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City of South Gate

CITY COUNCIL

Item No. 5

FEB 2 2016

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

10:00am

AGENDA BILL

For the Regular Meeting of: February 9, 2016

Originating Departments: Police Department

Department Head:

Randall Davis
Randall Davis

City Manager:

Michael Flad
Michael Flad

SUBJECT: ORDINANCE NO. 2326 ADDING NEW CHAPTER 7.80 (MARIJUANA DISPENSARY) AND SECTIONS 7.80.010 (DEFINITIONS) AND 7.80.020 (PROHIBITED ACTIVITIES) TO TITLE 7 (PUBLIC SAFETY & MORALS) OF THE SOUTH GATE MUNICIPAL CODE; AND AMENDING SECTIONS 11.21.020 (GENERAL REQUIREMENTS) AND 11.21.030 (LAND USE PERMISSION TABLES) OF CHAPTER 11.21 (LAND USE TYPES) AND AMENDING SECTION 11.60.160 ("M" DEFINITIONS) OF CHAPTER 11.60 (DEFINITIONS) OF TITLE 11 (ZONING) OF THE SOUTH GATE MUNICIPAL CODE, ALL PERTAINING TO MARIJUANA CULTIVATION, PROCESSING AND DELIVERY

PURPOSE: Adoption of Ordinance No. 2326 will add a new Chapter and Sections and will amend certain Sections of the South Gate Municipal Code prohibiting marijuana cultivation, processing and delivery.

RECOMMENDED ACTION: Waive the reading in full and adopt Ordinance No. 2326 adding new Chapter 7.80 (Marijuana Dispensary) and Sections 7.80.010 (Definitions) and 7.80.020 (Prohibited Activities) to Title 7 (Public Safety & Morals) of the South Gate Municipal Code; and amending Sections 11.21.020 (General Requirements) and 11.21.030 (Land Use Permission Tables) of Chapter 11.21 (Land Use Types) and amending Section 11.60.160 ("M" Definitions) of Chapter 11.60 (Definitions) of Title 11 (Zoning) of the South Gate Municipal Code, all pertaining to marijuana cultivation, processing and delivery.

FISCAL IMPACT: No fiscal impact. Enforcement of this ordinance is anticipated to fall within the Police Department's existing budget.

NOTICING PROCEDURES: A Public Hearing Notice was published on January 14, 2016, in *The Wave* newspaper for introduction of Ordinance No. 2326 on January 26, 2016.

ANALYSIS: Ordinance No. 2326 is necessary to make clear that marijuana cultivation, processing and delivery are prohibited in all zones throughout the City.

BACKGROUND: At the conclusion of a Public Hearing during the regularly scheduled City Council meeting of January 26, 2016, the City Council unanimously introduced Ordinance No. 2326 adding a new Chapter and Sections and amending certain Sections of the South Gate Municipal Code prohibiting marijuana cultivation, processing and delivery. Adoption of Ordinance No. 2326 at this meeting will meet the State's deadline as cities must adopt ordinances by March 1, 2016.

Both the State Senate and Assembly approved emergency legislation on January 25 and 28, 2016, respectively, which, if signed by Governor Edmund G. Brown, removes March 1, 2016 as the deadline for local agencies to adopt ordinances regulating the cultivation of marijuana. News reports reflect that Governor Brown has publicly indicated he will sign such legislation, but he has not done so as of the finalizing of this agenda bill.

There is an open question whether the City's adoption of this ordinance will comply with the March 1, 2016 deadline, as the ordinance will not be effective until March 11, 2016 (30 days from the adoption of the ordinance.) Because the state statute in question is not clear whether the ordinance need be effective as of March 1, or simply adopted by the City on or before March 1, and in the event the Governor fails to sign AB 21 in the coming days, it may be necessary for the City to pass emergency legislation to ensure that it has complied with the March 1 deadline. There are other possible alternatives such as passing a resolution finding that by reason of the City's permissive Zoning Code, the cultivation of marijuana is expressly prohibited.

For reference purposes, the following is excerpted from the Agenda Bill from January 26, 2016 providing supplemental background information.

On October 9, 2015, Governor Jerry Brown signed into law the "Medical Marijuana Regulation and Safety Act" ("Act") which is comprised of the following California legislative bills: Assembly Bill 243, Assembly Bill 266, and Senate Bill 643. The Act became effective January 1, 2016, and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients.

The Act establishes a state licensing scheme for commercial medical marijuana uses while protecting local control by requiring all such businesses to have a local license or permit to operate in addition to a state license. The Act contains statutory provisions that allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program for the cultivation of marijuana (Health and Safety Code section 11352.777(c)(4)). The Act also expressly provides that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements for marijuana (Business and Professions Code section 19315(a)).

Several California cities have reported negative impacts of marijuana cultivation, processing, and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, robberies and attempted robberies, fire hazards, and problems associated with mold, fungus, and pests.

Commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the Compassionate Use Act and the Medical Marijuana Program can adversely affect the health, safety, and well-being of City residents. Citywide prohibition of cultivation of marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and attractive nuisances that may result from such activities. Indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building, its occupants, and neighboring properties and persons.

The Attorney General's August 2008 Guidelines for Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime. Based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur in the City due to² the establishment and operation of marijuana cultivation, processing, and distribution activities.

Prior to the effective date of this ordinance, the cultivation, processing, delivery, and distribution of medical marijuana are prohibited in the City to the extent such activities are prohibited by the Controlled Substances Act. As of August 29, 2013, federal enforcement in states allowing citizen access to marijuana, whether for medical or adult use, is to rely on state and local government regulation. (See: James M. Cole, Guidance Regarding Marijuana Enforcement, United States Department of Justice, Office of the Deputy Attorney General, August 29, 2013. <http://www.justice.gov/iso/opa/resources/3052013829132756857467.pdf>.)

While the City Council believes that marijuana cultivation and all commercial medical marijuana uses are prohibited under the City's permissive zoning regulations, it desires to adopt Ordinance No. 2326 to expressly make clear that all such uses are prohibited in all zones throughout the City.

The potential establishment of the cultivation, processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities described above.

ATTACHMENT: Ordinance No. 2326

ORDINANCE NO. 2326

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE ADDING NEW CHAPTER 7.80 (MARIJUANA DISPENSARY) AND SECTIONS 7.80.010 (DEFINITIONS) AND 7.80.020 (PROHIBITED ACTIVITIES) TO TITLE 7 (PUBLIC SAFETY & MORALS) OF THE SOUTH GATE MUNICIPAL CODE; AND AMENDING SECTIONS 11.21.020 (GENERAL REQUIREMENTS) AND 11.21.030 (LAND USE PERMISSION TABLES) OF CHAPTER 11.21 (LAND USE TYPES) AND AMENDING SECTION 11.60.160 ("M" DEFINITIONS) OF CHAPTER 11.60 (DEFINITIONS) OF TITLE 11 (ZONING) OF THE SOUTH GATE MUNICIPAL CODE, ALL PERTAINING TO MARIJUANA CULTIVATION, PROCESSING AND DELIVERY

WHEREAS, the People of the State of California enacted Proposition 215, the Compassionate Use Act of 1996 (codified in Health and Safety Code section 11362.5, *et seq.*), which allows the possession and cultivation of marijuana for medical use by certain qualified persons; and

WHEREAS, in May 2001, the United States Supreme Court issued its decision in *United States v. Oakland Buyers' Cooperative*, 532 U.S. 483, holding that distribution of medical marijuana is illegal under the Compassionate Use Act and there is no medical necessity defense allowed under federal law; and

WHEREAS, the 2003, California Legislature enacted Senate Bill 420, the Medical Marijuana Program (codified in Health and Safety Code sections 11362.7 through 11362.83), to clarify the scope of the Compassionate Use Act and to permit qualified patients and their primary caregivers to associate collectively or cooperatively to cultivate marijuana for medical purposes without being subject to criminal prosecution under state law; and

WHEREAS, neither the Compassionate Use Act nor the Medical Marijuana Program require cities to allow, authorize, or sanction the establishment of facilities that cultivate or process medical marijuana within their jurisdictions; and

WHEREAS, in 2013, the California Supreme Court issued its decision in *City of Riverside v. Inland Empire Patients Health and Wellness Center, Inc.* (2013) 56 Cal.4th 729, holding that cities have the authority to ban medical marijuana land uses; and

WHEREAS, in *Maral v. City of Live Oak* (2013) 221 Cal. App. 4th 975, the California Court of Appeal upheld the city's total ban on all marijuana cultivation; and

WHEREAS, notwithstanding the passage of the Compassionate Use and the Medical Marijuana Program, the cultivation, distribution, possession, and use of marijuana is prohibited by federal law, specifically the Controlled Substances Act (21 U.S.C. section 801 *et seq.*); and

WHEREAS, on October 9, 2015, Governor Jerry Brown signed into law the "Medical Marijuana Regulation and Safety Act" ("Act") which is comprised of the following California legislative bills: Assembly Bill 243, Assembly Bill 266, and Senate Bill 643; and

WHEREAS, the Act becomes effective January 1, 2016, and contains provisions that govern the cultivating, processing, transporting, testing, and distributing of medical cannabis to qualified patients; and

WHEREAS, the Act establishes a state licensing scheme for commercial medical marijuana uses while protecting local control by requiring all such businesses to have a local license or permit to operate in addition to a state license; and

WHEREAS, the Act contains statutory provisions that allow local governments to enact ordinances expressing their intent to prohibit the cultivation of marijuana and their intent not to administer a conditional permit program for the cultivation of marijuana (Health and Safety Code section 11352.777(c)(4)); and

WHEREAS, the Act also expressly provides that the Act does not supersede or limit local authority for local law enforcement activity, enforcement of local ordinances, or enforcement of local permit or licensing requirements for marijuana (Business and Professions Code section 19315(a)); and

WHEREAS, the Act further expressly provides that the Act does not limit the authority or remedies of a local government under any provision of law regarding marijuana, including but not limited to a local government's right to make and enforce within its limits all police regulations not in conflict with general laws (Business and Professions Code section 19316(c)); and

WHEREAS, the Act also requires a local government that wishes to prevent marijuana delivery activity, as defined in Business & Professions Code section 19300(m) of the Act, from operating within the local government's boundaries to enact an ordinance affirmatively banning such delivery activity (Business and Professions Code section 19340(a)); and

WHEREAS, several California cities have reported negative impacts of marijuana cultivation, processing, and distribution activities, including offensive odors, illegal sales and distribution of marijuana, trespassing, theft, robberies and attempted robberies, fire hazards, and problems associated with mold, fungus, and pests; and

WHEREAS, the City Council finds that commercial medical marijuana activities, as well as cultivation for personal medical use as allowed by the Compassionate Use Act and the Medical Marijuana Program can adversely affect the health, safety, and well-being of City residents; and

WHEREAS, Citywide prohibition of cultivation of marijuana is proper and necessary to avoid the risks of criminal activity, degradation of the natural environment, malodorous smells, and attractive nuisances that may result from such activities; and

WHEREAS, indoor cultivation of marijuana has potential adverse effects to the structural integrity of the building and the use of high wattage grow lights and excessive use of electricity increases the risk of fire which presents a clear and present danger to the building, its occupants, and neighboring properties and persons; and

WHEREAS, the Attorney General's August 2008 Guidelines for Security and Non-Diversion of Marijuana Grown for Medical Use recognizes that the cultivation or other concentration of marijuana in any location or premises without adequate security increases the risk that nearby homes or businesses may be negatively impacted by nuisance activity such as loitering or crime; and

WHEREAS, based on the experiences of other cities, these negative effects on the public health, safety, and welfare are likely to occur in the City due to the establishment and operation of marijuana cultivation, processing, and distribution activities; and

WHEREAS, prior to the effective date of this ordinance, the cultivation, processing, delivery, and distribution of medical marijuana are prohibited in the City to the extent such activities are prohibited by the Controlled Substances Act or other law; and

WHEREAS, while the City Council believes that marijuana cultivation and all commercial medical marijuana uses are prohibited under the City's permissive zoning regulations, it desires to enact this ordinance to expressly make clear that all such uses are prohibited in all zones throughout the City; and

WHEREAS, based on the findings above, the potential establishment of the cultivation, processing and distribution of medical marijuana in the City without an express ban on such activities poses a current and immediate threat to the public health, safety, and welfare in the City due to the negative impacts of such activities described above;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. New Chapter 7.80 (Marijuana Dispensary) and Section 7.80.010 (Definitions) setting forth applicable definitions and Section 7.80.020 (Prohibited Activities) prohibiting marijuana cultivation, processing and delivery in the City of South Gate are hereby added in its entirety to Title 7 (Public Safety & Morals) of the South Gate Municipal Code to read as follows:

Chapter 7.80
MARIJUANA DISPENSARY

Sections:

- 7.80.010 Definition.**
7.80.020 Prohibited Activities.

7.80.010 Definition.

For the purpose of this chapter, the following definitions shall apply:

A. “Delivery” shall have the same meaning as set forth in Business and Professions Code section 13900.5(m).

B. “Marijuana” or “cannabis” means any or all parts of the plant *Cannabis sativa* Linnaeus, *Cannabis indica*, or *Cannabis ruderalis*, or any hybrids, derivatives or strains, thereof, whether growing or not; the seeds thereof; the resin or separated resin, whether crude or purified, extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin, including marijuana infused in foodstuff or other ingestible or consumable product containing marijuana. The term “marijuana” shall also include “medical marijuana” as such phrase is used in the August 2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the office of the Attorney General for the state of California or subject to the provisions of California Health and Safety Code section 11362.5 (Compassionate Use Act of 1996) or the California Health and Safety Code sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

C. “Marijuana Cultivation” means growing, planting, harvesting, drying, curing, grading, trimming, or processing of marijuana.

D. “Marijuana Processing” means any method used to prepare marijuana or its byproducts for commercial retail and/or wholesale, including but not limited to: drying, cleaning, curing, trimming, packaging, testing, and extraction of active ingredients to create marijuana related products and concentrates.

E. “Medical cannabis,” “medical cannabis product,” or “cannabis product” means a product containing cannabis, including, but not limited to, concentrates and extractions, intended to be sold for use by medical cannabis patients in California pursuant to the Compassionate Use Act of 1996 (Health and Safety Code section 11362.5).

F. “Medical Marijuana Dispensary” or “Marijuana Dispensary” means any association, business, office, facility, use, establishment or location, retail storefront, provider or wholesale component of any establishment, cooperative or collective that delivers (as defined in Business and Professions Code section 19300.5(m) or any successor statute) whether mobile or otherwise, dispenses, distributes, exchanges, transmits, transports, sells or provides marijuana to any person for any reason, including members of any medical marijuana cooperative or collective consistent with the August

2008 Guidelines for the Security and Non-Diversion of Marijuana Grown for Medical Use, as may be amended from time to time, that was issued by the Office of the Attorney General for the state of California, or for the purposes set forth in California Health and Safety Code section 11362.5 (Compassionate Use Act of 1996) or California Health and Safety Code sections 11362.7 to 11362.83 (Medical Marijuana Program Act).

A “medical marijuana dispensary” shall not include the following uses, as long as the location of such uses is otherwise regulated by this code or application law: a clinic licensed pursuant to chapter 1 of division 2 of the Health and Safety Code, a healthcare facility licensed pursuant to chapter 2 of division 2 of the Health and Safety Code, a facility licensed pursuant to chapter 2 of division 2 of the Health and Safety Code, a residential care facility for persons with chronic life-threatening illness licensed pursuant to chapter 3.01 of division 2 of the Health and Safety Code, a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the Health and Safety Code, a residential hospice, or a home health agency licensed pursuant to chapter 8 of division 2 of the Health and Safety Code, as long as such use complies strictly with applicable law including, but not limited to, Health and Safety Code section 11362.5 et seq. provided, however, that cultivation for any purpose shall not be permitted. 11352.777(g).

7.80.020 Prohibited Activities.

A. A medical marijuana dispensary or marijuana dispensary is prohibited in the City of South Gate.

B. Marijuana cultivation, marijuana processing, and delivery of marijuana or medical cannabis products are prohibited activities in the city, except where the city is preempted by federal or state law from enacting a prohibition on any such activity.

C. No use permit, variance, building permit, or any other entitlement, license, or permit, whether administrative or discretionary, shall be approved or issued for the activities described in subparagraphs A and B above in the city, and no person shall otherwise establish or conduct such activities in the city, except where the city is preempted by federal or state law from enacting a prohibition on any such activity for which the use permit, variance, building permit, or any other entitlement, license, or permit is sought.

SECTION 2. Table 11.21-1 (Prohibited Land Uses) of Section 11.21.020 (General Requirements) of Chapter 11.21 (Land Use Types) of Title 11 (Zoning) of the South Gate Municipal Code is hereby amended to read as follows:

[Remainder of page left blank intentionally]

Table 11.21-1 Prohibited Land Uses

Vehicle Wrecking Yard	Marijuana Dispensary/Cultivation/ Processing/Distribution
Cyber Cafe	Nitrocellulose Products, Manufacture of
Dairy	Rendering Plant
Dead Animal Reduction or Dumping	Slaughterhouse
Distillation of Bones	Smelting
Garbage Processing	Stockyard/Feeding Pen
Gas Manufacture	Swap Meet/Flea Market
Glue Manufacture	Tannery
Explosives Manufacture/Storage	Unlawful Use
Junkyard	

Note: See Chapter 11.60 (Definitions) for definitions of these land use terms.

SECTION 3. Tables 11.21-3 (Allowed Land Uses, Urban Mixed-Use Zones) and 11.21-4 (Commercial Industrial Zones Allowed Land Uses) of Section 11.21.030 (Land Use Permission Tables) of Chapter 11.21 (Land Use Types) of Title 11 (Zoning) of the South Gate Municipal Code are hereby amended to read as follows:

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
RESIDENTIAL USES								
Accessory Structure	A-U	A-U	A-U	A-U	A-U	A-U	A-U	11.43
Child Day Care Facility, Small Family Home	P	P	P	P	P	P	2-P	11.40.050
Child Day Care Facility, Large Family Home (A-P)	P	P	P	P	P	P	2-P	11.40.050
Emergency Shelter (A-P)	X	PX	X	X	X	X	X	
Live/Work Unit (A-P)	P	P	P	P	P	P	P	11.23; 11.40.090; 11.33.080
Mixed-Use (A-P)	P	P	P	P	P	P	P	11.23; 11.25.080; 11.33.080
Multi-Family Residential (A-P)	P	P	2-P	P	P	P	2-P	11.25.080, 11.33.090

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
Single Room Occupancy Apartments (A-P)	X	P	X	X	X	P	X	11.40.190 and consistent with the General Plan Housing Element
Supportive Housing (A-P)*	P	P	CUP	P	P	CUP	X	[THIS LAND USE CATEGORY IS
Transitional Housing (A-P)*	P	P	CUP	P	P	CUP	2-P	[THIS LAND USE CATEGORY IS
Residential Care Facilities, Small	P	P	2-P	P	P	P	2-P	11.25.080, 11.33.090
Residential Care Facilities, Large	P	P	2-P	P	P	P (A-P)	2-P (A-P)	11.25.080, 11.33.090

RECREATION, EDUCATION, PUBLIC ASSEMBLY USES

Community Assembly	CUP	CUP	CUP	CUP	CUP	CUP	CUP	11.40.060
Library/Gallery/Museum (A-P)	P	P	P	CUP	P	CUP	CUP	
School (A-P)	CUP	P	P	CUP	P	P	CUP	
College, Industrial Trades (D)	X	CUP	X	CUP	CUP	CUP	X	
College, Non-Traditional Campus (A-P)	CUP	P	CUP	P	P	CUP	2-CUP	
College, Traditional Campus (D)	X	CUP	CUP	X	CUP	X	X	

PARKS/PLAZAS/OPEN SPACE USES

Outdoor Amphitheater (D)	P	P	P	X	X	X	P	
Parks/Recreation Facility, Limited	P	P	P	P	P	P	P	
Parks/Recreation Facility, Full (A-P)	CUP	P	P	P	P	P	CUP	
Public/Community Garden (A-P)(1)	P	P	P	P	P	P	P	

CIVIC/INSTITUTIONAL USES

Adult Day Care Center, General	CUP	CUP	CUP	P	CUP	P	P	P
Adult Day Care Center, Limited	P	P	P	P	P	P	P	
Child Day Care Facility, Day Care Center(A-P)	P	P	P	XP	P	P	P	11.40.050
Commercial Training Center	X	X	X	X	P	CUP	X	
Hospital (D)	P	P	CUP	P	CUP	P	X	

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Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
Institution (D)	CUP	P	P	P	P	P	2-P	
Funeral Home/Mortuary	CUP	CUP	CUP	P	CUP	P	X	
PUBLIC / UTILITY / ENERGY USES								
Antenna/Communication s Equipment, Stand Alone Accessory Attachment	CUP	CUP	CUP	CUP	CUP	CUP	X	
Antenna/Communication s Equipment, Integrated into Original Building Design	P	P	P	P	P	P	P	
Fire/Police Substation	P	P	P	P	P	P	CUP	
Utility Metering/Distribution	CUP	CUP	X	X	X	X	X	
Parking Facility	CUP	CUP	CUP	CUP	CUP	CUP	CUP	Public or Private, 11.33
Public/Government Building	P	P	P	P	P	P	P	
Power Distribution Substation	X	CUP	X	CUP	CUP	X	X	
Public Utility, Structure or Yard	CUP	CUP	CUP	CUP	CUP	X	X	
Renewable Energy System, Building Mounted (A-P)	P	P	P	P	P	P	P	11.40.180
Renewable Energy System, Stand Alone Ground Mounted (D)	X	CUP	X	X	X	X	X	11.40.180
Transit Station/Stop	P	P	P	P	P	P	P	
OFFICE / RESEARCH & DEVELOPMENT (R&D) USES								
Research & Development	P	P	P	P	P	X	X	
Business Services, pedestrian oriented	P	P	P	P	P	P	P	(<6,000 s.f.)
Business Support Services	P	P	CUP	CUP	CUP	P	2-P	(<12,000 s.f.)
Business Support Services	P	P	CUP (2)	CUP (2)	CUP (2)	P	CUP	(>12,000 s.f.)
Medical Services, Clinic/Urgent Care	CUP	P(A-P)	CUP	CUP	CUP	X	2-CUP (3)	
Medical Services, Medical/Dental/Holistic	P	P	2-P	P	P	P	CUP	
Medical Services, Extended Care	P	P	2-P	2-P	2-P	X	X	
Office, Processing	2-P	P	2-P	2-P	2-P	2-P	2-P	
Office, Professional/Admin	P	P	P	P	P	P	P	

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
Office, Service	P	P	P	P	P	P	P	
ENTERTAINMENT/LODGING USES								
Banquet Facility/Catering	P	P	CUP (2)	CUP (2)	CUP (2)	X	X	
Bed & Breakfast/Inn	P	X	P	P	P	X	P	
Commercial Entertainment	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Commercial Recreation, Indoor	P	CUP	CUP	P	P	P	CUP	
Commercial Recreation, Outdoor	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Hotel (D)	P	P	P	CUP	CUP	CUP	CUP	11.40.080
Live Entertainment	CUP	CUP	CUP	CUP	CUP	CUP	CUP	
Motel	CUP	CUP	CUP	CUP	CUP	CUP	CUP	11.40.150
Theater	P	P	P	P	P	P	CUP	
COMMERCIAL USES								
Adult-Oriented Establishments	X	XP	X	X	X	X	X	11.41
Alcohol Sales, As Part of a Restaurant (4)	CUP (A-U)	CUP (A-U)	CUP (A-U)	CUP (A-U)	CUP (A-U)	CUP (A-U)	CUP (A-U)	11.42
Alcohol Sales, As Part of a Bar/Tavern/Nightclub/Lounge (4)	X	CUP	X	CUP	XCUP	XCUP	CUP	11.42
Alcohol Sales, Off Sale/Mini-mart	CUP (A-U)	CUP (A-U)	X	X	CUP (A-U)	CUP (A-U)	CUP (A-U)	11.42 <5,000 s.f.
Alcohol Sales, Off Sale, As an Accessory Use to Retail Establishment	CUP	CUP	CUP	CUP	CUP	CUP	CUP	11.42
Alcohol Sales, Off Sale, Large Retail	X	XCUP	X	CUP	CUP	CUP	CUP	11.42
Alcohol Sales/Liquor Store	X	XCUP	XX	CUP	CUP	XCUP	XCUP	11.42
Ambulance/Patrol/Dispatch Service (A-P)	X	P	X	2-CUP	2-CUP	X	X	
Animal Sales and Services, Veterinary Hospitals	CUP	CUP	X	CUP	CUP	X	X	
Animal Sales and Services, all other	CUP	P	CUP	P	P	X	X	
Assembly & Repair, Appliances/Furniture, Repair	X	P	X	P	P	CUP	X	
ATM	P	P	P	P	P	P	P	Drive-through ATMs, see "Drive-Through

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
								Service"
Check Cashing	X	X	X	CUP	CUP	X	X	
Cyber Cafes (A-U)	X	X	X	X	X	X	X	11.40.100
Drive-Through Service (D)(5)(6)	CUP	P	CUP	P	P	CUP	CUP	Section 11.40.220
Dry Cleaning/Laundry, Agency	P	P	P	P	P	P	P	
Dry Cleaning/Laundry, Plant	X	P	X	X	X	X	X	
Food Market/Specialty Market	P	P	P	P	P	P	P	
Gold, Semi-Precious, Precious Metal Buying Stores	X	CUP	X	CUP	CUP	CUP	CUP	11.40.110
E-cigarettes/Vapor/Smoke Shops/Hookah	X	P	PX	PX	P	P	PX	11.40.130
Massage Establishment	X	X	X	CUP	CUP	XCUP	X	11.40.140
Merchandising Centers, Indoor	X	P	X	X	P	X	X	
Marijuana Dispensary/Cultivation/Processing/Distribution	X	X	X	X	X	X	X	
Motorcycle Parts/Accessory Sales	X	P	X	P	P	P	X	
Neighborhood Market/Convenience Store	P	P	P	P	P	P	P (14)	11.42
Outdoor Dining/Seating (A) (7)(8)	P	P	P	P	P	P	P	11.40.160; 11.23.050; 11.23.070 (E)
Outdoor Vending, Carts/Kiosks	CUP (7, 8, 15)	CUP (7, 8, 15)	CUP (7, 8, 15)	CUP (7, 8, 15)	CUP (7, 8, 15)	CUP (7, 8, 15)	CUP (7, 8, 15)	
Personal Services, General	P	P	P	P	P	P	P	
Personal Services, Fitness/Health Facility	P	P	P	P	P	P	P	
Personal Services, Fortune Palm & Card Reader	X	X	X	P	P	XP	P	11.40.170
Personal Services, Instructional	CUP	P	P	P	P	P	P	
Repair, Fix-it Shop/Footwear/Garments	P	P	P	P	P	P	P	
Restaurant, Dine In and	P	P	P	P	P	P	P	

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Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
Take Out (without alcohol sales)(15)								
Restaurant, Drive-Through (5) (6)	X	CUP (10)	CUP	CUP (11)	CUP (12)	CUP (13)	X	11.40.220
Retail Sales, General	P (9)	P (10)	P	P	P (12)	P (13)	P (14)	(≤25,000 s.f.); 11.23
Retail Sales, Large Format	X	P	X	X	X	X	X	(>25,000 s.f.) 11.23
Retail Sales, Used/Pawn	X	X	X	CUP	CUP	CUP (13)	X	
Tattoo/Body Modification	X	X	X	CUP	CUP	XP	X	11.40.200

RECYCLING FACILITIES (2)

Chapter 11.44

Mobile Recycling Unit	CUP	CUP	X	CUP	CUP	CUP	X	
Reverse Vending Machines, Bulk (17)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	11.44.070
Reverse Vending Machines, Standard (17)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	X	11.44.070
Recycling/Collections Facilities, Small	CUP	CUP	CUP	CUP	CUP	CUP	X	11.44.080
Recycling/Collections Facilities, Large	X	CUP	X	CUP	CUP	X	X	11.44.090

VEHICLE SALES/REPAIR USES (2)

Vehicle Fueling Station (A-P)	X	CUP (10)	CUP	CUP	CUP	CUP (13)	CUP	11.45
Vehicle Sales, New/Other/Used	X	CUP	X	CUP	CUP	X	X	
Vehicle Rentals	CUP	X	CUP	CUP	CUP	X	X	
Vehicle Services, Limited Repair	X	CUP	X	P	P	CUP	X	
Vehicle Services, Repair/Storage	X	CUP	X	CUP	CUP	X	X	
Vehicle Services, Washing/Detailing	X	CUP	X	CUP	CUP	CUP	X	
Vehicle Parts Store	X	X	X	P	P	P	X	

INDUSTRIAL/MANUFACTURING USES

Artisan/Craft Product Manufacturing	CUP	P	X	CUP	CUP	CUP	X	
Digital arts, media, film, video, TV and radio production	X	P	X	X	X	X	X	
Industrial Design	P	P	P	P	P	P	P	

Table 11.21-3 Allowed Land Uses, Urban Mixed-Use Zones

LAND USE TYPE								Additional Use Regulations
	TV	IF	CC	CDR1	CDR2	UN	MS	
Services								
Light Manufacturing	X	P	X	X	X	X	X	
Technical and Scientific Laboratories	P	P	P	CUP	CUP	X	X	
Production of Experimental Products	P	P	X	X	X	X	X	
Parcel Delivery Service	X	P	X	X	X	X	X	
Warehousing	X	CUP (18)	X	X	X	X	X	11.22.060

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Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

LAND USE TYPE	ZONES				Additional Use Regulations
	RC	LI	HI1M2	HI2M3	
RESIDENTIAL USES					
Emergency Shelter (A-P)	X	X(1)	X	X	11.40.240 and Ordinance 2322
Mixed-Use	CUP	X	X	X	11.23; 11.25.040
Live/Work Unit	CUP	CUP	X	X	11.23; 11.33.080; 11.40.090;
Multi-Family Residential (2)	CUP	X	X	X	11.25.070/080; 11.33.020
Supportive Housing*	CUP	P	X	X	
Transitional Housing*	CUP	P	X	X	
RECREATION, EDUCATION, PUBLIC ASSEMBLY USES					
College, Industrial Trades (3)	X	CUP	CUP	CUP	
College, Non-Traditional Campus (D)	CUP	P	X	X	
College, Traditional Campus	X	CUP	X	X	
Community Assembly (3)(A-P)	CUP	CUP	X	X	11.40.060
Library/Gallery/Museum (A-P)	P	P	X	X	
PARKS / PLAZAS / OPEN SPACE USES					
Outdoor Amphitheater (4)	CUP	X	X	X	
Parks/Recreation Facility, Limited (3)	P	CUP	X	X	
Parks/Recreation Facility, Full (3)	P	CUP	X	X	
Public/Community Garden (A-P) (3)	P	P	P	P	
CIVIC / INSTITUTIONAL USES					
Adult Day Care Center, General (3)	CUP	CUP	X	X	
Adult Day Care Center, Limited (3)	CUP	CUP	X	X	
Child Day Care Facility, Day Care Center, Stand Alone Facility (3)	CUP	X	X	X	11.40.050
Commercial Training Center	CUP	CUP	CUP	CUP	
Hospitals (D)	CUP	CUP	CUP	CUP	
Institutions (D)	CUP	CUP	CUP	CUP	
Funeral Homes/Mortuary	CUP	P	CUP	CUP	
PUBLIC / UTILITY / ENERGY USES					
Antenna/Communication Facility	CUP	P	P	P	
Fire/Police Substation	P	P	P	P	
Parking Facility (3)	CUP	CUP	P	P	Public or Commercial; 11.33
Power Distribution Substation	CUP	P	P	P	
Public/Government Building	P	P	P	P	
Public Utility, Structure or Yard (3)	CUP	P	P	P	
Renewable Energy System, Building Mounted (A-P)	A-U	A-U	A-U	A-U	11.40.180
Renewable Energy System, Stand Alone or Ground Mounted (D)	X	CUP	CUP	CUP	11.40.180
Transit Station/Stop (3)	P	P	P	P	

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

LAND USE TYPE	ZONES				Additional Use Regulations
	RC	LI	HI1M2	HI2M3	
Utility Metering/Distribution	CUP	CUP	CUP	CUP	
OFFICE/RESEARCH & DEVELOPMENT (R&D) USES					
Business Support Services	P	P	P	P (A-U)	Any size
Business Services, pedestrian oriented	P	P	X	X	(<6,000 s.f.)
Medical Services, Clinic	CUP	P	CUP	CUP	
Medical Services, Medical/Dental/Holistic	CUP	P	X	X	
Research & Development	P	P	P	P	
Office, Processing	P	P	A-U	A-U	
Office, Professional/Admin	P	P	A-U	A-U	
Office, Service	P	P	A-U	A-U	
ENTERTAINMENT/LODGING USES					
Banquet Facility/Catering	CUP	P	P	X	
Commercial Entertainment	CUP	CUP	CUP	CUP	
Commercial Recreation, Indoor	P	P	P	P	
Commercial Recreation, Outdoor (3)	CUP	CUP	P	P	
Hotel (D)	CUP	CUP	CUP	CUP	11.40.080
Live Entertainment	CUP	CUP	CUP	CUP	
Motel (D)	CUP	CUP	CUP	CUP	11.40.150
Theater	CUP	CUP	CUP	CUP	
COMMERCIAL USES					
Adult-Oriented Establishments	X	X	P	P	11.41
Alcohol Sales, As Part of a Restaurant (5)	CUP	CUP	CUP	CUP	11.42
Alcohol Sales, As Part of a Bar/Tavern/Nightclub	CUP	X	X	X	11.42
Alcohol Sales, Off Sale/Mini-mart	CUP (A-U)	CUP (A-U)	X	X	11.42 <5,000 s.f.
Alcohol Sales, Off Sale, as an Accessory Use to Retail Establishment	CUP	X	X	X	11.42
Alcohol Sales, Off Sale Large Retail	CUP	CUP	CUP	CUP	11.42
Alcohol Sales/Liquor Store	XCUP	X	X	X	
Ambulance/Patrol/Dispatch Service (6)	X	P	P	P	
Animal Sales and Services	P	P	P	P	
Animal Sales and Services, Veterinary Hospitals	CUP	P	P	P	
Animal Shelters	X	P	X	X	
ATM	P	P	P	P	Drive-through ATMS regulated under "Drive-Through Service" land use

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

LAND USE TYPE	ZONES				Additional Use Regulations
	RC	LI	HI1M2	HI2M3	
Brew Pub	CUP	CUP	X	X	
Drive-Through Service (7)	P	P	P	P	
Dry Cleaning/Laundry, Agency	P	P	P	P	
Dry Cleaning/Laundry, Plant	X	P	P	P	
E-cigarettes/Vapor/ Smoke Shops/Hookah	P	X	X	X	11.40.130
Food Market/Specialty Market	P	P	P	P	
Gold, Semi-Precious, Precious Metal Buying Stores	CUP	CUP	X	X	
Marijuana Dispensary/ Cultivation/Processing/ Distribution	X	X	X	X	
Merchandising Centers	CUP	CUP	X	X	
Nursery (Plant Cultivation)	X	P	P	P	
Organic Fertilizer Manufacturer (9)	X	CUP	CUP	CUP	
Outdoor Dining/Seating (4)	P	P	P	P	11.40.120; 11.23.050; 11.23.070 (E)
Outdoor Vending, Kiosks/Carts(4)	CUP	CUP	P	P	
Personal Services, General	P	P	X	X	
Personal Services, Fitness/Health Facility	P	P	X	X	
Personal Services, Fortune Telling, Palm & Card Reader	PX	PX	X	X	11.40.170
Personal Services, Instructional	P	P	X	X	
Repair, Fix-it Shop/Footwear/Garments	X	P	P	P	
Repair, Appliances/Furniture (3)	X	P	P	P	
Restaurant, Dine In and Take Out	P	P	P	P	11.40.160
Restaurant, Drive-Through (7)	P (8)	CUP	P	P	11.40.220
Retail Sales, General	P (8)	P	P	P	
Retail Sales, Large Format	P	P	P	P	
Retail Sales, Used/Pawn	X	X	X	X	
Stables, Equestrian, Commercial/Private	X	X	CUP	X	
Tattoo/Body and Art/Piercing	X	X	X	X	
Winery (D)	X	CUP	CUP	CUP	

RECYCLING FACILITIES

Mobile Recycling Unit	CUP	CUP	P (A-U)	P (A-U)	
Reverse Vending Machines, Bulk (9)	CUP	CUP	P (A-U)	P (A-U)	11.44.070
Reverse Vending Machines, Standard (9)	P (A-U)	P (A-U)	P (A-U)	P (A-U)	11.44.070
Recycling/Collections Facilities, Small	CUP	CUP	P (A-U)	P (A-U)	11.44.080
Recycling/Collections Facilities, Large	X	CUP	CUP	CUP	11.44.090
Recycling Processing Facilities,	X	CUP	CUP	CUP	11.44.100/110

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

LAND USE TYPE	ZONES				Additional Use Regulations
	RC	LI	HI1M2	HI2M3	
Light/Heavy					
VEHICLE SALES/REPAIR USES					
Vehicle Fueling Station (A-P)	P (8)	P	P	CUP	11.45
Vehicle Sales, New	CUP	P	P	CUP	
Vehicle Sales, Other	X	CUP	CUP	CUP	
Vehicle Sales, Used	CUP	CUP	CUP	CUP	
Vehicle Rentals	X	P	P	X	
Vehicle Services, Limited Repair (3)	X	P	X	X	
Vehicle Services, Repair/Storage (3)	X	X	P	P	
Vehicle Services, Washing/Detailing	CUP	CUP	CUP	CUP	
Vehicle Parts Store	P	P	CUP	CUP	
Vehicle Towing / Impounding	X	X	P	P	
INDUSTRIAL/MANUFACTURING USES					
Aircraft/Missile Factory	X	X	P	P	
Artisan/Craft Product Manufacturing (3)	P	P	P	P	
Assembly/Bottling/Distribution Plant	X	X	P	P	
Assembly, Fabrication, and Light Manufacturing	X	P	P	P	
Auction	X	CUP	P	P	
Boat Building (3)	X	X	P	P	
Bookbinding	X	P	P	P	
Building Materials Storage Yard (A-P) (3)	X(10)	X	P	P	
Caretaker Unit	X	P	P	P	11.24.060 J(8)
Concrete or cement manufacturing	X	X	CUP	CUP	
Contractor Office and Services, Full	X	X	P	P	
Contractor Office and Services, Limited	X	P	P	P	
Digital arts, media, film, video, TV and radio production	X	P	P	P	
Drop Forge, Drop Hammer, Industrial Press	X	X	CUP	P	
Electrical Generating Plant/Peaker Plants (D)	X	CUP	P	P	
Food/Creamery Manufacture	X	CUP	P	P	
Food Processing	X	P	P	P	
Foundry, Ferrous and Nonferrous	X	X	P	P	
Freight Classification Yard (D)	X	X	P	P	
Grinding Shops, Milling	X	P	P	P	
General Manufacturing/Assembly	X	P	P	P	
Industrial Design Services	P	P	P	X	

Table 11.21-4 Commercial Industrial Zones Allowed Land Uses

LAND USE TYPE	ZONES				Additional Use Regulations
	RC	LI	HI1M2	HI2M3	
Horticultural Services	X	P	P	P	
Liquefied Petroleum Gas	X	X	CUP	CUP	11.45
Machine Shop, Limited	X	CUP	P	P	
Machine Shop, Full	X	CUP	P	P	
Manufacturing, Light	X	P	P	P	
Manufacturing, Liquids/Chemical/Mineral	X	X	P	P	
Manufacturing, Fabrication/Welding	X	X	P	P	
Mini-warehousing	X	X	CUP	CUP	
Outdoor Advertising Display	CUP	CUP	CUP	P	
Parcel Delivery Service	X	X	CUP	CUP	
Parking, Fleets	X	P	P	P	
Petroleum Products/Wholesale Storage of Petroleum	X	X	P	P	
Power Distribution Substations	X	CUP	CUP	CUP	
Production of Experimental Products	X	X	CUP	CUP	
Pumping Plant/Pipe Line Booster	X	X	P	P	
Punch Press	X	X	P	P	
Storage Facilities	X	CUP	CUP	P	
Transit/Transportation Equipment Storage	X	X	CUP	CUP	
Technical/Scientific Laboratories	CUP	CUP	A-U	A-U	
Truck Repair and Overhauling (3)	X	X	CUP	CUP	
Truck Storage/Terminal (D)	X	X	CUP	CUP	
Warehousing (11)	X	XCUP	CUP	CUP	
Wholesale, Processing/Distribution	X	X	CUP	CUP	

SECTION 4. Section 11.60.160 ("M" definitions) of Chapter 11.60 (Definitions) of Title 11 (Zoning) of the South Gate Municipal Code is hereby amended in its entirety to change the definition of "Marijuana distribution facility" to read as follows:

"Medical marijuana dispensary", marijuana dispensary, marijuana cultivation, marijuana processing, and delivery of marijuana or medical cannabis products (land uses), as these terms are defined in Section 7.80.010, are land uses prohibited in the city of South Gate.

[Remainder of page left blank intentionally]

SECTION 5. The City Council hereby finds that this Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15061(b)(3) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 6. This Ordinance's provisions are severable. If any portion of this Ordinance or its application to any person or circumstance is held invalid or unconstitutional, that decision does not affect the validity of the Ordinance's remaining portions and the Ordinance's application to other persons and circumstances. The City Council hereby declares that it would have passed the remainder of this Ordinance without the invalid or unconstitutional provision.

SECTION 7. This Ordinance shall take effect and be in force on the thirty-first (31st) day after its adoption.

SECTION 8. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same to be published as required by law.

PASSED, APPROVED and ADOPTED this 9th day of February 2016.

CITY OF SOUTH GATE:


Jorge Morales, Mayor

ATTEST:

Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney