

STRIKEOUT ORDINANCE

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

ORDINANCE NUMBER O-20356 (NEW SERIES)

DATE OF FINAL PASSAGE MAY 25, 2014

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0103; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222, TABLE 131-02B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322, TABLE 131-03B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422, TABLE 131-04B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522, TABLE 131-05B; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622, TABLE 131-06B; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 6 BY ADDING A NEW SECTION 141.0614 AND RENUMBERING THE CURRENT SECTION 141.0614 TO 141.0615; 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, TABLE 156-0308-A; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTION 1514.0305, TABLE 1514-03J; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 3 BY AMENDING SECTIONS 1517.0301 AND 1517.0302; AND AMENDING CHAPTER 15, ARTICLE 19, APPENDIX A, ALL RELATED TO MEDICAL MARIJUANA CONSUMER COOPERATIVES.

§113.0103 Definitions

Abutting property 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 *Mining Waste* [No change in text.]

Minor-oriented facility means any after school program, teen center, club for boys and/or girls, children's theater, children's museum, or other establishment where the *primary use* is devoted to people under the age of 18.

Mobilehome through *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.]

§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 Regulation 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.]

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.]

§131.0222 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 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, Nightclubs & Bars over 5,000 square feet in size 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 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 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, Nightclubs & Bars over 5,000 square feet in size 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.]

§131.0422 Use Regulations Table for Residential Zones

The uses allowed in the residential zones are shown in the Table 131-04B.

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table of Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																					
	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
Open Space 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																						
		RE-		RS-										RX-		RT-								
	1st & 2nd >>	1-		1-										1-		1-								
	3rd >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
4th >>	[No change in text.]																							
Commercial Services, Separately Regulated Commercial Services Uses, Nightclubs & Bars over 5,000 square feet in size 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											
		RM-											
	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 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, Nightclubs & Bars over 5,000 square feet in size 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 131-04B [No change in text.]

§131.0522 Use Regulations Table of 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										
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-	
	3rd >>	1-			1-	2-	1-		1-		1-	
	4th >>	1	2	3	1	1	1	2	1	2	1	
Open Space 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>	≡			≡	<u>C</u>	≡		≡		≡		
Commercial Services, Separately Regulated Commercial Services Uses, Nightclubs & Bars over 5,000 square feet in size 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	Zone																
	1st & > 2nd >>	CC-																
	3rd >>	1-			2-			3-			4-			5-				
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4
Open Space 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>	≡			<u>C</u>	≡			≡			≡							
Commercial Services, Separately Regulated Commercial Services Uses, Nightclubs & Bars over 5,000 square feet in size through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]																	

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

§131.0622 Use Regulations Table for Industrial Zones

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

Legend for Table 131-06B

[No change in text.]

**Table 131-06B
Use Regulations Table for Industrial Zones**

Use Categories/ Subcategories [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-
	3rd >>>	1-	2-	1-	2-	3-	1-	2-	1-
	4th >>>	1	1	1	1	1	1	1	1
Open Space 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>	=	=	=	=	<u>C</u>	=	=	<u>C</u>	
Commercial Services, Separately Regulated Commercial Services Uses, Nightclubs & Bars over 5,000 square feet in size through Signs, Separately Regulated Signs Uses, Community Entry Signs [No change in text.]	[No change in text.]								
Neighborhood <u>Neighborhood</u> Identification Signs	[No change in text.]								
Comprehensive Sign Program through Theater Marquees [No change in text.]	[No change in text.]								

Footnotes to Table 131-06B [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.

§ ~~141.0614~~ 141.0615 **Nightclubs and Bars over 5,000 Square Feet in Size**

[No change in text.]

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (7) [No change in text.]
 - (8) Medical marijuana consumer cooperative regulations contained in Section 141.0614, when that 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 are permitted in accordance with Section 141.0614.
- (d) All uses except off-street parking, outdoor dining facilities, signs and the storage and display of those items listed in Section 152.0405(b) (Outdoor Display, Operation and Storage) shall be operated entirely within enclosed buildings or walls or fences as required in Section 152.0405.

§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.

~~(11)~~12) The following manufacturing uses only when secondary and supportive to the primary manufacturing use of the premises:

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

~~(12)~~13) The following uses and classes of uses shall be prohibited from locating in the Employment Center Zone:

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

~~(13)~~14) The following manufacturing uses shall be prohibited:

(A) through (H) [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.

~~(12)~~13) Any other use, including accessory uses, which the Planning Commission may find, in accordance with Process Four, to be similar in character to the uses enumerated above and consistent with the purpose and intent of this zone. The adopted resolution embodying such findings shall be filed in the office of the City Clerk.

(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 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>
Public Park/ Plaza/Open Space through Commercial Services, Maintenance & Repair [No change in text.]	[No change in text.]														
<u>Medical Marijuana Consumer Cooperatives</u>	=	=	=	=	<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, Outdoor Activities [No change in text.]	[No change in text.]														

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

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

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

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 Medical appliance sales [No change in text.]	[No change in text.]		
<u>Medical marijuana consumer cooperatives</u>	<u>CUP³</u>	<u>CUP³</u>	<u>CUP³</u>
COMMERCIAL , Music Stores through COMMERCIAL , Wholesaling or warehousing of goods and merchandise, provided that the floor area occupied for such use per establishment does not exceed 5,000 sq. ft. For automobile dealership, the area shall not exceed 15,000 sq. ft. [No change in text.]			
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 1514-03J~~ **Footnotes Table 1514-03J**

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

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

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

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

§1517.0301 Permitted Uses

(a) Industrial Subdistrict

No building or improvement or portion thereof shall be erected, constructed, converted, established or enlarged, nor shall any premises be used except for one or more of the following purposes:

(1) through (9) [No change in text.]

(10) Medical marijuana consumer cooperatives

Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

(b) Commercial Subdistricts

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

(8) Medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

§1517.0302 Otay International Center Precise Plan Subdistrict

In the Otay International Center Precise Plan Subdistrict identified on Map Drawing No. C-680.2, the property development regulations as set forth within the Otay International Center Precise Plan shall apply, and 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 land uses permitted on the parcel by the Precise Plan, except that medical marijuana consumer cooperatives are permitted in accordance with Section 141.0614.

Article 19: Southeastern San Diego Planned District

Appendix A: Uses

Legend: P = Permitted

- = Not Permitted

L = ~~subject~~ Subject to Limitations

C = Conditional Use Permit in accordance with Chapter 12, Article 6, Division 3

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.]							
<u>Medical Marijuana Consumer Cooperatives</u>	=	=	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	=
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 The following business and professional establishments: Addressing and Secretarial Services [No change in text.]	[No change in text.]						
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). [No change in text.]	[No change in text.]						

Footnotes for Appendix A: Uses [No change in text.]

SMT:als

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