

CALIFORNIA COASTAL COMMISSION

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May 30, 2014

Th12g

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT
ALEX LLERANDI, COASTAL PLANNER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO LCP AMENDMENT
No. LCP-6-SAN-14-0605-1 (Medical Marijuana Consumer Cooperatives) for
Commission Meeting of June 11-13, 2014**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 29, 2014. As such, the last date for Commission action, absent an extension of time, on this item is the June 2014 hearing. No changes are being proposed to any land use plan component by the amendment.

SUMMARY OF AMENDMENT REQUEST

The City has adopted code amendments to create a new separately regulated commercial service – medical marijuana consumer cooperatives – in a limited number of industrial and commercial zones that avoids visitor-serving areas (i.e. regional commercial, office commercial, community commercial and light industrial). Specifically, the proposed ordinance would allow for the permitting of medical marijuana consumer cooperatives under renewable 5-year Conditional Use Permits subject to strict criteria regarding, among other aspects, signage, hours of operation, distance from sensitive uses (i.e. schools, libraries, etc.), and sufficient lighting and security. The ordinance is applicable to certain industrial and commercial zones only and there are no modifications being proposed to the development standards for the underlying zone classifications. The proposed ordinance does not affect residential neighborhoods.

SUMMARY OF STAFF RECOMMENDATION

For the City of San Diego's Local Coastal Program, the Land Development Code (LDC) constitutes the primary element of the City's certified implementation plan and it represents an integrating feature for the multiple community plan/land use planning areas. The proposed code amendments will introduce the permitting of medical marijuana consumer cooperatives in limited industrial and commercial zones. Medical marijuana

consumer cooperatives will be classified as a commercial use, but they are currently prohibited within the City of San Diego.

Communities in the coastal zone with industrial and commercial zoning that could possibly house medical marijuana consumer cooperatives under the City's proposed amendment include Barrio Logan, Carmel Valley, Mira Mesa, North City, Otay Mesa/Nestor, Pacific Beach, San Ysidro, Sorrento Valley, and Torrey Pines. In past Commission actions regarding LCP amendments addressing medicinal marijuana, the Commission has consistently held that the subject of medicinal marijuana and the public's access to it was not a Coastal Act issue. The proposed code amendments do not modify any of the otherwise required development standards, such as parking or landscaping, for other commercial uses. According to the City's mapping analysis of potential sites for medical marijuana consumer cooperatives, all of the potential sites for this use are located outside the Beach Impact Area that includes the two to three blocks along the coast where parking demand is the highest. Therefore, the proposed amendment can be found consistent with the City's certified land use plans and no adverse impacts to any coastal resources, including public access, are anticipated. Staff therefore recommends the Commission approve the proposed LCP amendment as submitted.

The appropriate resolution and motion may be found on Page 4. The findings for approval of the Implementation Plan Amendment as submitted also begin on Page 4.

BACKGROUND

The City's first Implementation Plan (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000. For the subject amendment, Commission staff was briefed by City staff on its drafting and consultation between the respective offices continued through its adoption.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No. LCP-6-SAN-14-0605-1 may be obtained from **Alexander Llerandi**, Coastal Planner, at (619) 767-2370.

PART I. OVERVIEW**A. LCP HISTORY**

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC became effective in January, 2000.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolutions and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. MOTION:** *I move that the Commission reject the Implementation Program Amendment No. LCP-6-SAN-14-0605-1 for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans, and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program Amendment on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program, as amended.

**PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO
IMPLEMENTATION PLAN AMENDMENT, AS SUBMITTED****A. AMENDMENT DESCRIPTION**

The City has adopted code amendments to create a new separately regulated commercial service – medical marijuana consumer cooperatives – in a limited number of industrial and commercial zones that avoid visitor-serving areas (i.e. regional commercial, office commercial, community commercial and light industrial). Specifically, the proposed ordinance would allow for the permitting of medical marijuana consumer cooperatives under renewable 5-year Conditional Use Permits subject to strict criteria regarding, among other aspects, signage, hours of operation, distance from sensitive uses (i.e. schools, libraries, etc.), and sufficient lighting and security. The ordinance is applicable to certain industrial and commercial zones only and there are no other modifications being proposed to the development standards for commercial uses. In addition, no

changes are being proposed to any of the other existing industrial and commercial uses that could be allowed in all industrial and commercial zones. The proposed ordinance does not affect residential neighborhoods.

B. FINDINGS FOR APPROVAL

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP. The City of San Diego's LCP consists of several community plans for the various communities within the City's Coastal Zone. Some of these plans contain provisions that address energy consumption and vehicle miles traveled within the coastal zone. For example, Goal 7.5 G-1 in Section 7.5 of the Centre City/Downtown Community Plan – Transportation Demand Management – echoes Section 30253 of the Coastal Act when it calls for development to:

Encourage transportation demand management strategies to minimize energy consumption, vehicle miles traveled, and traffic contributions from new and existing development.

The Coastal Element of the Naval Training Center/Precise Plan states, in part:

F. Program For Development

[...]

2. Policies

New development shall be located within, contiguous with, or in close proximity to existing developed areas. New development shall be consistent with requirements imposed by an air pollution control district or the State Air Resources Control Boards as to each particular development, and shall minimize energy consumption and vehicle miles traveled.

The proposed amendment would introduce the permitting of medical marijuana consumer cooperatives within certain industrial and commercial zones in the City of San Diego. The request relates to a broader effort by the City of San Diego to manage and regulate the changing legal and cultural landscape related to medical marijuana and public access to it. The proposed changes to the use regulations are only applicable to certain industrial and commercial zones and would permit medicinal marijuana consumer cooperatives subject to restrictions on siting, signage, hours of operation, and security, among other factors. No other changes to the development regulations, such as landscaping or parking standards, of the industrial or commercial zones are being made.

Within the Coastal Zone, there are industrially and commercially zoned properties within the Barrio Logan, Carmel Valley, Mira Mesa, North City, Otay Mesa/Nestor, Pacific Beach, San Ysidro, Sorrento Valley, and Torrey Pines communities that could potentially

meet the siting criteria for housing a medical marijuana consumer cooperative. The City expects most, if not all, of the potential business operators to utilize existing structures.

In past Commission actions regarding LCP amendments addressing medicinal marijuana, the Commission has consistently held that the subject of medicinal marijuana and the public's access to it is not a Coastal Act issue. Nevertheless, under the proposed LCP amendment, only four medical marijuana consumer cooperatives would be permitted in any city district (of which there are nine), for a maximum total of thirty-six medical marijuana consumer cooperatives in the entire city. Of those nine city districts, only four have portions within the City's coastal zone, and a very small fraction of the area within the City's coastal zone has the requisite industrial or commercial zoning, in conjunction with meeting the siting criteria, eligible for housing a medical marijuana consumer cooperative. None of the potential zones for possible medical marijuana consumer cooperatives are in the Beach Impact Overlay Zone, the area of the coastal zone identified by the LCP as most sensitive to parking impacts and thus requiring more stringent parking requirements to protect public access.

However, while the proposed amendment introduces permitting for medical marijuana consumer cooperatives, some advocates for such development still argue that imposition of the proposed amendment, as submitted, would engender an increase in vehicle miles traveled due to the limited and distant sites that medical marijuana consumer cooperatives would be forced to operate in. Their argument goes on to further claim that this could also encourage some people to instead expend energy to grow medical marijuana themselves. However, prior to this amendment, medical marijuana cooperatives were not permitted within the City of San Diego, and consumers of such establishments who lived in the City had to travel outside of the City limits to frequent such establishments, whereas under the proposed amendment, such cooperatives would now be permitted within City limits, reducing travel distance for City residents. Further, given the greater network and frequency of public transit connecting to all parts of the City, prescription holders will be more likely to take public transit than travel predominantly by car to fill their prescriptions in areas outside the City. As for energy consumption, the proposed amendment, as submitted, will not change what is already allowed under existing laws that provide that people can grow a certain amount of medical marijuana at home if they have the proper permits/prescription, thus making it highly unlikely that adding cooperatives in the City that are more convenient for City residents to get to will encourage people who don't already grow at home to begin doing so.

Finally, with regard to location criteria in general, there are numerous other specially regulated uses, such as educational facilities or hospitals, where such siting and distance factors are normally found in zoning codes. These elements reflect local concerns; and, where local governments have imposed such locational criteria and use limitations, the Commission has not found there to be a Coastal Act issue. Thus, the potential for adverse impacts to coastal resources, conflicts with priority uses or public access is negligible. Therefore, the proposed amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plans and may be approved as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.9 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Coastal Commission and the Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP as amended, does conform to CEQA provisions. At the local level, the City found that the environmental review completed at the time of the original adoption of the Land Development Code remained valid and sufficient. The City concluded that the proposed amendment would not result in a substantially changed project, would not result in new impacts or changed circumstances that would require a new environmental document. In the case of the subject LCP amendment request, the Commission also finds that approval of the LCP amendment, as submitted, would not result in significant environmental impacts under the meaning of the California Environmental Quality Act. Therefore, the Commission finds that there are no feasible alternatives under the meaning of CEQA which would reduce the potential for any impacts which have not been explored and the LCP amendment, as submitted, can be supported.

STRIKEOUT ORDINANCE**OLD LANGUAGE: ~~Struck-Out~~****NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

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; AMENDING CHAPTER 15, ARTICLE 14, DIVISION 3 BY AMENDING SECTION 1514.0305; AMENDING CHAPTER 15, ARTICLE 17, DIVISION 3 BY AMENDING SECTIONS 1517.0301 AND 1517.0302; AMENDING CHAPTER 15, ARTICLE 19, APPENDIX A, ALL RELATED TO MEDICAL MARIJUANA CONSUMER COOPERATIVES.

§113.0103 Definitions*Abutting property to Marquee* [No change in text.]*Medical marijuana consumer cooperative means a facility where mariju*

EXHIBIT NO. 1

APPLICATION NO.

LCP 6-SAN-14-0605-1

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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 to Planned Urbanized Communities [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.

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

[No change in text.]

(a) Conditional Use Permits Decided by Process Three

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

Medical marijuana consumer cooperatives

Museums to *Wireless communication facilities* (under circumstances described in Section 141.0420)

(b) [No change in text.]

(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 ⁽¹⁾ -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]				
<i>Medical Marijuana Consumer Cooperatives</i>		-	-	-	-	-
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees – [No change in text.]		[No change in text.]				

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 Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
<u>Medical Marijuana Consumer Cooperatives</u>		<u> </u>			

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																								
	1 st & 2nd >> 3rd >> 4th >>	RE-		RS-												RX-		RT-								
		1-		1-												1-		1-								
		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 Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice		[No change in text.]																								
Medical Marijuana Consumer Cooperatives		=		=												=		=								
Nightclubs & Bars over 5,000 square feet in size through 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 >> 3rd >> 4th >>	RM-											
		1-			2-			3-			4-		5-
		1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Separately Regulated Commercial Services Uses, Massage Establishment, Specialized Practice [No change in text.]		[No change in text.]											
<u>Medical Marijuana Consumer Cooperatives</u>		=			=			=			=		=
Nightclubs & Bars over 5,000 square feet in size through 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 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	Zone Designator	Zones											
	1 st & 2 nd >>	CN ⁽¹⁾ -				CR-		CO-		CV-		CP-	
		3 rd >>	1-				1-	2-	1-	2-	1-	2-	1-
		4 th >>	1	2	3	4	1	1	1	2	1	2	1
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]											
Medical Marijuana Consumer Cooperatives		=											
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

Use Categories/Subcategories	Zone Designator	Zone																							
	1 st & 2 nd >>	CC-																							
	3 rd >>	1-			2-			3-			4-						5-								
	4 th >>	1	2	3	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6			
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]																									
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]																							
Medical Marijuana Consumer Cooperatives		=	C			=	=						=												
Nightclubs & Bars over 5,000 square feet in size through 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							
	1 st & 2 nd >> 3 rd >> 4 th >>	IP-		IL-			IH-		IS-
		1-	2-	1-	2-	3-	1-	2-	1-
		1	1	1	1	1	1	1	1
Open Space through Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]							
<u>Medical Marijuana Consumer Cooperatives</u>		-	-	-	-	C	-	-	C
Nightclubs & Bars over 5,000 square feet in size through Separately Regulated Signs Uses, Community Entry Signs [No change in text.]		[No change in text.]							
Neighborhood <u>Neighborhood</u> Identification Signs 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 to operate for a maximum of five years with a Conditional Use Permit decided in accordance with Process 3 in the zones indicated with a "C" in the Use Regulations Table in Chapter 13, Article 1 (Base Zones), 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 of 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 of 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 which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present during business hours.

(e) Signs shall be posted on the outside of the medical marijuana consumer cooperative that contain only 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. to 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.

§ 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 that 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) [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.

~~(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.

(~~42~~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) Permitted Land Uses

The uses allowed and level of review required in the Centre City Planned District base districts and overlay districts are shown in Table 156-0308-A, below. The "Additional Regulations" column references additional regulations applicable to certain uses, which are found in this Article or in the Land Development Code.

(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	MS/CS & E Overlays
Public Park/ Plaza/Open Space Through Separately Regulated Commercial Services, Maintenance & Repair [No change in text.]	[No change in text.]														
<u>Medical Marijuana Consumer</u>	=	=	=	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>	=	=	=	<u>C</u>	<u>§141.0614</u>	

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>
<u>Cooperatives</u>															
Regulated Commercial Services, Off-Site Services through 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) [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 1514-03I. The predominant land use shall be consistent with the community plan land use designation.

Legend for Table 1514-03J

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

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

Commercial	MV-CO	MV-CV	MV-CR
Accessory Uses through Medical appliance sales [No change in text.]			
<u>Medical marijuana consumer cooperatives</u>	<u>CUP³</u>	<u>CUP³</u>	<u>CUP³</u>
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.]			

Footnote Table 1514-03J

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

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

(3) 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 enlarge, 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 in 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 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 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 Addressing and Secretarial Services [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).							

Footnotes for Appendix A: Uses

1 through 7 [No change in text.]

SMT:als

11/07/13

Or.Dept:DSD

Doc. No. 558503_2

GIS Analysis – Methodology

Areas were selected from the City Zoning layer (from the SanGIS database) based on a list of cooperative-compatible zones under the City Council 2011, and City Council 2013 proposals. Parcels for sensitive receptors were selected using available data, and buffered at the distance specified under each proposal (the 2011 buffer at both 600 ft and the 2013 buffer at 1,000 ft resulting in a layer of exclusionary areas. Areas in compatible zones that overlapped with the exclusionary layer were removed. A list of data sources used to select sensitive receptors is listed below. Planar square footage was tabulated for the remaining areas in compatible zones (square footage refers to the entire remaining area, not office space) by Council District.

Eligible dispensary sites (outside of a restricted area and having compatible zoning and land use) were selected randomly with the criteria to include as many sites as possible while maintaining the appropriate distance (600 or 1000 ft depending on the proposal) from other sites. 100 iterations were run for each proposal, and the result with the maximum number of remaining sites was used. Land use data is from SANDAG's existing land use database (2012), compatible land uses as selected by City staff are listed below.

The actual number of dispensaries that would open would likely be much lower, as factors such as available units for rent, rental rates, overall demand for dispensaries, and proximity of potential sites to target markets would rule out some sites. Additionally, this methodology was designed to identify the maximum number of potential sites. In practice, a dispensary operator who is aware of the proximity restriction between dispensaries would have incentive to locate at a site that would rule out as many other dispensaries as possible based on the 600 or 1,000 ft buffers.

Data Sources

Sensitive Receptor	Source	Notes
Schools	SANDAG GIS School Inventory layer	Based on California Department of Education schools database
Parks	SanGIS City of San Diego Parks layer, SANDAG Regional Parks inventory layer	SanGIS data is an extract from the City of San Diego Real Estate Assets "Allsites" file intended to serve as a "Parks" layer for the City of San Diego; SANDAG data maintained for District Attorney
Libraries	SanGIS Library Inventory layer	Maintained by San Diego County Library department
Churches	SanGIS parcel layer, SANDAG land use inventory layer	Parcels coded by Assessor as "church" or "church parking lot"; land coded as "religious facility"
Child Care	SanGIS State Licensed	Based on California Department of So

Sensitive Receptor	Source	Notes
Centers	Child Care Centers layer	data, geocoded to parcels
Minority/Youth Oriented Facilities	YMCA of San Diego, San Diego Boys and Girls Clubs, SanGIS State Licensed Youth Group Homes layer	YMCA parcels and B&G Club data geocoded from addresses listed on website, Group Home data from California Department of Social Services. New Children's museum and Kroc Center also included.
Residential Care Facilities	County HHSA Alcohol and Drug Services listing (adult residential treatment services)	Geocoded address list
Playgrounds	SANDAG Regional Parks inventory layer	Maintained for District Attorney sex offender registry enforcement
Residential Zones	SanGIS City of San Diego Zoning layer	

Compatible Existing Land Uses

code	Light Industry
2101	Industrial Park
2103	Light Industry - General

code	Commercial
5001	Wholesale Trade
5002	Regional Shopping Center
5003	Community Shopping Center
5004	Neighborhood Shopping Center
5005	Specialty Commercial
5007	Arterial Commercial
5009	Other Retail Trade and Strip Commercial

**Acreages of Zones that Could Permit
Medical Marijuana Consumer Cooperatives**

City Council 2011

District	Allowable Acres ¹	Prohibited Acres ²	Total Compatible Acres
1	879.28	162.06	1,041.34
2	296.89	249.47	546.37
3	65.52	37.74	103.26
4	157.14	138.43	295.57
5	147.74	97.11	244.85
6	1,383.76	91.06	1,474.82
7	1,089.79	214.36	1,304.15
8	5,277.89	571.39	5,849.29
9	65.18	107.72	172.90
Total	9,363.20	1,669.35	11,032.55

City Council 2013

District	Allowable Acres ¹	Prohibited Acres ²	Total Compatible Acres
1	701.37	339.96	1,041.34
2	184.28	362.09	546.37
3	37.99	65.27	103.26
4	34.43	261.14	295.57
5	73.24	171.61	244.85
6	1,267.09	207.73	1,474.82
7	820.94	483.20	1,304.15
8	4,875.20	974.09	5,849.29
9	14.66	158.25	172.90
Total	8,009.21³	3,023.34	11,032.55

Footnotes:

- ¹ Allowable acres are those acres within a permissible zone that are more than 1,000 feet from sensitive uses and other cooperatives, and 100 feet from a residential zone.
- ² Prohibited acres are those acres within a permissible zone that are less than 1,000 feet from sensitive uses and other cooperatives, and 100 feet from a residential zone.
- ³ The City Council 2013 ordinance represents 1,353 fewer allowable acres

EXHIBIT NO. 3
APPLICATION NO.
LCP 6-SAN-14-0605-1
Possible Site Acreage

MAXIMUM POTENTIAL COOPERATIVES

DISTRICT	Council 2011 600ft	Council 2013 1000ft
1	25	15
2	22	9
3	0	0
4	16	5
5	7	3
6	56	28
7	32	14
8	107	54
9	6	3
Total	271	131

Note: Determining the maximum number of potential cooperatives was based the following assumptions.

- The cooperatives were perfectly located with the zone to maximize their number
- Every location within the zone is vacant and available
- Each of the locations would have a building that would be suitable for a cooperative (i.e. a 3,000 square-foot retail or office space could be suitable whereas a 30,000 square-foot space in an industrial building would not be suitable)
- The property owner at each location would be willing to lease to a cooperative
- The methodology would capture absolutely every sensitive use (a submitted project application would be subject to verification that there was compliance with the distance separation from sensitive uses and other cooperatives)

City of San Diego Zoning City Council 2011 Proposal

Allowed Buffer Areas

		Community Commercial
		Industrial
		PDO

 COMMUNITY PLANNING AREAS

 CITY COUNCIL DISTRICTS

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6/19/2013

EXHIBIT NO. 5
APPLICATION NO.
LCP 6-SAN-14-0605-1
2011 Siting Map

