

## **Executive Summary of Item Background**

The Code Enforcement Division (CED) of the Development Services Department (DSD) began enforcement of Marijuana Dispensaries in 2009. At that time, applicable zoning use regulations, as described in the San Diego Municipal Code, did not allow marijuana dispensary operations. Investigations were opened and enforcement action was taken to cause dispensary operations to cease. Notices of Violation often would include structural, plumbing, electrical, and mechanical modifications to existing commercial tenant spaces constructed without required permits and inspection approvals. Some of these improvements caused conditions identified as health and safety violations.

CED submitted all cases to the City Attorney's Code Enforcement Unit for further enforcement action.

In early January, 2013, then Mayor Filner directed CED to suspend enforcement of marijuana dispensaries. Shortly thereafter at the end of January, then Mayor Filner issued a press release indicating that enforcement of dispensaries would continue. CED proceeded with dispensary enforcement utilizing administrative remedies until August, 2013 when referral of cases to the City Attorney's office resumed.

Because of the high volume of marijuana dispensary case investigations that have opened over the past two years, CED has assigned two (2) Zoning Investigators to dispensary enforcement and fifty percent (0.5) of a Combination Inspector. These positions are not currently budgeted for dispensary enforcement and therefore create impacts to general citywide code enforcement staffing assignments.

Despite the adoption of O-20356 N.S. that provided for operation of Medical Marijuana Consumer Collectives in certain zones with an approved Conditional Use Permit, ongoing enforcement of unauthorized dispensaries will continue. Cases continue to be referred to the City Attorney's office.

Attached is a matrix of Marijuana Dispensary Enforcement Statistics including a breakdown of current open cases by Council District.

**DEVELOPMENT SERVICES DEPARTMENT  
CODE ENFORCEMENT DIVISION  
MARIJUANA DISPENSARY  
ENFORCEMENT STATISTICS  
September 9, 2014**

2009 to 2012	Total Marijuana Dispensary Cases Opened	297
	Dispensaries Open on 12/31/13	4
	Dispensaries Closed on 12/31/13	293
2013 to 2014	Total Marijuana Dispensary Cases Opened	120
	Dispensaries Open on 09/09/14	44
	Dispensaries Closed on 09/09/14	76
Current Marijuana Dispensaries Open by Council District	CD 1	2
	CD 2	12
	CD 3	12
	CD 4	3
	CD 5	0
	CD 6	6
	CD 7	2
	CD 8	4
	CD 9	7



# CODE ENFORCEMENT PROCESS for UNPERMITTED MARIJUANA DISPENSARIES

