

1 JAN I. GOLDSMITH, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
2 ONU OMORDIA, Deputy City Attorney
California State Bar No. 231583
3 Office of the City Attorney
Community Justice Division/Code Enforcement Unit
4 1200 Third Avenue, Suite 700
San Diego, California 92101-4103
5 Telephone: (619) 533-5500
6 Fax: (619) 533-5696
oomordia@sandiego.gov

F I L E D No Fee GC §6103
Clerk of the Superior Court

MAR 09 2016

By: S. Klais-Trent, Deputy

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CITY OF SAN DIEGO, a municipal
corporation,

11 Plaintiff,

12 v.

13 DARRYL COTTON, and
14 DOES 1 through 50, inclusive,

15 Defendants.

Case No. 37-2016-00005526-CU-MC-CTL

NOTICE OF *EX PARTE* APPLICATION BY
PLAINTIFF, CITY OF SAN DIEGO, FOR
TEMPORARY RESTRAINING ORDER
AND ORDER TO SHOW CAUSE WHY
PRELIMINARY INJUNCTION SHOULD
NOT BE GRANTED

IMAGED FILE

Date: March 17, 2016

Time: 8:30 a.m.

Dept.: C-61

Judge: Hon. John S. Meyer

Complaint Filed: February 18, 2016

Trial Date: None set

19 NOTICE IS HEREBY GIVEN that on March 17, 2016, at 8:30 a.m., in Department 61 of
20 this Court located at 330 West Broadway, San Diego, California 92101, Plaintiff, City of San
21 Diego (City), will and hereby does apply to this Court, *ex parte*, for a Temporary Restraining
22 Order (TRO) and for an Order to Show Cause Why a Preliminary Injunction Should Not be
23 Granted enjoining DARRYL COTTON (COTTON), an individual, from maintaining or operating
24 a marijuana dispensary, collective, or cooperative at 6176 Federal Boulevard in the City of San
25 Diego, California (PROPERTY), or anywhere else in the City of San Diego. Since at least
26 February of 2016, Defendants have maintained a dispensary at the PROPERTY in violation of
27 local zoning laws. In February of 2016, an undercover detective entered the dispensary and
28

1 observed marijuana product. The undercover detective purchased marijuana at the dispensary
2 “Pure Meds” operating at the PROPERTY.

3 Defendants are responsible for the marijuana dispensary business operating at the
4 PROPERTY since at least February of 2016. Defendant COTTON is the owner of the
5 PROPERTY and strictly liable for all code violations occurring at the PROPERTY.

6 This *Ex Parte* Application is made pursuant to California Rules of Court, Rule 3.1200, *et*
7 *seq.* The TRO and Preliminary Injunction are requested pursuant to Code of Civil Procedure
8 sections 526 and 527 and California Rules of Court, Rule 3.1150. This Application is made on the
9 grounds that the City is reasonably likely to prevail at trial and if injunctive relief is not granted,
10 the City and its residents will be irreparably harmed by the significant risk of crime and the
11 negative secondary effects associated with Defendants' marijuana dispensary business, including
12 drug use, drug dealing, loitering, and traffic. Defendants will not be able to demonstrate harm
13 beyond their inability to operate a business that is not permitted in the zone where the
14 PROPERTY is located. If immediate injunctive relief is not granted, the City is left powerless to
15 enforce local zoning laws designed to protect the public, health, and safety of citizens.

16 The City requests that this Court issue: (1) a Temporary Restraining Order, effective
17 immediately, ordering all Defendants, their agents, independent contractors, employees, servants,
18 successors, assigns, or anyone acting on their behalf or in connection with them to refrain from
19 maintaining or operating a marijuana cooperative, collective, dispensary or other marijuana
20 related operation at 6176 Federal Boulevard, San Diego, California, or anywhere else in the City
21 of San Diego without a conditional use permit; (2) an Order, effective immediately, to allow the
22 City to inspect the premises at 6176 Federal Boulevard, San Diego, California, to ensure
23 compliance with the order to cease operations; and (3) an Order compelling Defendants to appear
24 at a hearing to show cause why a Preliminary Injunction Should Not be Granted to enjoin them
25 from maintaining or operating a marijuana cooperative, collective, dispensary or other marijuana-
26 related business at the PROPERTY or anywhere in the City without a conditional use permit.

27

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Factual Showing

Declarations containing competent factual testimony in support of this Application will be provided by the following individuals:

1. Rowdy Sperry, Land Development Investigator with the Code Enforcement Division (CED) of the City of San Diego Development Services Department, who investigated the PROPERTY beginning on or about October 21, 2015, and determined that a marijuana dispensary by the name of "Pure Meds" was operating at the PROPERTY in violation of local zoning laws. Sperry also confirmed that the PROPERTY is owned by COTTON.

2. James Hunter, Detective with the City of San Diego Police Department, Narcotics Street Team, will attest that he went to the PROPERTY in an undercover capacity and purchased marijuana. He will also attest that he is personally familiar with the operation of marijuana dispensaries and has extensive experience in drug enforcement. He describes incidents of crime associated with these businesses such as drug sales, assaults, robberies, and burglaries. He documents the large amounts of cash present at these businesses. Hunter will also attest that the Police Department regularly receives complaints from citizens regarding the negative impact these businesses have on neighborhoods.

Notice to Parties

I, Onu Omordia, will submit a declaration detailing how each party to this action has been provided notice of this *Ex Parte* application in compliance with the California Rules of Court.

Identification of Attorney or Party

In accordance with California Rules of Court Rule 3.1202, the following parties and attorneys are known to the City.

1. Darryl Cotton, 6176 Federal Boulevard, San Diego, CA 92114; 3030 New Jersey Avenue #32, Lemon Grove, CA 91945; (619) 266-4004.

This Application is supported by this Notice, the Complaint on file with this Court, the accompanying Memorandum of Points and Authorities, Declarations of Rowdy Sperry and James Hunter; Lodged Exhibits corresponding to the Declarations; and Proposed Order and Order to Show Cause Why a Preliminary Injunction Should Not be Granted.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury that the above and foregoing is true and correct.

Executed this 8th day of March, 2016, in San Diego, California.

JAN I. GOLDSMITH, City Attorney

By Onu Omordia
Onu Omordia
Deputy City Attorney
Attorneys for Plaintiff

1517 5-10:07

No Fee GC §6103

1 JAN I. GOLDSMITH, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
2 ONU OMORDIA, Deputy City Attorney
California State Bar No. 231583
3 Office of the City Attorney
Community Justice Division/Code Enforcement Unit
4 1200 Third Avenue, Suite 700
San Diego, California 92101-4103
5 Telephone: (619) 533-5500
6 Fax: (619) 533-5696
oomordia@sandiego.gov

F I L E D
Clerk of the Superior Court

MAR 09 2016

By: S. Klais-Trent, Deputy

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA
9 COUNTY OF SAN DIEGO

10 CITY OF SAN DIEGO, a municipal
corporation,

11 Plaintiff,

12 v.

13 DARRYL COTTON, an individual, and
14 DOES 1 through 50, inclusive,

15 Defendants.

Case No. 37-2016-00005526-CU-MC-CTL

MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT OF
EX PARTE APPLICATION BY
PLAINTIFF, CITY OF SAN DIEGO,
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW
CAUSE WHY PRELIMINARY
INJUNCTION SHOULD NOT BE
GRANTED

IMAGED FILE

Date: March 17, 2016
Time: 8:30 a.m.
Dept.: C-61
Judge: Hon. John S. Meyer
Complaint Filed: February 18, 2016
Trial Date: None set

21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

INTRODUCTION

Plaintiff City of San Diego moves this Court to issue a temporary restraining order and preliminary injunction against Defendants to restrain each of them from violating the San Diego Municipal Code (SDMC) by operating or maintaining a marijuana dispensary at 6176 Federal Boulevard, in the City of San Diego (PROPERTY) in violation of local zoning laws.

STATEMENT OF FACTS

Defendant DARRYL COTTON (COTTON) is the owner of record of the PROPERTY. See Sperry Decl. ¶ 5, and Lodged Exhibit 1. As owner of the PROPERTY, COTTON is a “Responsible Person” per SDMC section 11.0210 and strictly liable for all code violations existing at the PROPERTY per SDMC section 121.0311.

The PROPERTY is located in a Community-Office CO-2-1 zone in the City of San Diego. See Sperry Decl. ¶ 11; Lodged Exhibit 2. The permitted uses in this zone are listed in SDMC sections 131.0520 and 131.0522, and corresponding Table 131-05B. The operation or maintenance of a marijuana dispensary, cooperative, or collective is *not* one of the enumerated permitted uses.

On October 21, 2015, the City’s Development Services Department Code Enforcement Division (CED) investigated a marijuana dispensary operating at the PROPERTY in violation of local zoning laws. See Sperry Decl. ¶ 4.

In February of 2016, San Diego Police Detective James Hunter (Detective HUNTER) went to the PROPERTY in an undercover capacity to purchase marijuana. When he entered the dispensary he could smell the odor of marijuana. See Hunter Decl. ¶ 8. While inside the product room, Detective HUNTER saw a large display case containing marijuana, THC infused edibles, and concentrated cannabis. He also observed a menu with pricing and different types of marijuana or THC products, a cash register, an ATM, and a female employee. He completed the transaction with the female employee. See Hunter Decl. ¶ 10. Detective HUNTER purchased 2.3 grams of marijuana for \$25, and was given additional grams of marijuana and a marijuana cigarette for free for being a first time customer. See Hunter Decl. ¶ 11 and Lodged Exhibit 3.

.

1 Defendants' conduct is in direct contravention of local zoning laws prohibiting precisely
2 this activity. The dispensary is not a permitted use, however Defendant COTTON continued to
3 operate and maintain a dispensary at the PROPERTY in violation of local zoning laws. The Court
4 is asked to immediately order a TRO against all responsible parties pending further hearings for
5 preliminary and permanent injunction, including civil penalties as allowed by law.

6 ARGUMENT

7 A. FEDERAL, STATE AND LOCAL LAWS PROHIBIT DEFENDANTS FROM 8 OPERATING AT THE PRESENT LOCATION

9 1. **Federal Law:** Under the federal Controlled Substances Act (CSA), 21 U.S.C.A. § 801
10 et seq., it is unlawful to manufacture, distribute, dispense and possess marijuana. Marijuana
11 continues to be federally classified as a Schedule I substance, as it has a high potential for abuse,
12 no accredited medical use and a lack of accepted safety. 21 U.S.C.A. § 812. Additionally, there is
13 no medical necessity defense to the CSA's prohibitions. *United States v. Oakland Cannabis*
14 *Buyers' Cooperative*, 532 U.S. 483, 491 (2001). The operation of a marijuana dispensary is a
15 violation of federal law.

16 2. **State Law:** The Compassionate Use Act (CUA) was approved by California voters in
17 1996 and is codified at Health & Safety Code section 11362.5. The CUA is intended to "ensure
18 that seriously ill Californians have the right to obtain and use marijuana for medical purposes
19 where that medical use is deemed appropriate and has been recommended by a physician." Health
20 & Safety Code § 11362.5(b)(1)(A). The purpose of the CUA was to provide partial immunity for
21 the possession and cultivation of marijuana to two groups of people: qualified medical marijuana
22 patients and their primary caregivers. *People v. Mentch*, 45 Cal. 4th 274, 277 (2008). The CUA
23 did not "legalize" marijuana or dispensaries for its distribution. *Ross v. Raging Wire*
24 *Telecommunications*, 42 Cal. 4th 920, 927-28 (2008).

25 Likewise, the Medical Marijuana Program (MMP), codified in Health & Safety Code
26 sections 11362.7 through 11362.83, provides limited protection from criminal prosecution. The
27 MMP provides that "[q]ualified patients, persons with valid identification cards and the
28 designated primary caregivers, who associate within the State of California in order to

1 collectively or cooperatively cultivate marijuana for medical purposes, shall not solely on the
2 basis of that fact be subject to state criminal sanctions.” Health & Safety Code § 11362.775.

3 The California Court of Appeal has upheld injunctions against marijuana dispensaries
4 operating in violation of local zoning laws. *City of Claremont v. Kruse*, 177 Cal. App. 4th 1153
5 (2009); *City of Corona v. Naulls*, 166 Cal. App. 4th 418 (2008); and *County of Los Angeles v.*
6 *Hill*, 192 Cal. App. 4th 861 (2011). In these cases, the Courts of Appeal confirmed that neither
7 the Compassionate Use Act nor the Medical Marijuana Program preempts a city’s enactment or
8 enforcement of land use, zoning, or licensing laws as they apply to marijuana dispensaries.

9 Most importantly, in a unanimous decision, in *City of Riverside v. Inland Empire Patients*
10 *Health and Wellness Center, Inc.*, 56 Cal. 4th 729, 752 (2013), the California Supreme Court
11 confirmed that there is no state preemption over local municipalities completely banning
12 dispensaries through zoning laws. The Supreme Court thoroughly analyzed the CUA and MMP
13 on the question of local preemption and confirmed the previous analysis and holdings of *Kruse*
14 and *Hill*. The Court recognized that local police power derives from Article XI, section 7, of the
15 California Constitution, and explained that “[t]his inherent local police power includes broad
16 authority to determine, for the purposes of public health, safety and welfare, the appropriate uses
17 of land within a local jurisdiction’s borders, and preemption by state laws is not lightly
18 presumed.” *Id.* at 738. The Court concluded that “[n]othing in the CUA or the MMP expressly or
19 impliedly limits the inherent authority of a local jurisdiction, by its own ordinances, to regulate
20 the use of its land, including the authority to provide that facilities for the distribution of medical
21 marijuana will not be permitted to operate within its borders.” *Id.*

22 3. **Local Law - SDMC**: SDMC Chapters 11 through 15 contained in the Land
23 Development Code (LDC)¹ establish the City’s zones, which regulate all land use in the City.
24 SDMC Chapter 14 addresses regulated uses and Chapter 15 contains zoning regulations
25 pertaining to Planned Districts. The LDC establishes use categories and subcategories for
26 permitted uses. Within each zone, the Code indicates which land uses are permitted as of right
27

28 ¹ SDMC § 111.0101 (a) Chapters 11 through 15 of the City of San Diego Municipal Code shall be known collectively, and may be referred to, as the Land Development Code.

1 and which are permitted subject to certain conditions. This scheme is similar to other cities. *See*
2 *City of Claremont*, 177 Cal. App. 4th at 1168; *City of Corona*, 166 Cal. App. 4th at 431-33. Both
3 cases clearly state that when marijuana dispensaries are not included among the uses of land
4 enumerated in a city's zoning code, they are presumptively prohibited.

5 **B. A BAN OF MARIJUANA DISPENSARIES IS A VALID USE OF POLICE**
6 **POWER, AND DEFERENCE SHOULD BE GIVEN TO THE CITY'S**
7 **INTERPRETATION OF ITS OWN ZONING LAWS.**

8 Every intendment is in favor of the validity of zoning ordinances and it is presumed that
9 the enactment as a whole is justified under the police power and adopted to promote the public
10 health, safety, morals and general welfare. *City of Long Beach v. Cal. Lambda Chapter of Sigma*
11 *Alpha Epsilon Fraternity*, 255 Cal. App. 2d 789, 794 (1967). Specifically, under Article XI,
12 section 7 of the California Constitution, “[a] county or city may make and enforce within its
13 limits all local, police, sanitary, and regulations not in conflict with general laws.” *City of*
14 *Riverside*, 56 Cal. 4th at 742.

15 In this case, the City has determined that the operation of a marijuana dispensary,
16 cooperative or collective is not a permitted use in the zone where the PROPERTY is located.
17 Sperry Decl. ¶ 11. This Court should not second-guess this decision. As stated in *In re Ellis*, 25
18 Cal. App. 2d 99, 103 (1938), “The courts have no power to dictate to the Council as to how the
19 city should be zoned.” Likewise, in *Chevron U.S.A. Inc. v. Natural Resources Defense Council,*
20 *Inc.*, 467 U.S. 837, 844 (1984), the United States Supreme Court recognized that deference
21 should be given to an administrative agency’s permissible construction of a statute. The Court of
22 Appeal in *City of Long Beach* stated:

23 The legislative determination with reference to a regulation of the
24 use of property, or the restriction of such a use will be given great
25 weight in any judicial inquiry into the validity of the enactment, and
26 courts will not interfere with the discretion of law-making bodies
unless it is clear that needless oppression is imposed and
constitutional rights are invaded. The very enactment of the
ordinance per se furnishes prima facie evidence of the existence of
those facts and conditions which made the ordinance reasonable
and necessary.

27 *City of Long Beach*, 255 Cal. App. 2d at 795.

1 Judicial review of interpretation and application of local zoning ordinances is subject to
2 “the fundamental rule that interpretation of the meaning and scope of a local ordinance is, in the
3 first instance, committed to the local agency. Under well-established law, an agency's view of the
4 meaning and scope of its own ordinance is entitled to great weight unless it is clearly erroneous or
5 unauthorized.” *Friends of Davis v. City of Davis*, 83 Cal. App. 4th 1004, 1015 (2000). This Court
6 should similarly defer to the City’s police power and uphold the City’s zoning laws which
7 prohibit dispensaries at the Property. Deference should also be given to the City’s interpretation
8 and application of its own local ordinances.

9 Under long-standing law, mere proof of the zoning violation constitutes sufficient
10 showing for issuance of an injunction. When a city seeks to enforce a valid local zoning
11 ordinance by injunction, the court’s inquiry is limited to whether a zoning violation exists. *City*
12 *and County of San Francisco v. Burton*, 201 Cal. App. 2d 749, 756-57 (1962). No proof of a
13 public nuisance per se or in fact is required. *Id.* A violation of a valid zoning ordinance by itself
14 constitutes a sufficient showing for the issuance of injunctive relief. *City of Santa Clara v. Paris*,
15 76 Cal. App. 3d 338, 341-42 (1977); *City and County of San Francisco v. Padilla*, 23 Cal. App.
16 3d 388, 401 (1972); *City of Los Altos v. Barnes*, 3 Cal. App. 4th 1193, 1198 (1992); *City of San*
17 *Mateo v. Hardy*, 64 Cal. App. 2d 794 (1944); *City of Stockton v. Frisbie & Latta*, 93 Cal. App.
18 277 (1928). Most important, the California Supreme Court has opined that there is no state
19 preemption over municipalities completely banning marijuana dispensaries through zoning laws.

20 **C. A TEMPORARY RESTRAINING ORDER IS NECESSARY AS THE PUBLIC’S**
21 **SAFETY IS JEOPARDIZED**

22 The actual harm to the City and its residents if immediate interim relief is denied far
23 exceeds any possible harm to Defendants if relief is granted. There is clear harm to the public
24 when individuals or entities are allowed to ignore a law of general applicability that aims to
25 protect neighborhoods and compatibility of adjacent land uses. In *Pettit v. City of Fresno*, 34 Cal.
26 App. 3d 813, 823 (1973), the Court held:

27 [A]ll the residents of the community have a protectable property
28 and personal interest in maintaining the character of the area as
established by comprehensive and carefully considered zoning

1 plans in order to promote the orderly physical development of the
2 district and the city and to prevent the property of one person from
being damaged by the use of neighboring property.

3 There are compelling reasons why the Court should immediately grant injunctive relief in this
4 case. Defendants show no willingness to abide by local zoning law and the immediate need for an
5 injunction to protect local residents is compelling. Law enforcement has determined that
6 marijuana dispensaries increase the likelihood of crime. Community members complain about
7 marijuana dispensaries selling other illegal drugs and negatively affecting the community. *See*
8 *Hunter Decl.* ¶¶ 4-6.

9 If Defendants are allowed to continue operating and maintaining a marijuana dispensary,
10 they will undercut the legitimate and lawful objectives underlying state and local law and
11 continue to present an unwarranted public safety risk. Absent immediate relief, the City is denied
12 the ability to act in the best interests of the community or protect it from the detrimental effects of
13 this unlawful business. Citizens justifiably expect that state laws and local zoning laws designed
14 to protect their safety, comfort and quality of life will be enforced. Absent a temporary restraining
15 order, this justifiable expectation is unjustifiably frustrated.

16 **D. AN INJUNCTION IS PROPER IN THIS CASE**

17 **1. When a Municipality Seeks to Enjoin a Violation of a Statute, it Need Only**
18 **Show a Reasonable Probability of Prevailing on the Merits at Trial**

19 A preliminary injunction is an appropriate means for a municipality to prevent further
20 violations of a local ordinance pending final judgment in an action pending trial. *City of Stockton*,
21 93 Cal. App. at 277. Traditionally, courts employ a two-pronged test when deciding whether to
22 issue a preliminary injunction. First, the judge considers the likelihood of the plaintiff's
23 prevailing on the merits at trial. Second, the judge evaluates the relative harm to the plaintiff if the
24 injunction is denied, balanced against the harm to the Defendant if the injunction is issued. *See*
25 *Continental Baking Co. v. Katz*, 68 Cal. 2d 512, 528 (1968); *Pleasant Hill Bayshore Disposal*,
26 *Inc. v. Chip-it Recycling, Inc.*, 91 Cal. App. 4th 678, 695 (2001); Civ. Proc. Code § 526(a).

27 However, where a governmental entity seeks to enjoin violations of a statute or ordinance
28 that specifically authorizes injunctive relief, a presumption arises in the City's favor:

1 Where a governmental entity seeking to enjoin the alleged violation
2 of an ordinance which specifically provides for injunctive relief
3 establishes that it is reasonably probable it will prevail on the
4 merits, a rebuttable presumption arises that the potential harm to the
5 public outweighs the potential harm to the defendant.

6 *IT Corp. v. County of Imperial*, 35 Cal. 3d 63, 72 (1983):

7 The court explained its reasoning:

8 Where a legislative body has enacted a statutory provision
9 proscribing a certain activity, it has already determined that such
10 activity is contrary to the public interest. Further, where the
11 legislative body has specifically authorized injunctive relief against
12 the violation of such a law, it has already determined (1) that
13 significant public harm will result from the proscribed activity, and
14 (2) that injunctive relief may be the most appropriate way to protect
15 against that harm.

16 *Id.* at 70. See also *City of Los Altos v. Barnes*, 3 Cal. App. 4th 1193 (1992).

17 Here, the City seeks to enjoin violations of the SDMC which specifically provide for
18 injunctive relief. SDMC section 12.0202(a) provides that any provision of the Municipal Code
19 “may be enforced by injunction issued by the Superior Court upon a suit brought by The City of
20 San Diego.” RJN No. 3. Similarly, SDMC section 121.0311 provides that the designated Code
21 Enforcement Official may seek injunctive relief as a remedy for violations of the Land
22 Development Code. RJN No. 1. The standard for the issuance of an injunction as articulated by
23 the Court in *IT Corp.* has clearly been met in this case.

24 Furthermore, the declarations and exhibits presented by the City overwhelmingly establish
25 a reasonable probability of prevailing on the merits at trial. The Defendants are in violation of
26 local municipal code provisions. RJN Nos. 5-7. These violations were observed by trained
27 individuals and are well documented. This gives rise to a rebuttable presumption that the potential
28 harm to the public outweighs the potential harm to the Defendants, giving the Court ample
justification to issue immediate injunctive relief.

2. Defendants Will Not Suffer Grave or Irreparable Harm from the Issuance of an Injunction

Once a rebuttable presumption arises in favor of the Plaintiff, Defendants are required to prove that the issuance of a preliminary injunction will cause them to suffer grave or irreparable

1 harm. *IT Corp.*, 35 Cal. 3d at 72. In this case, Defendants cannot show grave and irreparable
2 harm. An order to cease unlawful acts does not constitute irreparable harm. *People ex rel. Dep't.*
3 *of Indus. Relations v. Morehouse*, 74 Cal. App. 2d 870, 875 (1946) [no harm to property owner
4 where “no attempt to compel Defendant to do any specific particular act other than to cease
5 violating the law in the operation of her premises.”]. Any perceived or asserted economic harm to
6 Defendants resulting from the injunction does not establish grave or irreparable harm. *IT Corp.*,
7 35 Cal. 3d at 75. As the Defendants cannot demonstrate grave or irreparable harm, the Court need
8 not balance the relative actual harms to the parties. *Id.* at 72. Instead, the Court should order the
9 Defendants to follow the law.

10 **3. Injunctive Relief is Proper to Enforce any Violations of the San Diego**
11 **Municipal Code**

12 A city may regulate land use pursuant to its police powers by the enactment of zoning and
13 building ordinances. *See Sullivan v. Los Angeles*, 116 Cal. App. 2d 807, 810 (1953); *Miller v.*
14 *Board of Pub. Works*, 195 Cal. 477, 490 (1925). A violation of a valid zoning or building
15 ordinance may be enjoined by seeking an injunction from a court of equity. *County of San Diego*
16 *v. Carlstrom*, 196 Cal. App. 2d 485, 491 (1961).

17 Where the personal welfare and the property rights of a large
18 number of the inhabitants of a city or town would be detrimentally
19 affected by a violation of a police or sanitary regulation, whether
20 the ordinance provides other means for its enforcement or not, such
city or town may itself appeal to a court of equity by means of the
forceful and singularly effective writ of injunction to restrain such
violation or to cause the wrongful effect thereof to be removed.

21 *City of Stockton*, 93 Cal. App. at 290 (parenthetical omitted). Consequently, the City of San Diego
22 may properly seek a preliminary injunction against Defendants’ violations of the SDMC.

23 **CONCLUSION**

24 The City has a clear right to use its land use powers to regulate dispensaries. Local zoning
25 laws are clear that marijuana dispensaries are not a permitted use at the location where
26 Defendants are maintaining and operating a dispensary business. Defendants’ actions must be

27
28

1 enjoined to provide the protection the public deserves and expects. Plaintiff respectfully requests
2 that immediate injunctive relief be granted to prohibit Defendants from operating or maintaining a
3 marijuana dispensary in violation of zoning ordinances.

4 Dated: March 8, 2016

JAN I. GOLDSMITH, City Attorney

6 By Onu Omordia
7 Onu Omordia
8 Deputy City Attorney

9 Attorneys for Plaintiff

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 JAN I. GOLDSMITH, City Attorney
JOHN HEMMERLING, Assistant City Attorney
2 ONU O. OMORDIA, Deputy City Attorney
California State Bar No. 231583
3 Office of the City Attorney
Community Justice Division/Code Enforcement Unit
4 1200 Third Avenue, Suite 700
San Diego, California 92101-4103
5 Telephone: (619) 533-5500
Fax: (619) 533-5696
6 oomordia@sandiego.gov

No Fee GC §6103

FILED
L E D

Clerk of the Superior Court

MAR 09 2016

By: S. Klais-Trent, Deputy

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CITY OF SAN DIEGO, a municipal
corporation,

11 Plaintiff,

12 v.

13 DARRYL COTTON, an individual; and
DOES 1 through 50, inclusive,

14 Defendants.

Case No. 37-2016-00005526-CU-MC-CTL

DECLARATION OF ROWDY SPERRY IN
SUPPORT OF PLAINTIFF CITY OF SAN
DIEGO'S *EX PARTE* APPLICATION FOR
TEMPORARY RESTRAINING ORDER AND
ORDER TO SHOW CAUSE WHY A
PRELIMINARY INJUNCTION SHOULD
NOT BE GRANTED

IMAGED FILE

Date: March 17, 2016

Time: 8:30 a.m.

Dept.: C-61

Judge: Hon. John S. Meyer

Complaint Filed: February 18, 2016

Trial Date: None set

15 I, Rowdy Sperry, declare:

16 I have personal knowledge of the following facts and am competent to testify as to these
17 facts if called as a witness.

18 1. I am a Land Development Investigator with the City of San Diego's Development
19 Services Department, Code Enforcement Division. I have been employed by the City of San
20 Diego as a Land Development Investigator since September 2014. I have received extensive
21 training on administration and enforcement of the zoning regulations contained in Chapter 13 of
22 the San Diego Municipal Code (SDMC). Specifically, I received training on how to read and
23 interpret the zoning regulations contained in the SDMC, the original City Ordinances adopting

1 these zoning regulations, zoning maps, County Tax Assessor's Records and other City and
2 County records related to the permitted uses on a given parcel. I also have extensive training on
3 the administration and enforcement of the regulations contained in SDMC Chapters 11 through
4 15 as they relate to land use, zoning, building/housing and health and safety issues. Prior to my
5 employment with the City of San Diego, I was a Sheriff's Deputy for San Joaquin County.

6 2. As a Land Development Investigator, I conduct field inspections on properties
7 throughout the City of San Diego. I routinely inspect residential, commercial, industrial and
8 agricultural properties, gathering and interpreting the necessary regulations and documents to
9 determine whether the uses at the properties are permitted.

10 3. As a Zoning investigator, I conduct field inspections on properties throughout the City
11 of San Diego. I am assigned to inspect residential, commercial, industrial, and agricultural
12 properties, gathering and interpreting the necessary regulations and documents to determine
13 whether the uses at the properties are permitted.

14 INVESTIGATION

15 4. On October 21, 2015, I opened an investigation of a marijuana dispensary by the name
16 of "Pure Meds" operating at 6176 Federal Boulevard in the City of San Diego (PROPERTY) in
17 violation of local zoning laws.

18 5. In my research of the ownership of the PROPERTY, I determined that a Grant Deed
19 was recorded with the San Diego County Recorder's Office on February 27, 1998, document
20 number 1998-0102763, listing the owner of record of the PROPERTY as "Darryl Cotton, A
21 Single Man." See Lodged Exhibit 1.

22 6. During my investigation, I located advertisements showing "Pure Meds" was
23 operating as an illegal marijuana dispensary at the PROPERTY. I discovered "Pure Meds" has
24 been advertising in San Diego Reader Magazine since the magazine's August 13, 2015 edition.

25 7. During my investigation, I also located several "Pure Meds" advertisements at the
26 following online websites: weedmaps.com; Nuweedorder.com; Headshopfinder.com;
27 Familyhigh.com; 420friends.club; ifindweeds.com; and wheresweed.com. See Lodged Exhibit 4.

28

1 8. From August 3, 1987 to January 13, 2016, the PROPERTY was zoned to Southeastern
2 San Diego Planned District Industrial zone (SESDPD-I-1). At the time, the zone allowed for
3 Medical Marijuana Consumer Cooperative (MMCC) with Conditional Use Permit required.

4 9. During my investigation on December 1, 2015, I confirmed that "Pure Meds MMD"
5 was the occupant at the PROPERTY. I also located a dissolved Business Entity Detail for "Pure
6 Medical Collective Inc", with an Agent for Service, "Makar Ghazaryan", out of Studio City,
7 California.

8 10. I determined that there was an active Business Tax Certificate (BTC) for this
9 PROPERTY since September 9, 2004. The certificate listed the business as "Fleet Systems". I
10 did not locate a BTC for "Pure Meds" and "Pure Meds" is not registered with the Secretary of
11 State. *See* Lodged Exhibit 5.

12 11. Effective January 14, 2016, Southeastern San Diego Planned District was eliminated
13 and the PROPERTY were rezoned to Commercial Office zone (CO-2-1). SDMC sections
14 131.0520, 131.0522, and Table 131-05B list the permitted uses in a CO-2-1 zone where the
15 PROPERTY is located. According to 131.0520, 131.0522, and Table 131-05B, a Medical
16 Marijuana Consumer Cooperative is not a permitted use in a Commercial Office zone. *See*
17 Lodged Exhibit 2.

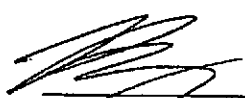
18 12. Previously conforming rights do not apply to separately regulated uses pursuant to
19 SDMC 127.0107. A MMCC is a separately regulated use. As such, the PROPERTY does not
20 have a previously conforming right to MMCC as a permitted use. "Pure Meds" never applied for
21 nor did it receive a Conditional Use Permit to operate and maintain a marijuana dispensary at the
22 PROPERTY. Any marijuana dispensary now operating at the PROPERTY is violating local
23 zoning laws.

24 13. Furthermore, pursuant to SDMC sections 131.0520, 131.0522, and Table 131-05B, the
25 PROPERTY being operated or maintained with the use of Distribution and Storage is not a
26 permitted use in a Commercial Office zone. Therefore, use of storage or distribution at the
27 PROPERTY is violating local zoning laws.

28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed in San Diego, California, on February 24, 2016.



Rowdy Sperry
Land Development Investigator II

1 JAN I. GOLDSMITH, City Attorney
JOHN HEMMERLING, Assistant City Attorney
2 ONU OMORDIA, Deputy City Attorney
California State bar No. 231583
3 Office of the City Attorney
Community Justice Division/Code Enforcement Unit
4 1200 Third Avenue, Suite 700
San Diego, California 92101-4103
5 Telephone: (619) 533-5500
6 Fax: (619) 533-5696
oomordia@sandiego.gov

No Fee GC §6103

FILED
Clerk of the Superior Court
MAR 09 2016
By: S. Klais-Trent, Deputy

7 Attorneys for Plaintiff

8 SUPERIOR COURT OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 CITY OF SAN DIEGO, a municipal
corporation,

11 Plaintiff,

12 v.

13 DARRYL COTTON, an individual, and
14 DOES 1 through 50, inclusive,

15 Defendants.

Case No. 37-2016-00005526-CU-MC-CTL

DECLARATION OF JAMES HUNTER IN
SUPPORT OF *EX PARTE* APPLICATION
BY PLAINTIFF CITY OF SAN DIEGO
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION
SHOULD NOT BE GRANTED

IMAGED FILE

Date: March 17, 2016

Time: 8:30 a.m.

Dept.: C-61

Judge: Hon. John S. Meyer

Complaint Filed: February 18, 2016

Trial Date: None set

20 I, James Hunter, declare:

21 I have personal knowledge of the following facts and am competent to testify as to these
22 facts if called as a witness.

23 1. I am a detective with the San Diego Police Department (SDPD). I have been a Police
24 Officer with SDPD for over 21 years. I have been a Detective for over seven years. I am
25 currently assigned to the Narcotics Street Teams Unit. As a member of the Narcotics Street
26 Teams Unit, I exclusively investigate narcotics related offenses.

27

28

1 ~~“Pure Meds”~~. Inside the dispensary, I observed the odor of marijuana, a lobby, sitting area, and a
2 receptionist. I also observed security cameras, a reception window, and an interior door with
3 security locking device to restrict access.

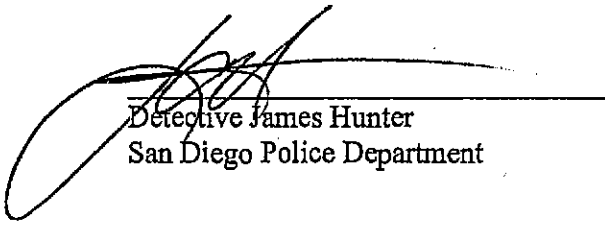
4 9. There was one (1) male receptionist standing behind the receptionist window. No one
5 else was present. I presented the receptionist my medical recommendation and California
6 identification card. The receptionist gave me a patient form to complete. The patient form
7 indicated that by completing the form, I was now a member of the cooperative. I completed the
8 form and returned it to the receptionist. The receptionist returned my medical recommendation
9 and California identification card. The male receptionist then hit a buzzer, allowing me through a
10 door. Once through the door, I entered the product room.

11 10. Inside the product room, I saw a large display case containing marijuana, THC infused
12 edibles, and concentrated cannabis. I also observed a menu with pricing and different types of
13 marijuana or THC products, a cash register, an ATM, and a female employee. I completed the
14 transaction with the female employee. The male receptionist walked back to address the female
15 employee. I noticed that the male receptionist was armed and wearing a drop holster with a semi-
16 automatic handgun in the holster. He had nothing identifying him as a security guard.

17 11. I purchased 2.3 grams of marijuana for \$25. Because I was a first time patient, the
18 employee gave me an additional 3.3 grams of marijuana and a marijuana cigarette for free.

19 12. I transported the marijuana to Police Headquarters and impounded the marijuana. A
20 true and correct copy of the photograph I took of the marijuana and marijuana cigarette is lodged
21 as Exhibit 3.

22 I declare under penalty of perjury under the laws of the State of California that the
23 foregoing is true and correct and that this declaration was executed in San Diego, California, on
24 February 24, 2016.

25
26
27
28


Detective James Hunter
San Diego Police Department

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JAN I. GOLDSMITH, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
ONU OMORDIA, Deputy City Attorney
California State Bar No. 231583
Office of the City Attorney
Community Justice Division/Code Enforcement Unit
1200 Third Avenue, Suite 700
San Diego, California 92101-4103
Telephone: (619) 533-5500
Fax: (619) 533-5696
oomordia@sandiego.gov

Attorneys for Plaintiff

No Fee GC §6103

MAR 17 2016 8:30:07

F I L E D
Clerk of the Superior Court

MAR 09 2016

By: S. Klais-Trent, Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN DIEGO

CITY OF SAN DIEGO, a municipal corporation,

Plaintiff,

v.

DARRYL COTTON, an individual, and DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2016-00005526-CU-MC-CTL

NOTICE OF LODGMENT IN SUPPORT OF *EX PARTE* APPLICATION BY PLAINTIFF, CITY OF SAN DIEGO, FOR TEMPORARY RESTRAINING ORDER AND ORDER TO SHOW CAUSE WHY A PRELIMINARY INJUNCTION SHOULD NOT BE GRANTED

IMAGED FILE

Date: March 17, 2016
Time: 8:30 a.m.
Dept.: C-61
Judge: Hon. John S. Meyer
Complaint Filed: February 18, 2016
Trial Date: None set

Plaintiff, City of San Diego, lodges the following exhibits in support of its application for a TRO and preliminary injunction:

EXHIBIT 1: Certified copy of the Grant Deed for the property located at 6176 Federal Boulevard in the City of San Diego, Document No. 1998-0102763, recorded February 27, 1998.

EXHIBIT 2: Parcel Information Report for the property located at 6176 Federal Boulevard in the City of San Diego.

.
.
.
.

- 1 EXHIBIT 3: Photograph taken by Detective James Hunter in February of 2016, of the
- 2 marijuana products purchased at the marijuana dispensary located at 6176 Federal
- 3 Boulevard in the City of San Diego.
- 4 EXHIBIT 4: Reader and Internet Advertisements.
- 5 EXHIBIT 5: Business Certificate Search.

6 Dated: March 8, 2016

JAN I. GOLDSMITH, City Attorney

7
8 By Onu Omordia
9 Onu Omordia
Deputy City Attorney

10 Attorneys for Plaintiff

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JAN I. GOLDSMITH, City Attorney
JOHN C. HEMMERLING, Assistant City Attorney
ONU OMORDIA, Deputy City Attorney
California State Bar No. 231583
Office of the City Attorney
Community Justice Division/Code Enforcement Unit
1200 Third Avenue, Suite 700
San Diego, California 92101-4103
Telephone: (619) 533-5500
Fax: (619) 533-5696
oomordia@sandiego.gov

No Fee GC §6103

F I L E D
Clerk of the Superior Court
MAR 09 2016

By: S. Klais-Trent, Deputy

Attorneys for Plaintiff

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

CITY OF SAN DIEGO, a municipal corporation,

Plaintiff,

v.

DARRYL COTTON, an individual, and
DOES 1 through 50, inclusive,

Defendants.

Case No. 37-2016-00005526-CU-MC-CTL

REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF *EX PARTE* APPLICATION
BY PLAINTIFF, CITY OF SAN DIEGO,
FOR TEMPORARY RESTRAINING
ORDER AND ORDER TO SHOW CAUSE
WHY A PRELIMINARY INJUNCTION
SHOULD NOT BE GRANTED

IMAGED FILE

Date: March 17, 2016
Time: 8:30 a.m.
Dept.: C-61
Judge: Hon. John S. Meyer
Complaint Filed: February 18, 2016
TRIAL DATE: NONE SET

The Court is asked to take judicial notice of the following documents pursuant to
Evidence Code sections 352 and 353:

- 1. San Diego Municipal Code (SDMC) section 121.0311.
- 2. SDMC section 11.0210.
- 3. SDMC section 12.0202.
- 4. SDMC section 111.0101.
- 5. SDMC section 121.0302(a).
- 6. SDMC section 131.0520.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

7. SDMC section 131.0522 and Table 131-05B.

Dated: March 8, 2016

JAN I. GOLDSMITH, City Attorney

By Onu Omordia
Onu Omordia
Deputy City Attorney

Attorneys for Plaintiff

§121.0311 Remedies

Violations of the Land Development Code shall be treated as strict liability offenses regardless of intent. Violations of the Land Development Code may be prosecuted as misdemeanors subject to the fines and custody as provided in Municipal Code Section 12.0201. The City Manager or designated Code Enforcement Official may also seek criminal or civil injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code Section 12.0202 or pursue any administrative remedy provided in Municipal Code Chapter 1, including administrative abatement, revocation of permits, recordation of notice of violation, and withholding of issuance of City permits.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0312 Restoration and Mitigation as a Remedy

- (a) In addition to other enforcement remedies provided for in Municipal Code Chapter 1, the City Manager may order the reasonable restoration of a *structure, premises*, and any adjacent and affected site to its lawful condition or may require reasonable mitigation. These requirements may be attached as conditions to applicable permits or enforcement actions and orders as appropriate.
- (b) The City Manager shall order the restoration of *grading* undertaken without a permit, unless technically infeasible. The restoration shall be conducted in accordance with Section 142.0150. No further permits for the *premises* shall be processed until the restoration has been completed and specified performance criteria have been met as required by the City.
- (c) Any restoration or mitigation imposed by the City Manager or Building Official shall be at the sole cost of the responsible person.
- (d) Mitigation may be appropriate where the City Manager determines that restoration of the *premises* or adjacent site to its pre-existing condition is not feasible or that irreparable damage has been done to the *premises*, or *historical resources*.
- (e) Mitigation may include the purchase or exchange of like-kind real property or *structures* of a similar or greater quality and value, or other appropriate measures.

purposes of tort liability, if the officers or employees fail to perform their directed duty or duties.

("No Mandatory Duty—Civil Liability" added 8-10-1993 by O-17956 N.S.)

§11.0209 General Rules of Interpretation of Ordinances

For purposes of this Municipal Code:

- (a) Any gender includes the other gender.
- (b) "Shall" is mandatory; "may" is permissive.
- (c) The singular number includes the plural and the plural the singular.
- (d) Words used in the present tense include the past and future tense and vice versa.
- (e) Words and phrases used in this Code and not specifically defined shall be construed according to the context and approved usage of the language.

("General Rules of Interpretation of Ordinances" added 8-10-1993 by O-17956 N.S.)

§11.0210 Definitions Applicable To Code Generally

The following words and phrases whenever used in this Code shall be construed as defined in this section unless a different meaning is specifically defined elsewhere in this Code and specifically stated to apply:

"Abatement" means any action the City may take on public or private property and any adjacent property as may be necessary to remove or alleviate a nuisance, including but not limited to demolition, removal, repair, boarding and securing or replacement of property.

"Administrative Enforcement Order" means an order issued by an Enforcement Hearing Officer after a hearing requiring a Responsible Person to correct violations, abate a public nuisance, pay civil penalties and administrative costs or take any other action as authorized or required by this Code and applicable state codes. The Enforcement Order may also include an order authorizing the City to abate a public nuisance or assess a Code Enforcement Lien.

“Abatement Notice” means a notice issued by a Director which requires a Responsible Person to abate a public nuisance.

“Cash Deposit” means that whenever a cash deposit is required as a condition of an application for activity related to a construction project under this Code, the term “cash” also includes certificates of deposit and assigned securities in the form of savings accounts.

“City” means the area within the territorial city limits of The City of San Diego and such territory outside of this City over which the City has jurisdiction or control by virtue of any Constitutional or Charter provisions, or any law.

“Code Enforcement Lien” means a lien recorded to collect outstanding civil penalties and administrative costs imposed as part of a cost recovery, administrative or judicial code enforcement action.

“Code Enforcement Performance Bond” means a bond posted by a Responsible Person to ensure compliance with the Municipal Code, applicable state codes, a judicial action or Administrative Enforcement Order.

“Council” means the City Council of this City.

“Director” means the City Manager or any Department Directors including the following Departments: City Clerk, Planning, Development Services, Engineering, General Services, Animal Control, Health, Water Utilities, Park and Recreation, Neighborhood Code Compliance, Environmental Services and the Fire and Police Chiefs, and any of their designated agents or representatives. “Enforcement Hearing Officer” means any person appointed by the City Manager to preside over administrative enforcement hearings.

“Enforcement Official” means any person authorized to enforce violations of the Municipal Code or applicable state codes.

“Financial Institution” means any person that holds a recorded mortgage or deed of trust on a property.

“Imminent Life Safety Hazard” means any condition which creates a present, extreme and immediate danger to life, property, health or public safety.

“Legal Interest” means any interest that is represented by a document such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien,

mechanic's lien or other similar instrument which is recorded with the County Recorder.

"Notice and Order" means a document used in abatement and civil penalties actions which provides notice of Municipal Code or applicable state code violations and orders a Responsible Person to take certain steps to correct the violations.

"Notice of Compliance" means a document issued by a Director representing that a property complies with the criteria set forth in Section 12.1007 of this Code.

"Notice Of Satisfaction" means a document or form, approved by the City Manager, which indicates that all outstanding civil penalties and costs have either been paid in full, or that the City has negotiated an agreed amount, or that a subsequent administrative or judicial decision has resolved the outstanding debt.

"Notice Of Violation" means a written notice prepared by an Enforcement Official which informs a Responsible Person of code violations, requires compliance and contains specific information as required by the Municipal Code.

"Oath" includes affirmations and oaths.

"Person" means any natural person, firm, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them or any other entity which is recognized by law as the subject of rights or duties.

"Property Owner" means the record owner of real property based on the County Assessor's records.

"Public Nuisance" means any condition caused, maintained or permitted to exist which constitutes a threat to the public's health, safety and welfare or which significantly obstructs, injures or interferes with the reasonable or free use of property in a neighborhood, community or to any considerable number of persons. A public nuisance also has the same meaning as set forth in California Civil Code Section 3479.

“Responsible Person” means a person who a Director determines is responsible for causing or maintaining a public nuisance or a violation of the Municipal Code or applicable state codes. The term “Responsible Person” includes but is not limited to a property owner, tenant, person with a Legal Interest in real property or person in possession of real property.

“Written” includes printed, typewritten, mimeographed, multigraphed, printout by computer, facsimile and those items listed in California Evidence Code Section 250.

(Amended 2-13-1995 by O-18161 N.S.)

**Article 2: Code Enforcement
Judicial and Administrative Remedies**

Division 2: Judicial Remedies
("Judicial Remedies"
added 8-10-1993 by O-17956 N.S.)

§12.0201 Criminal Violations— Misdemeanors and Infractions

It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Code. A violation of any of the provisions or failing to comply with any of the mandatory requirements of this Code shall constitute a misdemeanor; except that notwithstanding any other provision of this Code, any such violation constituting a misdemeanor under this Code may, in the discretion of the City Attorney, be charged and prosecuted as an infraction; and, with the further exception that any violation of the provisions relating to parking, operation of bicycles, operation of motor vehicles, and use of freeways, highways and streets by animals, bicycles, motor vehicles or pedestrians shall constitute an infraction. Any person convicted of a misdemeanor under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by a fine of not more than one thousand dollars (\$1000) or by imprisonment in the County Jail for a period of not more than six months or by both fine and imprisonment. Any person convicted of an infraction under the provisions of this Code, unless provision is otherwise herein made, shall be punishable by fine only as follows: Upon a first conviction, by a fine of not exceeding two hundred fifty dollars (\$250) and for a second conviction or any subsequent conviction within a period of one year, by a fine of not exceeding five hundred dollars (\$500).

Each such person shall be charged with a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall, upon conviction, be punished accordingly.

(Renumbered from Sec. 13.0201 and retitled to "Criminal Violations— Misdemeanors and Infractions" on 8-10-1993 by O-17956 N.S.)

§12.0202 Civil Violations—Injunctions and Civil Penalties

- (a) In addition to any other remedy provided by this Code, any provision of this Code may be enforced by injunction issued by the Superior Court upon a suit brought by The City of San Diego.

- (b) As part of a civil action filed to enforce provisions of this Code, a court may assess a maximum civil penalty of two thousand five hundred dollars (\$2,500) per violation of the Municipal Code for each day during which any person commits, continues, allows or maintains a violation of any provision of this Code.

(Renumbered from Sec. 13.0202 and retitled to "Civil Violations—Injunctions and Civil Penalties" on 8-10-1993 by O-17956 N.S.)

§12.0203 Code Enforcement Performance Bond

As part of any court action, the City has the authority to require a Responsible Person to post a performance bond to ensure compliance with the Municipal Code, applicable state codes or any judicial action.

("Code Enforcement Performance Bond" added 8-10-1993 by O-17956 N.S.)

§12.0204 Judicial Abatement

- (a) It is unlawful to maintain or allow the existence of any condition that creates a *public nuisance*.
- (b) Pursuant to California Government Code section 38773, the City has the authority to judicially abate *public nuisances* by filing criminal or civil actions. The City also has the authority to make the expense of abatement of the *public nuisance* a special assessment, or a lien against the property on which it is maintained and a personal obligation against the *property owner*, in accordance with California Government Code section 38773.1 or 38773.5.

*("Judicial Abatement" added 8-10-1993 by O-17956 N.S.)
(Amended 4-8-2008 by O-19733 N.S.; effective 5-8-2008.)*

§12.0205 Treble Damages For Subsequent Abatement Judgments

Pursuant to California Government Code Section 38773.7, upon the entry of a second or subsequent civil or criminal judgment within a two-year period that finds an owner of property responsible for a condition that may be abated in accordance with California Government Code Section 38773.5, a court may order the owner to pay treble the costs of the abatement. These costs shall not include conditions abated pursuant to Section 17980 of the California Health and Safety Code.

("Treble Damages For Subsequent Abatement Judgments" added 8-10-1993 by O-17956 N.S.)

Chapter 11

Land Development Procedures

*(Chapter 11 - "Land Development" repealed 12-9-1997
by O-18451 N.S.; effective 1-1-2000.)*

*("Land Development Procedures" added 12-9-1997
by O-18451 N.S.; effective 1-1-2000.)*

Article 1: General Rules and Authority

*("Administration and Procedures" repealed 12-9-1997
by O-18451 N.S.; effective 1-1-2000.)*

*("General Rules and Authority" added 12-9-1997
by O-18451 N.S.; effective 1-1-2000.)*

Division 1: General Rules for Land Development Code

*("General Provisions and Definitions" repealed 12-9-1997
by O-18451 N.S.; effective 1-1-2000.)*

*("General Rules for Land Development Code" added 12-9-1997
by O-18451 N.S.; effective 1-1-2000.)*

§111.0101 Title

- (a) Chapters 11, 12, 13, and 14 of the City of San Diego Municipal Code shall be known collectively, and may be referred to, as the Land Development Code. Chapter 15 of the Municipal Code contains regulations pertaining to Planned Districts as adopted by the City and shall constitute a part of the Land Development Code.
- (b) Chapter 14, Article 5 (Building Regulations), Article 6 (Electrical Regulations), Article 7 (Plumbing Regulations), Article 8 (Mechanical Regulations), Article 9 (Residential Building Regulations), and Article 10 (Green Building Regulations), shall be known as the Building Regulations, the Electrical Regulations, the Plumbing Regulations, the Mechanical Regulations, the Residential Building Regulations, and the Green Building Regulations respectively and may be referred to collectively as the Building, Electrical, Plumbing, Mechanical, Residential Building, and Green Building Regulations.

*("Purpose and Intent" repealed and "Title" added 12-9-1997 by O-18451 N.S.;
amended 10-18-1999 by O-18691 N.S.; effective 1-1-2000.)
(Amended 3-27-2007 by O-19603 N.S.; effective 4-26-2007.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)*

Article 1: General Information on Required Reviews
and Enforcement

Division 3: Violations of The Land Development Code And General Remedies
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0301 Purpose of General Remedies

The purpose of this division is to require compliance with the Land Development Code, to state what activities violate the Land Development Code, and to establish general remedies for these violations.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§121.0302 Required Compliance with the Land Development Code

- (a) It is unlawful for any person to maintain or use any *premises* in violation of any of the provisions of the Land Development Code, without a required permit, contrary to permit conditions, or without a required variance.
- (b) It is unlawful for any person to engage in any of the following activities, or cause any of the following activities to occur in a manner contrary to the provisions of the Land Development Code:
 - (1) To erect, place, construct, convert, establish, alter, use, enlarge, repair, move, remove, equip, maintain, improve, occupy, or demolish any *structures*;
 - (2) To *grade*, excavate, clear, *fill*, grub, build an embankment, construct slopes, or disturb sensitive natural or biological resources on any *lot* or *premises*; or
 - (3) To change *density* or intensity of the use of land; or
 - (4) To maintain or allow the existence of any condition that creates a *public nuisance*.
- (c) It is unlawful for any person, whether as owner, architect, contractor, or otherwise to engage in any of the following activities:
 - (1) To install any electrical wiring, device, appliance, or equipment in such a manner that it does not comply with the provisions of the Land Development Code;

- (2) To maintain an electrical system that was not installed in accordance with the Land Development Code, or that, notwithstanding compliance with the Land Development Code, is maintained in an unsafe condition as determined by the designated Code Enforcement Official;
 - (3) To sell, offer for sale, lend, rent, or dispose of by gift or premium any electrical material, device, or appliance designed or intended for attachment directly or indirectly to any electrical system, circuit, or electrical service for light, heat, or power in the City of San Diego, unless the electrical material, device, or appliance complies with the provisions of the Land Development Code; or
 - (4) To install or modify any device, *structure*, or addition that will cause a capacity demand greater than the existing electrical, plumbing, mechanical, or structural system was designed and approved to handle.
- (d) It is unlawful for any person, firm, or corporation to erect, install, alter, repair, relocate, add to, replace, use, or maintain plumbing, heating, ventilating, air conditioning, or refrigeration equipment, or cause the same to be done, contrary to or in violation of any provision of the Land Development Code.
- (e) Maintenance of plumbing, heating, ventilating, air conditioning, or refrigeration equipment that was unlawful at the time it was installed shall constitute a continuing violation of the Land Development Code. Existing plumbing, heating, ventilating, air conditioning, and refrigeration equipment, however, shall be deemed to have conformed with applicable law in effect at the time of installation if the Building Official or designated Code Enforcement Official determines that the existing equipment is currently in good and safe condition and is working properly. The existing equipment may be retained and used in connection with alterations or repairs if it has been determined to be properly maintained in good and safe condition.
- (f) The Building Official may disconnect or cease the operation of gas or electrical services when a *structure* is not occupied or is unfit or unsafe for occupancy.
- (g) When any *structure* or *premise* has been inspected by the Building Official or designated Code Enforcement Official and the new or existing plumbing, heating, ventilating, air conditioning, or refrigeration is found to be defective, hazardous, or in violation of the provisions of the Land Development Code, the Building Official may abate such conditions or *structures* in accordance with the provisions of Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Structures).

- (h) Any *structure* that is proposed for relocation that has been damaged, has had portions removed, has been cut into sections, or has been otherwise structurally altered after the pre-relocation examination may be considered a substandard *structure* or nuisance and may be abated in accordance with the Land Development Code.
- (i) The City may take any appropriate enforcement action to abate a *public nuisance*, despite the issuance of any permits to maintain, alter, expand, demolish, or reconstruct a *structure*, or to operate or resume operation of a use.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 11-28-2005 by O-19444; effective 2-9-2006)

§121.0308 No Permission to Violate Codes

- (a) The issuance or granting of any *development permit* or *construction permit* or any plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of the Land Development Code, including the Building, Electrical, Plumbing, Mechanical, Residential Building, or Green Building Regulations, or any other ordinance of the City. *Development permits, construction permits, or inspections* presuming to give authority to violate or cancel the provisions of the Land Development Code, Building, Electrical, Plumbing, Mechanical, Residential Building, or Green Building Regulations or other ordinances of the City are not valid.
- (b) The issuance of a *development permit* or *construction permit* based on plans, specifications, and other data does not prevent the City Manager from subsequently requiring the correction of errors in the plans, specifications, and other data or the Building Official from stopping building operations that are in violation of the Land Development Code or any other applicable law.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§131.0520 Use Regulations of Commercial Zones

The regulations of Section 131.0522 apply in the commercial zones where indicated in Table 131-05B.

- (a) The uses permitted in any commercial zone may be further limited by the following:
 - (1) Section 131.0540 (Maximum permitted residential *density* and other residential regulations);
 - (2) Use limitations applicable to the Airport Land Use Compatibility Overlay Zone (Chapter 13, Article 2, Division 15); -
 - (3) The presence of *environmentally sensitive lands*, pursuant to Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations); or
 - (4) Any other applicable provision of the San Diego Municipal Code.
- (b) Within the commercial zones, no *structure* or improvement, or portion thereof, shall be constructed, established, or altered, nor shall any *premises* be used or maintained except for one or more of the purposes or activities listed in Table 131-05B. It is unlawful to establish, maintain, or use any *premises* for any purpose or activity not listed in this section or Section 131.0522.
- (c) All uses or activities permitted in the commercial zones shall be conducted entirely within an enclosed building unless the use or activity is traditionally conducted outdoors.
- (d) *Accessory uses* in the commercial zones may be permitted in accordance with Section 131.0125.
- (e) Temporary uses may be permitted in the commercial zones for a limited period of time with a Temporary Use Permit in accordance with Chapter 12, Article 3, Division 4.
- (f) For any use that cannot be readily classified, the City Manager shall determine the appropriate use category and use subcategory pursuant to Section 131.0110.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 10-25-2011 by O-20047 N.S.; effective 1-1-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§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

Symbol in Table 131-05B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
	Use or use category is not permitted.

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															
Active Recreation		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Passive Recreation		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Natural Resources Preservation		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park Maintenance Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agriculture															
Agricultural Processing		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aquaculture Facilities		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dairies															
Horticulture Nurseries & Greenhouses		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising & Harvesting of Crops		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses															
Agricultural Equipment Repair Shops		-					P	P	-	-	-	-	-	-	-
Commercial Stables		-					-	-	-	-	-	-	L	-	-
Community Gardens		L					L	L	L	L	L	-	L	L	-
Equestrian Show & Exhibition Facilities		-					-	-	-	-	-	-	C	-	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers		-					-	-	-	-	-	-	-	-	-
Residential															
Mobilehome Parks		-					-	-	-	-	-	-	-	-	-
Multiple Dwelling Units		P ⁽²⁾					P ⁽²⁾	-	P ⁽²⁾	-	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	-	-
Rooming House [See Section 131.0112(a)(3)(A)]		P ⁽²⁾					P	-	P	-	P	P ⁽²⁾	P ⁽²⁾	-	-
Shopkeeper Units		P ⁽²⁾					P ⁽²⁾	-	P ⁽²⁾	-	P ⁽²⁾	P ⁽²⁾	P ⁽²⁾	-	-
Single Dwelling Units		-					-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses															
Boarder & Lodger Accommodations		L ⁽²⁾					L	-	L	-	-	-	L ⁽²⁾	-	-
Companion Units		-					-	-	-	-	-	-	-	-	-
Employee Housing:															
6 or Fewer Employees		-					-	-	-	-	-	-	-	-	-

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	2	1
12 or Fewer Employees		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Greater than 12 Employees		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Fraternities, Sororities and Student Dormitories		C ⁽²⁾					C	-	C		-	-	-	C ⁽²⁾		-	
Garage, Yard, & Estate Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Guest Quarters		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Home Occupations		L					L	-	L		-	L		L	-		
Housing for Senior Citizens		C ⁽²⁾					C	-	C		-	C		C ⁽²⁾	-		
Live/Work Quarters		-	-	-	-	-	L	-	-	-	-	-	L	-	-		
Residential Care Facilities:																	
6 or Fewer Persons		P ⁽²⁾					P	-	P		-	P		P ⁽²⁾	-		
7 or More Persons		C ⁽²⁾					C	-	C		-	C		C ⁽²⁾	-		
Transitional Housing:																	
6 or Fewer Persons		P ⁽²⁾					P	-	P		-	P		P ⁽²⁾	-		
7 or More Persons		C ⁽²⁾					C	-	C		-	C		C ⁽²⁾	-		
Watchkeeper Quarters		-	-	-	-	-	-	L	-	-	-	-	-	-	-		
Institutional																	
Separately Regulated Institutional Uses																	
Airports		-	-	-	-	-	C	C	C	C	-	-	-	C ⁽¹⁰⁾		-	
Botanical Gardens & Arboretums		-	-	-	-	-	P	P	C	C	-	-	-	P		-	
Cemeteries, Mausoleums, Crematories		-	-	-	-	-	C	C	C	C	-	-	-	C ⁽¹⁰⁾		-	
Correctional Placement Centers		-	-	-	-	-	C	C	C	C	-	-	-	C ⁽¹⁰⁾		-	
Educational Facilities:																	
Kindergarten through Grade 12		C ⁽¹⁰⁾					C	C	C	C	C	C	C	C ⁽¹⁰⁾		-	
Colleges / Universities		-	-	-	-	-	C	C	C	C	C	C	C	C ⁽¹⁰⁾		-	
Vocational / Trade School		-	-	-	-	-	P	P	P	P	C	-	-			-	
Energy Generation & Distribution Facilities		C ⁽¹⁰⁾					P	C	P	P	P	P	P ⁽¹⁰⁾		-		
Exhibit Halls & Convention Facilities		-	-	-	-	-	P	P	C	C	-	-	-	P		-	
Flood Control Facilities		L					L	L	L	L	L	L	L	L		-	
Historical Buildings Used for Purposes Not Otherwise Allowed		C ⁽¹⁰⁾					C	C	C	C	C	C	C ⁽¹⁰⁾		-		

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
Homeless Facilities:														
Congregate Meal Facilities		C ⁽¹⁰⁾					C	-	C	C	C	C	C ⁽¹⁰⁾	-
Emergency Shelters		C ⁽¹⁰⁾					C	-	C	C	C	C	C ⁽¹⁰⁾	-
Homeless Day Centers		C ⁽¹⁰⁾					C	-	C	C	C	C	C ⁽¹⁰⁾	-
Hospitals, Intermediate Care Facilities & Nursing Facilities		-					P	P	C	C	C	C	P ⁽¹⁰⁾	-
Interpretive Centers		-					-	-	-	-	-	-	-	-
Museums		-					P	P	C	C	C	C	P	-
Major Transmission, Relay, or Communications Switching Stations		-					C	C	C	C	C	C	C ⁽¹⁰⁾	-
Satellite Antennas		L					L	L	L	L	L	L	L	L
Social Service Institutions		-					C	C	C	C	C	C	C ⁽¹⁰⁾	-
Solar Energy Systems		L					L	L	L	L	L	L	L	L
Wireless Communication Facility:														
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use		L					L	L	L	L	L	L	L	L
Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use		N					N	N	N	N	N	N	N	N
Wireless communication facility in the public right-of-way with above ground equipment		C					C	C	C	C	C	C	C	C
Wireless communication facility outside the public right-of-way		L					L	L	L	L	L	L	L	L
Retail Sales														
Building Supplies & Equipment		P ⁽¹¹⁾					P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-	-	-	-
Food, Beverages and Groceries		P ⁽¹¹⁾					P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	-
Consumer Goods, Furniture, Appliances, Equipment		P ⁽¹¹⁾					P ⁽¹¹⁾	P ⁽¹¹⁾	P ^(3,11)	P ^(3,11)	P ^(3,11)	P ⁽¹³⁾	-	-
Pets & Pet Supplies		P ⁽¹¹⁾					P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-	-	-	-
Sundries, Pharmaceutical, & Convenience Sales		P ⁽¹¹⁾					P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	-	-
Wearing Apparel & Accessories		P ⁽¹¹⁾					P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-	P ⁽¹¹⁾	-	-
Separately Regulated Retail Sales Uses														

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	2	1
Agriculture Related Supplies & Equipment		-					P	P	-	-	-	-	-	-	-	-	-
Alcoholic Beverage Outlets		L					L	L	L	L	L	L	L	L	L	L	-
Farmers' Markets																	
Weekly Farmers' Markets		L					L	L	L	L	L	L	L	L	L	L	L
Daily Farmers' Market Stands		L					L	L	L	L	L	L	L	L	L	L	-
Plant Nurseries		P					P	P	-	-	-	-	-	-	-	-	-
Retail Farms		L					L	L	L	L	L	L	L	L	L	L	-
Retail Tasting Stores		L					L	L	L	L	L	L	L	L	L	L	-
Swap Meets & Other Large Outdoor Retail Facilities		-					C	C	-	-	-	-	-	-	C ⁽¹⁰⁾	-	-
Commercial Services																	
Building Services		-					P	P	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	-	-	-	-
Business Support		P					P	P	p ⁽⁵⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	-	-	-	-
Eating & Drinking Establishments		p ⁽⁴⁾⁽¹⁶⁾					p ⁽¹⁶⁾	p ⁽¹⁶⁾	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ⁽¹⁶⁾	p ⁽¹⁶⁾	-	-
Financial Institutions		P					P	P	P	P	P	P	P	-	-	-	-
Funeral & Mortuary Services		-					P	P	-	-	-	-	-	-	-	-	-
Instructional Studios		P					P	P	P	P	P	P	P	p ⁽¹²⁾	-	-	-
Maintenance & Repair		P					P	P	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	-	-	-	-
Off-site Services		-					P	P	-	-	-	-	-	-	-	-	-
Personal Services		P					P	P	-	-	-	-	-	P	-	-	-
Radio & Television Studios		-					P	P	-	-	-	-	-	-	-	-	-
Tasting Rooms		-					-	-	-	-	-	-	-	-	-	-	-
Visitor Accommodations		-					P	P	-	-	-	-	-	P	-	-	-
Separately Regulated Commercial Services Uses																	
Adult Entertainment Establishments:																	
Adult Book Store		L					L	L	-	-	-	-	-	-	-	-	-
Adult Cabaret		-					L	L	-	-	-	-	-	L	-	-	-
Adult Drive-In Theater		-					L	L	-	-	-	-	-	L	-	-	-
Adult Mini-Motion Picture Theater		-					L	L	-	-	-	-	-	L	-	-	-
Adult Model Studio		L					L	L	-	-	-	-	-	L	-	-	-
Adult Motel		-					L	L	-	-	-	-	-	L	-	-	-
Adult Motion Picture Theater		-					L	L	-	-	-	-	-	L	-	-	-
Adult Peep Show Theater		-					L	L	-	-	-	-	-	L	-	-	-
Adult Theater		-					L	L	-	-	-	-	-	L	-	-	-

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
Body Painting Studio		L					L	L	-	-	-	L	-	
Massage Establishment		L					L	L	-	-	-	-	-	
Sexual Encounter Establishment		L					L	L	-	-	-	L	-	
Assembly and Entertainment Uses, Including Places of Religious Assembly		L ⁽¹⁰⁾					L	L	L	L	L	L	L ⁽¹⁰⁾	-
Bed & Breakfast Establishments:														
1-2 Guest Rooms		-					P	P	-	-	-	P	-	
3-5 Guest Rooms		-					P	P	-	-	-	P	-	
6+ Guest Rooms		-					P	P	-	-	-	P	-	
Boarding Kennels/Pet Day Care		L					L	L	N	N	-	N ⁽¹⁰⁾	-	
Camping Parks		-					C	C	C	C	-	C	-	
Child Care Facilities:														
Child Care Centers		L					L	-	L	L	L	L ⁽¹⁰⁾	-	
Large Family Child Care Homes		L					L	-	L	L	L	L ⁽¹⁰⁾	-	
Small Family Child Care Homes		L					L	-	L	L	L	L	-	
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-	C	-	-	-	P		P	P	-	P	-	
Fairgrounds		-					C	C	-	-	-	C	-	
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-					C	C	C	C	-	C	-	
Helicopter Landing Facilities		-					C	C	C	C	C	C ⁽¹⁰⁾	-	
Massage Establishments, Specialized Practice		L					L	L	-	-	-	L ⁽¹⁴⁾	-	
Medical Marijuana Consumer Cooperatives		-					-	C	-	-	-	-	-	
Mobile Food Trucks		L ⁽¹⁵⁾	-				L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾	
Nightclubs & Bars Over 5,000 Square Feet in Size		-					C	C	C	C	C	C	-	
Parking Facilities as a <i>Primary Use</i> :														
Permanent Parking Facilities		-					P	P	C	C	-	C	P	
Temporary Parking Facilities		-					N	N	C	C	C	C	N	
Private Clubs, Lodges and Fraternal Organizations		P ⁽¹⁰⁾					P	P	P	P	P	P	P ⁽¹⁰⁾	-
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾		-					P	P	C	C	-	C	-	
Pushcarts:														
Pushcarts on Private Property		L					L	L	L	L	L	L	-	
Pushcarts in <i>Public Right-of-Way</i>		N					N	N	N	N	N	N	-	

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	2	1
Recycling Facilities:																	
Large Collection Facility		N					N	N	N	N	N	N	N	N ⁽¹⁰⁾		-	
Small Collection Facility		L					L	L	L	L	L	L	L	L ⁽¹⁰⁾		-	
Large Construction & Demolition Debris Recycling Facility		-					-	-	-	-	-	-	-	-		-	
Small Construction & Demolition Debris Recycling Facility		-					-	-	-	-	-	-	-	-		-	
Drop-off Facility		L					L	L	L	L	L	L	L	L		-	
Green Materials Composting Facility		-					-	-	-	-	-	-	-	-		-	
Mixed Organic Composting Facility		-					-	-	-	-	-	-	-	-		-	
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-					-	-	-	-	-	-	-	-		-	
Large Processing Facility Accepting All Types of Traffic		-					-	-	-	-	-	-	-	-		-	
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-					-	-	-	-	-	-	-	-		-	
Small Processing Facility Accepting All Types of Traffic		-					-	-	-	-	-	-	-	-		-	
Reverse Vending Machines		L					L	L	L	L	L	L	L	L		-	
Tire Processing Facility		-					-	-	-	-	-	-	-	-		-	
Sidewalk Cafes		L					L	L	L	L	L	L	L	L		-	
Sports Arenas & Stadiums		-					C	C	C	C	C	-	-	C		-	
Theaters that are Outdoor or Over 5,000 Square Feet in Size		-					C	C	C	C	-	-	-	C		-	
Urgent Care Facilities		N					N	N	N	N	N	N	N	N ⁽¹⁰⁾		-	
Veterinary Clinics & Animal Hospitals		L					L	L	N	N	N	N	N	-		-	
Zoological Parks		-					-	-	-	-	-	-	-	-		-	
Offices																	
Business & Professional		P ⁽⁷⁾					P	P	P	P	P	P	P	-		-	
Government		P					P	P	P	P	P	P	P	-		-	
Medical, Dental & Health Practitioner		P					P	P	P	P	P	P	P	P ⁽¹⁰⁾		-	
Regional & Corporate Headquarters		P					P	P	P	P	P	P	P	-		-	

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
Separately Regulated Office Uses														
Real Estate Sales Offices & Model Homes		L					L	-	L	L	L	L	L	-
<i>Sex Offender</i> Treatment & Counseling		L					L	L	L	L	L	L	L ⁽¹⁰⁾	-
Vehicle & Vehicular Equipment Sales & Service														
Commercial Vehicle Repair & Maintenance		-					P	P	-	-	-	-	-	-
Commercial Vehicle Sales & Rentals		-					P	P	-	-	-	-	-	-
Personal Vehicle Repair & Maintenance		-					P	P	-	-	-	-	-	-
Personal Vehicle Sales & Rentals		-					P	P	-	-	-	-	-	-
Vehicle Equipment & Supplies Sales & Rentals		-					P	P	-	-	-	-	-	-
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses														
Automobile Service Stations		-					N	N	C	C	C	C	C	-
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a Primary Use		-					C	C	-	-	-	-	-	-
Distribution and Storage														
Equipment & Materials Storage Yards		-					-	P	-	-	-	-	-	-
Moving & Storage Facilities		-					-	P	-	-	-	-	-	-
Distribution Facilities		-					-	P ⁽⁸⁾	-	-	-	-	-	-
Separately Regulated Distribution and Storage Uses														
Impound Storage Yards		-					-	C	-	-	-	-	-	-
Junk Yards		-					-	-	-	-	-	-	-	-
Temporary Construction Storage Yards Located Off-site		L					L	L	L	L	L	L	L	-
Industrial														
Heavy Manufacturing		-					-	-	-	-	-	-	-	-
Light Manufacturing		-					-	P ⁽⁸⁾	-	-	-	-	-	-
Marine Industry		-					-	-	-	-	-	-	-	-
Research & Development		-					P	P	P	P	P	-	-	-
Trucking & Transportation Terminals		-					P	P	-	-	-	-	-	-
Separately Regulated Industrial Uses														
<i>Hazardous Waste</i> Research Facility		-					-	-	-	-	-	-	-	-

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	2	1
<i>Hazardous Waste Treatment Facility</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Marine Related Uses Within the Coastal Overlay Zone		-	-	-	-	-	C	C	C	L	-	-	-	C	-	-	
Mining and Extractive Industries		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Newspaper Publishing Plants		-	-	-	-	-	C	C	C	C	-	-	-	C ⁽¹⁰⁾	-	-	
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Very Heavy Industrial Uses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wrecking & Dismantling of Motor Vehicles		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Signs</i>																	
<i>Allowable Signs</i>		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
<i>Separately Regulated Signs Uses</i>																	
<i>Community Entry Signs</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
<i>Neighborhood Identification Signs</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Comprehensive Sign Program</i>		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<i>Revolving Projecting Signs</i>		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<i>Signs with Automatic Changing Copy</i>		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<i>Theater Marquees</i>		-	N	N	-	-	-	-	-	-	-	-	-	N	-	-	

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
Open Space																																	
<i>Active Recreation</i>																																	
<i>Passive Recreation</i>																																	
<i>Natural Resources Preservation</i>																																	
<i>Park Maintenance Facilities</i>																																	
Agriculture																																	
<i>Agricultural Processing</i>																																	
<i>Aquaculture Facilities</i>																																	
<i>Dairies</i>																																	
<i>Horticulture Nurseries & Greenhouses</i>																																	
<i>Raising & Harvesting of Crops</i>																																	
<i>Raising, Maintaining & Keeping of Animals</i>																																	
Separately Regulated Agriculture Uses																																	
<i>Agricultural Equipment Repair Shops</i>																																	
<i>Commercial Stables</i>																																	
<i>Community Gardens</i>																																	
<i>Equestrian Show & Exhibition Facilities</i>																																	
<i>Open Air Markets for the Sale of Agriculture-Related Products & Flowers</i>																																	
Residential																																	
<i>Mobilehome Parks</i>																																	
<i>Multiple Dwelling Units</i>																																	
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]																																	
<i>Shopkeeper Units</i>																																	
<i>Single Dwelling Units</i>																																	
Separately Regulated Residential Uses																																	
<i>Boarder & Lodger Accommodations</i>																																	
<i>Companion Units</i>																																	
Employee Housing:																																	
<i>6 or Fewer Employees</i>																																	
<i>12 or Fewer Employees</i>																																	
<i>Greater than 12 Employees</i>																																	
<i>Fraternities, Sororities and Student Dormitories</i>																																	
<i>Garage, Yard, & Estate Sales</i>																																	

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	
Guest Quarters	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Home Occupations	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	
Housing for Senior Citizens	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	
Live/Work Quarters	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	L	-	
Residential Care Facilities:																																			
6 or Fewer Persons	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	
7 or More Persons	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	
Transitional Housing:																																			
6 or Fewer Persons	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	P	-	
7 or More Persons	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	
Watchkeeper Quarters	-	L	-	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Institutional																																			
Separately Regulated Institutional Uses																																			
Airports	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Botanical Gardens & Arboretums	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Cemeteries, Mausoleums, Crematories	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Correctional Placement Centers	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Educational Facilities:																																			
Kindergarten through Grade 12	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Colleges / Universities	C	C	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Vocational / Trade School	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Energy Generation & Distribution Facilities	P	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Exhibit Halls & Convention Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Flood Control Facilities	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Historical Buildings Used for Purposes Not Otherwise Allowed	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Homeless Facilities:																																			
Congregate Meal Facilities	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	
Emergency Shelters	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	
Homeless Day Centers	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	
Hospitals, Intermediate Care Facilities & Nursing Facilities	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Interpretive Centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Museums	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Major Transmission, Relay, or Communications Switching Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Satellite Antennas	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	

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
<i>Social Service Institutions</i>			C			C			C			C			C			C			C			C			C			C			
Solar Energy Systems			L			L			L			L			L			L			L			L			L			L			
<i>Wireless Communication Facility:</i>																																	
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a non-residential use</i>			L			L			L			L			L			L			L			L			L			L			
<i>Wireless communication facility in the public right-of-way with subterranean equipment adjacent to a residential use</i>			N			N			N			N			N			N			N			N			N			N			
<i>Wireless communication facility in the public right-of-way with above ground equipment</i>			C			C			C			C			C			C			C			C			C			C			
<i>Wireless communication facility outside the public right-of-way</i>			L			L			L			L			L			L			L			L			L			L			
Retail Sales																																	
Building Supplies & Equipment			P(11)			P(11)			-			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			
Food, Beverages and Groceries			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			
Consumer Goods, Furniture, Appliances, Equipment			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			
Pets & Pet Supplies			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			
Sundries, Pharmaceutical, & Convenience Sales			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			
Wearing Apparel & Accessories			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			P(11)			
Separately Regulated Retail Sales Uses																																	
Agriculture Related Supplies & Equipment			-			-			-			P			P			P			P			P			P			P			
Alcoholic Beverage Outlets			L			L			L			L			L			L			L			L			L			L			
Farmers' Markets																																	
Weekly Farmers' Markets			L			L			L			L			L			L			L			L			L			L			
Daily Farmers' Market Stands			L			L			L			L			L			L			L			L			L			L			
Plant Nurseries			P			P			P			P			P			P			P			P			P			P			
Retail Farms			L			L			L			L			L			L			L			L			L			L			
Retail Tasting Rooms			L			L			L			L			L			L			L			L			L			L			
Swap Meets & Other Large Outdoor Retail Facilities			-			-			-			-			-			-			-			-			-			C			
Commercial Services																																	
Building Services			-			-			-			P			P			P			P			P			P			P			
Business Support			P			P			P			P			P			P			P			P			P			P			

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							
Eating & Drinking Establishments	P ⁽¹⁶⁾		P ⁽¹⁶⁾									P ⁽¹⁶⁾									P ⁽¹⁶⁾						P ⁽¹⁶⁾														
Financial Institutions	P		P									P									P						P														
Funeral & Mortuary Services	P		P									P									P						P														
Instructional Studios	P		P									P									P						P														
Maintenance & Repair	P		P									P									P						P														
Off-site Services	-		-									-									P						P														
Personal Services	P		P									P									P						P														
Radio & Television Studios	P		P									P									P						P														
Tasting Rooms	P ⁽¹⁷⁾		P ⁽¹⁷⁾									P ⁽¹⁷⁾									P ⁽¹⁷⁾						P ⁽¹⁷⁾														
Visitor Accommodations	P		P									P									P						P														
Separately Regulated Commercial Services Uses																																									
Adult Entertainment Establishments:																																									
Adult Book Store	L		L									L									L						L														
Adult Cabaret	L		L									L									L						L														
Adult Drive-In Theater	L		L									L									L						L														
Adult Mini-Motion Picture Theater	L		L									L									L						L														
Adult Model Studio	L		L									L									L						L														
Adult Motel	L		L									L									L						L														
Adult Motion Picture Theater	L		L									L									L						L														
Adult Peep Show Theater	L		L									L									L						L														
Adult Theater	L		L									L									L						L														
Body Painting Studio	L		L									L									L						L														
Massage Establishment	L		L									-									-						L														
Sexual Encounter Establishment	L		L									L									L						L														
Assembly and Entertainment Uses, Including Places of Religious Assembly	L		L									L									L						L														
Bed & Breakfast Establishments:																																									
1-2 Guest Rooms	P		P									P									P						P														
3-5 Guest Rooms	P		P									P									P						P														
6+ Guest Rooms	P		P									P									P						P														
Boarding Kennels/Pet Day Care	L		L									L									L						L														
Camping Parks	C		C									C									C						C														
Child Care Facilities:																																									
Child Care Centers	L		-									L									L						L														
Large Family Child Care Homes	L		-									L									L						L														

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				
Small Family Child Care Homes	L	-	L			L			L			L			L			L			L			L			L					
Eating and Drinking Establishments with a Drive-in or Drive-through Component	P	P	P			P			P			P			P			P			P			P			P					
Fairgrounds	C	C	-			C			C			C			C			C			C			C			C					
Golf Courses, Driving Ranges, and Pitch & Putt Courses	C	C	C			C			C			C			C			C			C			C			C					
Helicopter Landing Facilities	C	C	C			C			C			C			C			C			C			C			C					
Massage Establishments, Specialized Practice <i>Medical Marijuana Consumer Cooperatives</i>	L	L	L			L			L			L			L			L			L			L			L					
<i>Medical Marijuana Consumer Cooperatives</i>	-	C	-			-			-			-			-			-			-			-			-					
Mobile Food Trucks	L ⁽¹⁵⁾	L ⁽¹⁵⁾	L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾			L ⁽¹⁵⁾					
Nightclubs & Bars Over 5,000 Square Feet in Size	C	C	C			C			C			C			C			C			C			C			C					
Parking Facilities as a <i>Primary Use</i> :																																
Permanent Parking Facilities	P	C	P			P			P			P			P			P			P			P			P					
Temporary Parking Facilities	N	C	N			N			N			N			N			N			N			N			N					
Private Clubs, Lodges and Fraternal Organizations	P	P	P			P			P			P			P			P			P			P			P					
Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size ⁽⁹⁾	C	C	C			C			C			C			C			C			C			C			C					
Pushcarts:																																
Pushcarts on Private Property	L	L	L			L			L			L			L			L			L			L			L					
Pushcarts in <i>Public Right-of-Way</i>	N	N	N			N			N			N			N			N			N			N			N					
Recycling Facilities:																																
Large Collection Facility	N	N	N			N			N			N			N			N			N			N			N					
Small Collection Facility	L	L	L			L			L			L			L			L			L			L			L					
Large Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-			-			-			-			-			-			-			-			-					
Small Construction & Demolition Debris <i>Recycling Facility</i>	-	-	-			-			-			-			-			-			-			-			-					
Drop-off Facility	L	L	L			L			L			L			L			L			L			L			L					
Green Materials Composting Facility	-	-	-			-			-			-			-			-			-			-			-					
Mixed Organic Composting Facility	-	-	-			-			-			-			-			-			-			-			-					

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				
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic			-			-			-			-			-			-			-			-			-					
Large Processing Facility Accepting All Types of Traffic			-			-			-			-			-			-			-			-			-					
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic			-			-			-			C			C			C			C			C			C					
Small Processing Facility Accepting All Types of Traffic			-			-			-			C			C			C			C			C			C					
Reverse Vending Machines			L			L			L			L			L			L			L			L			L					
Tire Processing Facility			-			-			-			-			-			-			-			-			-					
Sidewalk Cafes			L			L			L			L			L			L			L			L			L					
Sports Arenas & Stadiums			C			C			C			C			C			C			C			C			C					
Theaters that are Outdoor or Over 5,000 Square Feet in Size			C			C			C			C			C			C			C			C			C					
Urgent Care Facilities			N			N			N			N			N			N			N			N			N					
Veterinary Clinics & Animal Hospitals			L			L			L			L			L			L			L			L			L					
Zoological Parks			-			-			-			-			-			-			-			-			-					
Offices																																
Business & Professional			P			P			P			P			P			P			P			P			P					
Government			P			P			P			P			P			P			P			P			P					
Medical, Dental & Health Practitioner			P			P			P			P			P			P			P			P			P					
Regional & Corporate Headquarters			P			P			P			P			P			P			P			P			P					
Separately Regulated Office Uses																																
Real Estate Sales Offices & Model Homes			L			-			L			L			L			L			L			L			L					
Sex Offender Treatment & Counseling			L			L			L			L			L			L			L			L			L					
Vehicle & Vehicular Equipment Sales & Service																																
Commercial Vehicle Repair & Maintenance			-			-			-			P			P			P			P			P			P					
Commercial Vehicle Sales & Rentals			-			-			-			P			P			P			P			P			P					
Personal Vehicle Repair & Maintenance			P			P			-			P			P			P			P			P			P					
Personal Vehicle Sales & Rentals			P			P			-			P			P			P			P			P			P					

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
Vehicle Equipment & Supplies Sales & Rentals			P			P			-						P						P						P						
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																																	
Automobile Service Stations			N			N			N			N			N																		
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>			C			C			-			C			C																		
Distribution and Storage																																	
Equipment & Materials Storage Yards			-			-			-			-			-																		
Moving & Storage Facilities			-			-			-			P																		P			
Distribution Facilities			-			-			-			-																		P ⁽⁸⁾			
Separately Regulated Distribution and Storage Uses																																	
Impound Storage Yards			-			-			-			C			C																		
Junk Yards			-			-			-			-			-																		
Temporary Construction Storage Yards Located Off-site			L			L			L			L			L																		
Industrial																																	
Heavy Manufacturing			-			-			-			-			-																		
Light Manufacturing			-			-			-			-			-															P ⁽⁸⁾			
Marine Industry			-			-			-			-			-																		
Research & Development			P			P			-			P			P																		
Trucking & Transportation Terminals			-			-			-			-			-																		
Separately Regulated Industrial Uses																																	
Hazardous Waste Research Facility			-			-			-			-			-																		
Hazardous Waste Treatment Facility			-			-			-			-			-																		
Marine Related Uses Within the Coastal Overlay Zone			C			C			C			C			C																		
Newspaper Publishing Plants			C			C			C			C			C															P			
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises			-			-			-			-			-																		
Very Heavy Industrial Uses			-			-			-			-			-																		
Wrecking & Dismantling of Motor Vehicles			-			-			-			-			-																		
Signs																																	
Allowable Signs			P			P			P			P			P																		
Separately Regulated Signs Uses																																	

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
Community Entry Signs		L			L				L				L				L				L				L				L			
Neighborhood Identification Signs		-			-				-				-				-				-				-				-			
Comprehensive Sign Program		N			N				N				N				N				N				N				N			
Revolving Projecting Signs		N			N				N				N				N				N				N				N			
Signs with Automatic Changing Copy		N			N				N				N				N				N				N				N			
Theater Marquees		N			N				N				N				N				N				N				N			

Footnotes to Table 131-05B

- 1 Uses shall not begin operating before 6:00 a.m. or continue operating later than 12:00 midnight in Commercial-Neighborhood (CN) zones.
- 2 See Section 131.0540.
- 3 Only office furniture, appliances, and equipment establishments are permitted. The gross floor area occupied by these uses shall not exceed 2,500 square feet for each premises.
- 4 Live entertainment and the sale of intoxicating beverages other than beer and wine are not permitted in the Commercial-Neighborhood (CN) zones, unless approval of a deviation is granted via a Planned Development Permit in accordance with Section 126.0602(b)(1).
- 5 The sale of alcoholic beverages is not permitted as a primary use.
- 6 The gross floor area occupied by these uses shall not exceed 2,500 square feet for each premises.
- 7 Hiring halls are not permitted.
- 8 These activities shall be located solely within an enclosed building that does not exceed 7,500 square feet of gross floor area. Activities that would require a permit from the Hazardous Materials Management Division of the County of San Diego or from the San Diego Air Pollution Control District are not permitted.
- 9 The 40,000 square feet includes all indoor and outdoor areas that are devoted to the recreational use; it does not include customer parking areas.
- 10 This use is not allowed within the Coastal Overlay Zone, except that assembly and entertainment uses may be incorporated as an accessory use to visitor accommodations.
- 11 Development of a large retail establishment is subject to Section 143.0302.
- 12 Within the Coastal Overlay Zone, instructional studios are not permitted on the ground floor in the CV-1-1 or CV-1-2 zone.
- 13 Permitted in CV zones where the gross floor area occupied by an individual retail sales establishment would not exceed 2,500 square feet.
- 14 Specialized practice massage establishments are permitted only as an accessory use in the CV-1-1 and CV-1-2 zones.
- 15 This use is permitted as a limited use subject to a mobile food truck permit in accordance with Section 123.0603 and the limited use regulations in Section 141.0612.
- 16 Eating and drinking establishments abutting residential development located in a residential zone may operate only between 6:00 a.m. and 12:00 midnight.
- 17 Tasting rooms are only permitted as an accessory use to a beverage manufacturing plant.

(Amended 6-12-2001 by O-18948 N.S.; effective 12-12-2001.)
(Amended 3-1-2006 by O-19467 N.S.; effective 8-10-2006.)
(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)
(Amended 6-15-2007 by O-19624 N.S.; effective 7-15-2007.)
(Amended 4-23-2008 by O-19739 N.S.; effective 5-23-2008.)
(Amended 11-13-08 by O-19799 N.S.; effective 12-13-2008.)
(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)
(Amended 11-13-08 by O-19804 N.S.; effective 12-13-2008.)
(Amended 7-6-2011 by O-20065 N.S.; effective 8-5-2011.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 2-22-2012 by O-20141 N.S.; effective 3-23-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Retitled to "Use Regulations Table for Commercial Zones" and amended 3-25-2014 by O-20356 N.S.; effective 4-24-2014.)
(Amended 4-3-2014 by O-20357 N.S.; effective 10-15-2014.)
(Amended 5-5-2015 by O-20481 N.S.; effective 6-4-2015.)
(Amended 7-10-2015 by O-20512 N.S.; effective 8-9-2015.)

[Editors Note: Amendments as adopted by O-20512 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language
http://docs.sandiego.gov/municode_strikeout_ord/O-20512-SO.pdf]

(Amended 8-7-2015 by O-20555 N.S.; effective 9-6-2015.)

[Editors Note: Amendments as adopted by O-20555 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language
http://docs.sandiego.gov/municode_strikeout_ord/O-20555-SO.pdf]