chapters 1, 2, 3.01, 3.2, or 8.

Market value through *Marquee* [No change in text.]

~~*Medical marijuana consumer cooperative* means a facility where marijuana is transferred to qualified patients or primary caregivers in accordance with the~~

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

MHPA through *Yard* [No change in text.]

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. (See Diagram 113-02E).

Diagram 113-02E

Distance Between Uses

[No change in text.]

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

(c) When measuring distance for separation requirements for *medical marijuana consumer cooperatives*, *marijuana outlets*, the measurement of distance between the uses ~~will~~ shall take into account natural topographical barriers and constructed barriers such as *freeways or flood control channels* that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

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

Marijuana outlets

~~*Medical marijuana consumer cooperatives*~~

Museums through *Wireless communication facilities* (under circumstances described in Section 141.0420) [No change in text.]

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

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110. A description of separately regulated uses is located in Section 131.0112(b).

(1) [No change in text.]

(2) Agriculture Use Category

This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The raising, harvesting, and processing of marijuana and marijuana products is prohibited. The agriculture subcategories are:

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

(3) through (5) [No change in text.]

(6) Commercial Services Use Category

This category includes uses that provide for consumer or business services, for the repair and maintenance of a wide variety of products, and for entertainment. The commercial services subcategories are:

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

(L) Tasting rooms - Uses accessory to a beverage manufacturing plant that offer tastings and sell beverages manufactured on the *premises* for on-site or off-site consumption. The subcategory includes establishments such as breweries, wineries, and distilleries that offer tastings and sales of alcoholic beverages in accordance with a license issued by the California Department of Alcoholic Beverage Control. This subcategory does not include uses that qualify as retail tasting stores under Section 141.05078.

(7) through (8) [No change in text.]

(9) Distribution and Storage Use Category

This category includes uses that distribute and store goods. Long-term and short-term storage of commercial goods and personal items is included. Distribution and storage of marijuana and marijuana products, unless otherwise specifically allowed, is prohibited. The subcategories are:

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

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. Production of goods from marijuana and marijuana products and testing of marijuana and marijuana products is prohibited. The subcategories are:

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

(11) [No change in text.]

(b) [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 for 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	1
Open Space through Residential, <i>Single Dwelling Units</i> [No change in text.]	[No change in text.]						
Separately Regulated Residential Uses:							
Residential, Separately Regulated Residential Uses, <i>Boarder & Lodger Accommodations</i> through Retail Sales, Wearing Apparel & Accessories [No change in text.]	[No change in text.]						
Separately Regulated Retail Sales Uses:							
Retail Sales, Separately Regulated Retail Sales Uses, Agriculture Related Supplies & Equipment through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]	[No change in text.]						
<u><i>Marijuana Outlets</i></u>	=	=	=	=	=	=	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]						
<u><i>Medical Marijuana Consumer Cooperatives</i></u>	-	-	-	-	-	-	
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Offices, Regional & Corporate Headquarters [No change in text.]	[No change in text.]						
Separately Regulated Office Uses:							
Offices, Separately Regulated Office Uses, Real Estate Sales Offices & Model Homes through Industrial, Trucking & Transportation Terminals [No change in text.]	[No change in text.]						
Separately Regulated Industrial Uses:							
Industrial, Separately Regulated Industrial Uses, <i>Hazardous Waste Research Facility</i> through Signs, Allowable Signs [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 >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Separately Regulated Signs Uses:							
Signs, Separately Regulated Signs Uses, Community Entry Signs through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

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

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for 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 Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
<u>Marijuana Outlets</u>		=		=	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
<u>Medical Marijuana Consumer Cooperatives</u>		-		-	

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
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

§131.0323 Additional Use Regulations of Agricultural Zones

The additional use regulations identified in this section are applicable to uses where indicated in Table 131-03B.

- (a) [No change in text.]
- (b) Horticulture nurseries are permitted subject to the following:
 - (1) Only plants are permitted to be sold on the *premises*. The sale of non-plant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.05045;
 - (2) and (3) [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 for 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																							
	1st & 2nd >>	RE-	RS-														RX-		RT-						
	3rd >>	1-	1-														1-		1-						
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmer's Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]																							
<i>Marijuana Outlets</i>	=	=														=		=							
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]																							
<i>Medical Marijuana Consumer Cooperatives</i>	-	-														-		-							
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [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	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]	[No change in text.]													
<i>Marijuana Outlets</i>	=	=	=	=	=	=	=	=	=	=	=	=		
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]													
<i>Medical Marijuana Consumer Cooperatives</i>	-	-	-	-	-	-	-	-	-	-	-	-		
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]													

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

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in 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													
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-				CV-		CP-
	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-		
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]													
<u>Marijuana Outlets</u>		=	=	<u>C</u>	=	<u>C</u>	=	=	=	=	=	=	=	=	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]													
<u>Medical Marijuana Consumer Cooperatives</u>		-	-	€	-	-	-	-	-	-	-	-	-	-	
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [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 >>	CC-																																												
	3rd >>	1-			2-			3-			4-			5-																																
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6													
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]																																												
<i>Marijuana Outlets</i>		=	C			=	=	=																																						
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]																																												
<i>Medical Marijuana Consumer Cooperatives</i>		-	E			-	-	-																																						
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																												

Footnotes for 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 Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial 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 >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]	[No change in text.]										
<i>Marijuana Outlets</i>	=	=	=	=	=	C	=	=	C	C	
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]	[No change in text.]										
<i>Medical Marijuana Consumer Cooperatives</i>	-	-	-	-	-	€	-	-	€	€	
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

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

§141.0504 **Marijuana Outlets**

Marijuana outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four marijuana

outlets are permitted in each City Council District. Marijuana outlets are subject to the following regulations.

(a) Marijuana outlets shall maintain the following minimum separation between uses, as measured between property lines, in accordance with Section 113.0225:

(1) 1,000 feet from resource and population-based city parks, other marijuana outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) 100 feet from a residential zone.

(b) Lighting shall be provided to illuminate the interior, façade, and the immediate surrounding area of the marijuana outlet including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.

(c) Security shall be provided at the marijuana outlet which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in

activities related to providing security for the facility, except on an incidental basis.

- (d) Primary signs shall be posted on the outside of the marijuana outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors.
- (e) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the marijuana outlet in character size at least two inches in height.
- (f) The marijuana outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to marijuana and marijuana products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to marijuana and marijuana products without a human intermediary.
- (h) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (i) A Conditional Use Permit for a marijuana outlet shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an accessory use only from marijuana outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.

- (k) The *marijuana outlet*, adjacent public sidewalks, and areas under the control of the *marijuana outlet*, shall be maintained free of litter and graffiti at all times.
- (l) The *marijuana outlet* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted *accessory use* at a *marijuana outlet*.
- (n) An extension of time for a Conditional Use Permit granted to a *marijuana outlet* shall comply with the requirements of Section 126.0111, with the following exceptions:
- (1) The extension shall be for no more than five years.
 - (2) A decision on an application for an extension of time shall be made in accordance with Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.
 - (3) The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.0504(a) has located within the required distance after the approval date of the initial Conditional Use Permit.
 - (4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).

§141.05045 Plant Nurseries

[No change in text.]

§141.05056 Retail Farms

[No change in text.]

§141.05067 Swap Meets and Other Large Outdoor Retail Facilities

[No change in text.]

§141.05078 Retail Tasting Stores

[No change in text.]

§141.0614 ~~Medical Marijuana Consumer Cooperatives~~

~~Medical marijuana consumer cooperatives may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four medical marijuana consumer cooperatives are permitted in each City Council District. Medical marijuana consumer cooperatives are subject to the following regulations.~~

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

- (1) ~~1,000 feet from public parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, other medical marijuana consumer cooperatives, residential care facilities, or schools. For purposes of this section, school means any public or private~~

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

- (2) ~~100 feet from a residential zone.~~
- (b) ~~Consultations by medical professionals shall not be a permitted accessory use at a medical marijuana consumer cooperative.~~
- (c) ~~Lighting shall be provided to illuminate the interior of the medical marijuana consumer cooperative, facade, and the immediate surrounding area, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.~~
- (d) ~~Security shall be provided at the medical marijuana consumer cooperative which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard should only be engaged in activities related to providing security for the facility, except on an incidental basis.~~
- (e) ~~Signs shall be posted on the outside of the medical marijuana consumer cooperative and shall only contain the name of the business, limited to two colors.~~
- (f) ~~The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside of the medical~~

~~marijuana consumer cooperative~~ in character size at least two inches in height.

- (g) ~~The medical marijuana consumer cooperative shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.~~
- (h) ~~The use of vending machines which allow access to medical marijuana except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to medical marijuana without a human intermediary.~~
- (i) ~~A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.~~
- (j) ~~A Conditional Use Permit for a medical marijuana consumer cooperative shall expire no later than five (5) years from the date of issuance.~~

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (8) [No change in text.]
 - (9) ~~Medical marijuana consumer cooperative regulations contained in Section 141.0614, Marijuana outlet regulations contained in Section 141.0504 when that the use is specifically allowed by the Planned District Ordinance.~~
 - (10) Processing, raising, harvesting, retail sales, distributing, storing, or manufacturing, as described in Section 131.0112, of marijuana or

marijuana products when the use is specifically allowed by the
Planned District Ordinance.

§152.0312 Subdistrict D Permitted Uses

- (a) through (b) [No change in text.]
- (c) ~~Medical marijuana consumer cooperatives~~ Marijuana outlets are permitted in accordance with Section 141.06140504.
- (d) [No change in text.]

§153.0309 Employment Center (EC)

- (a) Permitted Uses
- No building, improvement, or portion thereof shall be erected, constructed, converted, established, altered, or enlarged; nor shall any lot or premises be used except for one or more of the following purposes:
- (1) through (10) [No change in text.]
- (11) ~~Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.~~ Marijuana outlets are permitted in accordance with Section 141.0504.
- (12) through (14) [No change in text.]
- (b) through (c) [No change in text.]

§153.0310 Special Use Area (SP)

- (a) [No change in text.]
- (b) Permitted Uses
- The following uses are permitted in the Special Use Area:
- (1) through (11) [No change in text.]

(12) ~~Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614. Marijuana outlets are permitted in accordance with Section 141.0504.~~

(13) [No change in text.]

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

§156.0308 Base District Use Regulations

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

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	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Retail Sales [No change in text.]	[No change in text.]														
<u>Separately Regulated Retail Sales Uses</u>															
<i><u>Marijuana Outlets</u></i>	=	=	=	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>	=	=	=	<u>C</u>	<u>§141.0504</u>	
Commercial Services, Animal Grooming & Veterinary Offices through Commercial Services, Maintenance & Repair [No change in text.]	[No change in text.]														
Medical Marijuana Consumer Cooperatives	-	-	-	-	<u>C</u>	-	-	<u>C</u>	<u>C</u>	-	-	-	<u>C</u>	<u>§141.0614</u>	
Commercial Services, Off-Site Services through Other Use Requirements, Temporary Uses and Structures [No	[No change in text.]														

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	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays
change in text.]															

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

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

(a) [No change in text.]

(b) Permitted Uses

- (1) No building or improvement, or portion ~~there of~~ thereof, 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 1514-03J. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03J

[No change in text.]

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

COMMERCIAL	MV- CO	MV- CV	MV- CR
Accessory Uses through Locksmith shops [No change in text.]	[No change in text.]		
<u>Marijuana outlets</u>	<u>CUP³</u>	<u>CUP³</u>	<u>CUP³</u>
Medical, dental, biological, and X-ray laboratories through Medical appliance sales [No change in text.]	[No change in text.]		

COMMERCIAL	MV- CO	MV- CV	MV- CR
Medical marijuana consumer cooperatives	CUP ³	CUP ³	CUP ³
<p>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.</p> <p>[No change in text.]</p>	[No change in text.]		

Footnotes for Table 1514-03J

¹ through ² [No change in text.]

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

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

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

SMT:als
01/12/2017
02/02/2017 Rev. Copy
Or.Dept: Planning
Doc. No.: 1391108_4

Passed by the Council of The City of San Diego on FEB 14 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage FEB 22 2017

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

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

By [Signature], 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

JAN 31 2017, and on FEB 22 2017

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>20793</u>