

RESOLUTION NUMBER R- 306122
DATE OF FINAL PASSAGE OCT 04 2010

A RESOLUTION INITIATING AMENDMENTS TO THE CITY'S LAND DEVELOPMENT CODE AND LOCAL COASTAL PROGRAM PERTAINING TO MEDICAL MARIJUANA DISPENSARIES.

WHEREAS, on October 6, 2009, the San Diego City Council voted to establish a Medical Marijuana Task Force [Task Force] to advise the City Council on: (1) guidelines for medical marijuana patients and primary caregivers; (2) guidelines for the structure and operation of medical marijuana cooperatives and/or collectives; and (3) guidelines for police department enforcement regarding medical marijuana; and

WHEREAS, the resolution establishing the Task Force further provided that the Task Force was to report back to the City Council by the end of 2009 with recommendations regarding land use and zoning issues; and

WHEREAS, the Council appointed eleven members, with a broad range of perspectives and backgrounds, to serve on the Task Force; and

WHEREAS, on March 24, 2010, the Task Force presented their report to the Land Use and Housing Committee, which passed the following motion on a 3-1 vote:

Direct the City Attorney to develop an ordinance for the regulation of medical marijuana dispensaries using the recommendations of the Medical Marijuana Task Force, but with the following changes:

1. All applications will be subject to a Process 4 Conditional Use Permit (CUP).
2. Proof of Non-Profit status required for the CUP.

3. Eliminate Commercial Neighborhood and Commercial Visitor zones from the list of allowable zones. Any commercial zones must be without residential uses.
4. Provide analysis of the IL3 and IS zones, as detailed in Councilmember Faulconer's memo.
5. Additional consideration must be given to the zones with Planned District Ordinances.
6. Distance Requirement of 1000 feet from the uses described in the Task Force Report, including distance between dispensaries.
7. Additional distance requirement of 1000 feet for parks and places of worship.
8. Existing dispensaries must come into compliance with the new ordinance.
9. Clear definitions provided with terms describing distance requirements.
10. Full cost recovery to mitigate any costs borne by the City.

WHEREAS, subsequently, Land Use and Housing Committee Chairman Todd Gloria issued a memo clarifying the intent of Committee as it relates to zones in which marijuana dispensaries would be permitted.

WHEREAS, the Municipal Code allows the City Council to initiate amendments to Planned District Ordinances and other zoning amendments; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council adopts a resolution initiating amendments to the City's Land Development Code and Local Coastal Program pertaining to medical marijuana dispensaries.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon Thomas
Shannon Thomas
Deputy City Attorney

ST:als
08/27/10
Or.Dept:City Council Committees
R-2011-163
PL#2010-01398

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of SEP 13 2010.

ELIZABETH S. MALAND
City Clerk

By Mary Sumaya
Deputy City Clerk

Approved: 10-4-10
(date)

JSA
JERRY SANDERS, Mayor

Vetoed: _____
(date)

JERRY SANDERS, Mayor