



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: October 17, 2019

REPORT NO. PC-19-095

HEARING DATE: October 24, 2019

SUBJECT: 12th Update (Phase Two) to the Land Development Code and Local Coastal Program; Process 5

SUMMARY

Issue: Should the Planning Commission recommend City Council approval of the 12th Update (Phase Two) to the San Diego Municipal Code and the Local Coastal Program?

Staff Recommendation: Recommend City Council approval of the proposed 12th Code Update (Phase Two).

City Strategic Plan Goal and Objectives: Goal #3: Create and sustain a resilient and economically prosperous City. Objective #1: Create dynamic neighborhoods that incorporate mobility, connectivity, and sustainability.

Environmental Review: The CEQA and Environmental Policy Section of the Planning Department has reviewed the 12th Update (Phase 2) to the Land Development Code and conducted a consistency evaluation pursuant to CEQA Guidelines Section 15162. Implementation of this project's actions would not result in new significant direct, indirect, or cumulative impacts over and above those disclosed in the previously certified Environmental Impact Report (EIR) for the Land Development Code EIR No. 96-0333/SCH No. 96081056; the 2008 General Plan EIR No. 104495/SCH No. 2006091032, certified by the City Council on March 10, 2008, Resolution No. R-303473; the 2013 Addendum to the 2008 General Plan EIR No. 104495/SCH No. 2006091032 for the General Plan Housing Element Update, certified by the City Council on March 4, 2013, Resolution No. R-308015; the Final Environmental Impact Report (FEIR) for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and 10th Amendment to the Centre City Redevelopment Plan, certified by the former Redevelopment Agency ("Former Agency") and the City Council on March 14, 2006 (Resolutions R-04001 and R-301265, respectively); subsequent addenda to the FEIR certified by the Former Agency on August 3, 2007 (Former Agency Resolution R-04193), April 21, 2010 (Former Agency Resolution R-04510), and August 3, 2010 (Former Agency Resolution R-04544), and certified by the City Council on February 12, 2014 (City Council Resolution R-308724) and July 14, 2014 (City Council Resolution R-309115); and the Final Supplemental Environmental Impact Report for the Downtown San Diego Mobility Plan certified by the City Council on June 21, 2016 (Resolution R-310561). Amendments within the Downtown Community Planning area are also covered under the following documents, all referred to as the "CAP FEIR": FEIR for the City of San Diego Climate Action Plan (CAP), certified by the City Council on December 15, 2015 (City Council Resolution R-310176), and the Addendum to the CAP, certified by the City Council on July 12, 2016 (City Council Resolution

R-310595). The Downtown FEIR and CAP FEIR are both "Program EIRs" prepared in compliance with California Environmental Quality Act (CEQA) Guidelines Section 15168. The information contained in the Downtown FEIR and the CAP FEIR reflects the independent judgement of the City of San Diego as the Lead Agency.

Housing Impact Statement: The proposed amendments would apply citywide. The proposed amendments reduce unnecessary development regulations, thereby increasing housing availability.

BACKGROUND

The Land Development Code (LDC) provides the City's regulations for the development and use of property within the City of San Diego and provides information on zoning, subdivisions, grading and other related land use activities. In December 1997, the City Council adopted a comprehensive update to the LDC. During the adoption hearings, the Council directed the development of a code monitoring and update process to address new issues and unforeseen challenges not anticipated as part of the comprehensive update process. Relatedly, the Council recognized the importance of code revisions that removed unnecessary barriers to simplify and streamline permitting processes. Through these regular updates, the LDC will be more responsive to address the City's changing land use issues.

The 12th Update (Phase Two) includes 40 issue items. The amendments are being processed to comply with state and federal law; streamline and clarify the permit process; clarify regulations; and correct references, grammatical errors and formatting.

DISCUSSION

The 40 issue items in the 12th Update (Phase Two) are separated into two categories that include zoning and minor corrections. A brief summary is provided, as well as an issues matrix (Attachment 1) and the proposed code language (Attachments 2-6). The CEQA evaluation memo is included as Attachment 7.

A. Zoning

The following 27 issue items will improve, streamline and clarify development requirements.

1. Attic and Gross Floor Area

Redefines attic and gross floor area consistent with the building code.

2. Certification of an Environmental Document

When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.

3. When Environmentally Sensitive Lands Regulations Apply

Revise to comply with the Vernal Pool Habitat Conservation Plan, reduces separation for steep hillsides from 40 to 20 feet and adjacent property within the MHPA shall be consistent with the land use adjacency guidelines.

4. Mobile Food Truck Regulations

Allow standing tables, shade structures and signs within private property to help support the industry.

5. Description of Use Categories

Expand research and development uses in Industrial zones to allow agricultural, retail, and commercial flexibility to primary uses.

6. Continuing Care Retirement Communities (CCRC)

Allow as a limited use in zones that allow multi-family housing, subject to requirements and remove density limitations of zone.

7. Development on a Premises with a Utilized Development Permit (Attachment 3)

Adds a new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.

8. Housing Development Process Improvements

Specify that multi-family residential development that involves grading to accommodate underground parking does not require a Site Development Permit pursuant to 142.0103.

9. Development Regulations Table for Residential Zones

Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.

10. Use Regulations for Commercial Zones

Allow Homeless Facilities within the Coastal Overlay Zone, visitor accommodations in the CO-2-2 & CO-2-1 zones and the sale of intoxicating beverages in eating and drinking establishment in the CN zone. Correct inconsistency in development regulations for CO-2-2 and CO-2-1 zones.

11. Development Regulations Tables for Commercial Zones

Clarify limited residential use in commercial zones.

12. Marijuana Outlets and Production Facilities (Attachment 4)

Change 'Marijuana' to 'Cannabis' throughout the municipal code. Change distance requirement to public direct physical access between uses and clarify the distance from residentially zoned property for cannabis outlets. Add regulations for billboard advertising that apply to both licensed and unlicensed businesses and prohibit secondary window signs advertising cannabis.

13. Exception to Parking Regulations for Nonresidential Uses

Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.

14. Downtown Community Plan Sign Control District (Attachment 5)

Allow signs relating to major events within the Downtown Community Plan.

15. Capital Improvement Projects (CIP) and Public Projects

Defining a Public Project and reducing the CIP & Public Project process levels.

16. Vehicle Storage Facilities as a Primary Use

Eliminate the Impound Storage Yard Use and add a Vehicle Storage Facility (Separately Regulated Use) that allows of storage of operable vehicles as a primary use ministerially.

17. Use Regulations of CU zones

Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.

18. Parking Standards Transit Priority Area

Clarify definition of Parking Standards TPA, that bicycle parking is required and reformatting of existing language.

19. Childcare Centers

Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.

20. Impact Fees for Financing Public Facilities

Revisions, corrections and clarifications to the Impact Fee Program.

21. Supplemental Development Regulations

Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.

22. Assembly and Entertainment Uses

To provide parking flexibility, allows parking to be on or off-site.

23. Exception to Parking Regulations for Nonresidential Uses

Clarifies that the parking requirements in Table 142-05H apply to all commercial development.

24. Residential Tandem Parking Overlay Zone

This amendment would repeal the Residential Tandem Overlay Zone and keep tandem parking regulations under Chapter 14, Parking Regulations.

25. Public Services of Notices

Allow for electronic noticing for enforcement purposes in addition to other required noticing.

26. Educational Facilities-Schools for Kindergarten to Grade 12

Increase enrollment for replacing an existing school to 600 students within a transit priority area.

27. Special Flood Hazard Areas Regulations (Attachment 6)

Amend regulations to be consistent with Federal Emergency Management Agency (FEMA) regulations.

B. Landscaping

The following 6 issue items include clarification to the Landscape Regulations.

28. When Landscape Regulations Apply

Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.

29. General Planting and Irrigation Requirements

Clean-up/corrections removing certain trees from the table and consolidating palms into one category.

30. Additional Yard Planting Area

Clarifying common open space options available to meet landscape requirements. Amend the five-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.

31. Temporary Vehicular Use Area Requirements

Clarifying that vehicular use areas are subject to a construction permit rather than a building permit.

32. Water Conservation

Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELI).

33. Development Regulations for Sensitive Biological Resources

Clarify Environmentally Sensitive Land regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

C. Minor Corrections

There are 7 issue items that provide clarification and address incorrect terms and section references. Issue items numbered 34 through 40 are summarized in Attachment 1.

D. Recommendations

Code Monitoring Team (CMT): CMT made recommendations at three separate meetings to adequately discuss each issue item.

On September 11, 2019, the Code Monitoring Team took the following action: The motion to recommend approval of issue items numbered 1-2, 4, 6, 8-9, 11, 13, 17-24, 26, 27 and 34-39 passed by a vote of 9-0-1.

On October 9, 2019, the Code Monitoring Team took the following actions:

- Motion #1 to recommend approval of issue item No. 14, Downtown Community Sign Control District passed by a vote of 10-0-0.
- Motion #2 to recommend approval of issue item No. 5, Description of Use Categories and Subcategories passed by a vote of 10-0-0.
- Motion #3 to recommend approval of issue item No. 10, Use Regulations for Commercial Zones passed by a vote of 9-1-0.

On October 15, 2019, there was a special joint meeting of the Code Monitoring Team and the Technical Advisory Committee to discuss items 3, 7, 12, 15, 16, 25, 28-33, and 40. Below are the motions associated with each item.

- Motion #1 to recommend approval with modifications incorporated in the attached draft language for issue item No. 7, Development on a Premises with a Utilized Development Permit, passed by a vote of 9-0-1.
- Motion #2 to recommend approval with modifications incorporated in the attached draft language of issue item No. 15, Capital Improvement Projects (CIP) and Public Projects, passed by a vote of 8-1-1.
- Motion #3 to recommend approval with modifications incorporated in the attached draft language for issue item No. 16, Vehicle Storage Facilities as a Primary Use, passed by a vote of 8-1-1.
- Motion #4 to recommend approval with modifications incorporated in the attached draft language for issue item No. 3, When Environmentally Sensitive Lands Regulations Apply, passed by a vote of 9-0-1.

- Motion #5 was to break up issue item No. 12 into four separate motions:
 - Changing the term 'Marijuana' to 'Cannabis throughout the Municipal Code was approved by a vote of 8-0-1.
 - Add regulations for billboard advertising was approved by a vote of 8-0-1.
 - Change the distance requirement between uses was approved by a vote of 8-0-1.
 - The prohibiting of secondary window signs for Cannabis Outlets was approved by a vote of 8-0-1.
- Motion #6 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 28, and 31-33 passed by a vote of 7-0-0.
- Motion #7 to recommend approval with modifications incorporated in the attached draft language for issue item No. 29 passed by a vote of 7-0-0.
- Motion #8 to recommend approval with modifications incorporated in the attached draft language for issue item No. 30 passed by a vote of 6-0-1.
- Motion #9 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 25 and 40 passed by a vote of 7-0-0.

Technical Advisory Committee (TAC): TAC made recommendations at three separate meetings to adequately discuss each issue item.

On September 11, 2019, the Technical Advisory Committee took the following action: The motion to recommend approval of issue items numbered 1-2, 4, 6, 8-9, 11, 13, 17-24, 26, 27 and 34-39 passed by a vote of 10-0-0.

On October 9, 2019, the Technical Advisory Committee took the following actions:

- Motion #1 to recommend approval of issue items No. 14 and 5, passed by a vote of 11-0-0.
- Motion #2 to recommend approval of issue item No. 10, passed by a vote of 10-1-0.

On October 15, 2019, there was a special joint meeting of the Code Monitoring Team and the Technical Advisory Committee to discuss items 3, 7, 12, 15, 16, 25, 28-33, and 40. Below are the motions associated with each item.

- Motion #1 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 3, 7, 15, 28, 29, 31-33 passed by a vote of 8-0-0.
- Motion #2 to recommend approval with modifications incorporated in the attached draft language of issue item No. 16, Vehicle Storage Facilities as a Primary Use, passed by a vote of 7-1-0.

- Motion #3 was to break up issue item No. 12 into four separate motions:
 - Changing the term 'Marijuana' to 'Cannabis' throughout the Municipal Code was approved by a vote of 8-0-0.
 - Add regulations for billboard advertising was approved by a vote of 6-0-2.
 - Change the distance requirement between uses was approved by a vote of 6-1-1
 - The prohibiting of secondary window signs for Cannabis Outlets was approved by a vote of 7-0-1.
- Motion #4 to recommend approval with modifications incorporated in the attached draft language for issue item No. 30 passed by a vote of 7-1-0.
- Motion #5 to recommend approval with modifications incorporated in the attached draft language for issue items Nos. 25 and 40 passed by a vote of 8-0-0.

Community Planners Committee (CPC): On October 22, 2019, staff will be presenting this item to the Community Planners Committee. Results of the meeting will be presented by staff during the presentation at Planning Commission.

The Downtown Community Planning Council: On November 14, 2018, the Downtown Community Planning Council voted 13-0 to support issue Item No. 40.

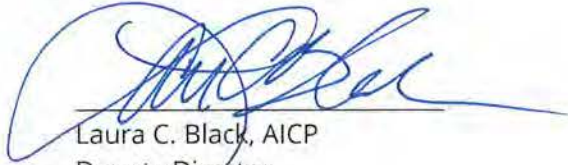
ALTERNATIVES

The Planning Commission may recommend to the City Council that it not adopt the Municipal Code amendments or that it adopts the Municipal Code changes with modifications.

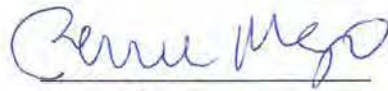
CONCLUSION

Staff recommends approval of the proposed ordinance changes. The code amendments are consistent with the adopted Land Development Code goals to simplify land development regulations, to make the code more adaptable, to eliminate redundancies and contradictions, to standardize the land development code framework, and to increase predictability in application of the regulations.

Respectfully submitted,



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Attachments:

1. Issues Matrix
2. General zoning draft language
3. Item 7, General Development Permit Regulations
4. Item 12, Marijuana Regulations
5. Item 14, Downtown Sign Control District
6. Item 27, Special Flood Hazard
7. California Environmental Quality Act consistency evaluation

Issues Matrix – 12th Code Update-Phase 2

Attachment 1

The following is a summary of the 40 amendments organized into the following categories: Rules of Calculation, Environmental, Zoning, Landscaping and Minor Corrections. Within each category the amendments are listed in order of the associated code sections to be amended.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
Rules of Calculations: The following amendment clarifies measurements for attic and GFA.			
1	Regulatory Reform	113.0103 113.0210 113.0234	<u>Attic and Gross Floor Area</u> - Redefining Attic and Gross Floor Area consistent with the building code.
Environmental: The following 2 items clarify regulations to be consistent with CEQA guidelines and the VPHCP			
2	Regulatory Reform	128.0311	<u>Certification of an Environmental Document</u> - When relying on previously certified environmental documents, state law requires a decision maker's decision to rely on that document to be supported with substantial evidence. State law also sets forth the requirements for the City's actions as a responsible agency when making on a decision on a project. The section is proposed to be revised to clarify that such decisions will be made in accordance with CEQA and the CEQA Guidelines.
3	Regulatory Reform	143.0110	<u>When Environmentally Sensitive Lands Regulations Apply</u> <ul style="list-style-type: none"> • Allow for a third party, local or state agency that is not subject to the City's discretionary land use authority to elect to utilize the City's land use permitting process for development that is within the City's jurisdictional boundary to gain incidental take authorization under the VPHCP through issuance of a Certificate of Inclusion. • Reduce separation distance for steep hillsides from 40 to 20 feet. • Clarifies that development on property that does not contain ESL, but that is located adjacent to property within the MHPA, must be consistent with the Land Use Adjacency Guidelines in MSCP Subarea Plan Section 1.4.3 and VPHCP Section 5.2.1. Compliance notes/conditions must be included the construction plans as appropriate.
Zoning: The following 25 amendments improve and streamline the permit process and clarify regulations.			
4	Regulatory Reform	141.0612	<u>Mobile Food Truck Permit</u> - Allow standing tables, shade structure and six square foot signs within private property to help support the industry.
5	Regulatory Reform	131.0112 131.0602 131.0622 141.0602	<u>Description of Use Categories and Subcategories</u> - Amend the Industrial Use Category to expand R&D uses and amend the Industrial zones tables to allow agricultural, retail, and commercial flexibility to primary uses.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
6	Regulatory Reform	131.0422 Table 131-04B 131.0522 Table 131-05B 141.0303	<u>Continuing Care Retirement Communities (CCRC)</u> - Allow by-right-Limited use in zones that allow multi-family housing, subject to requirements. Not subject CCRC to density limitations of zone.
7	Regulatory Reform	121.0302 125.0150 126.0110 126.0112 126.0113 126.0114 126.0115 126.0206 126.0306 126.0405 126.0506 126.0606 126.0723 132.1515 141.0602 142.0530 143.0303 143.0375 143.0403 143.0473 156.0315	<u>Development on a Premises with a Utilized Development Permit-</u> Adds new section 'Development on a Premise with a Utilized Permit' which allows existing development capacity where permitted under the base zone without an amendment to the existing development permit.
8	Regulatory Reform	142.0103(b) 126.0502(c)(6)	<u>Housing Development Process Improvements-</u> Amend language to specify that multi-family residential development that involves grading to accommodate underground parking does not require a SDP pursuant to 142.0103.
9	Regulatory Reform	131.0431(b) Table 131-04D	<u>Development Regulations Table for Residential Zones-</u> Clarification that the minimum lot size in the RS-1-2 zones within Encanto and Southeastern San Diego community planning areas is 5,000 square feet.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
10	Regulatory Reform	131.0522 Tables 131-05B & 131-05D	<u>Use Regulations Table for Commercial Zones</u> <ul style="list-style-type: none"> • Allow Homeless Facilities within the Coastal Overlay Zone, still subject to a CUP and CD. • Allow visitor accommodations in the CO-2-2 & CO-2-1 zones. • Allow the sale of intoxicating beverages in eating and drinking establishment in the CN zone. • Correct inconsistency in development regulations table for CO-2 zones; Supplemental Residential Regulations should not apply in CO-2-1 and CO-2-2 zones.
11	Regulatory Reform	131.0507	<u>Development Regulations Tables for Commercial Zones</u> <ul style="list-style-type: none"> • Clarify limited residential use in commercial zones.
12	Regulatory Reform	22.4033 34.0103 42.1301-42.1304 42.1502 43.1002 52.3305 58.0701-58.0704 113.0103, 113.0225 126.0303 131.0222, 131.0322 131.0422, 131.0522 131.0622 132.1510 132.1515 141.0504, 141.1004 151.0103 152.0312 153.0309, 153.0310 155.0238	<u>Marijuana Outlets and Production Facilities</u> <ul style="list-style-type: none"> • Change Marijuana to Cannabis throughout the municipal code. • Change distance requirement to public direct physical access between uses and clarify the distance from residentially zoned property for cannabis outlets. • Add regulations for billboard advertising that apply to both licensed and unlicensed businesses. • Prohibit secondary window signs advertising cannabis.
13	Regulatory Reform	142.0540	<u>Exception to Parking Regulations for Nonresidential Uses</u> Increase the small lot commercial parking exemption from 10,000 to 15,000. There are many commercial lots just over 10,000 that cannot utilize the exception that would be good redevelopment projects.
14	Regulatory Reform	142.1292	<u>Downtown Community Plan Sign Control District</u> - Allow signs relating to major event within the Downtown Community Plan.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
15	Regulatory Reform	112.0601 112.0602 112.0604 113.0103 126.0108(d) 126.0502(a)(1)(f)(g) 126.0707(a-c) 132.0402 Table 132-04A 143.0110 -Table 143-01A and (c)(10)	<u>Capital Improvement Projects (CIP) and Public Projects</u> Defining a Public Project and Reducing the CIP & Public Project process for the following: <ul style="list-style-type: none"> • Discretionary process from a 5 to a 2 (does not apply to deviations from historical, ESL or archeological resources). • Projects that meet new SDP exemption criteria & have appropriate CEQA review can be processed ministerially. • CIP & Public Projects within the Coastal Overlay Appealable Area reduced from a Process 5 to a 2.
16	Regulatory Reform	131.0112 131.0222 131.0422 131.0522 131.0622 141.0803 141.0901 142.0413	<u>Vehicle Storage Facilities as a Primary Use</u> <ul style="list-style-type: none"> • Eliminating the Impound Storage Yard Use • Adding Vehicle Storage Facility (Separately Regulated Use) that allows of storage of operable vehicles as a primary use ministerially.
17	Regulatory Reform	155.0238	<u>Use Regulations Table of CU Zones</u> - Allow Companion Units, Junior Units and guest quarters in the CU Zones where single-family units are allowed.
18	Regulatory Reform	142.0528	<u>Parking Standards Transit Priority Area Regulations</u> <ul style="list-style-type: none"> • Clarify that bicycle parking is required and reformatting of existing language. • Add footnote to motorcycle parking. • Clarify definition of Parking Standards TPA.
19	Regulatory Reform	131.0422 Table 131-04B	<u>Child Care Centers</u> -Change the permit process from a Conditional Use Permit to Limited Use for Child Care Centers in multi-family zones, consistent with the Mixed-Use Zones.
20	Regulatory Reform	142.0640	<u>Impact Fees for Financing Public Facilities</u> - Revisions, corrections and clarifications to the Impact Fee Program.
21	Regulatory Reform	155.0253(a)(1)	<u>Supplemental Development Regulations</u> - Eliminate the Site Development Permit requirement for mixed use project if a certain amount of park acreage has not been added in the Mid-City Community area.

No.	PURPOSE	CODE SECTION	AMENDMENT DESCRIPTION
22	Regulatory Reform	141.0602	<u>Assembly and Entertainment Uses</u> –To provide parking flexibility, allows parking to be on or off-site.
23	Regulatory Reform	142.0540	<u>Exception to Parking Regulations for Nonresidential Uses</u> –Clarifies that the parking requirements in Table 142-05H apply to all commercial.
24	Regulatory Reform	Table of Contents- Remove Division 9 (this will come with the repeal of overlay zone) 126.0402 131.0449(b)(2) 132.0901-0905 142.0505- Table 142-05A 142.0527 142.0555 143.0302- Table 143.03A	<u>Tandem Parking</u> –Repeal of the Residential Tandem Overlay Zone, kept regulations under Parking Regulations.
25	Regulatory Reform	11.0301	<u>Service of Notices</u> -Include electronic noticing for enforcement purposes in addition to other required noticing.
26	Regulatory Reform	141.0407	<u>Educational Facilities-Schools for Kindergarten to Grade 12</u> - Increase enrollment for replacing an existing school to 600 students within a TPA.
27	Regulatory Reform	113.0103 143.0145 143.0146	<u>Special Flood Hazard Areas Regulations</u> - Amend regulations to be consistent with FEMA regulations.

Landscaping: The following 6 items clarify the Landscape Regulations and eliminate redundancies			
28	Regulatory Reform	142.0402, Table 142-04A 142.0404	<u>When Landscape Regulations Apply</u> - Establish landscape area and point requirements for high-density residential development and residential components of mixed-use development.
29	Regulatory Reform	142.0403 (b) & (d) Table 142-04B	<u>General Planting and Irrigation Requirements</u> -Clean-up/corrections removing certain trees from the table that shrubs and consolidating palms into one category.
30	Regulatory Reform	142.0404 Table 142-04C 142.0405(b)(2) 142.0405(c)(3)	<u>Additional Yard Planting Area</u> <ul style="list-style-type: none"> • Clarifying common open space options available to meet landscape requirements. • Amend the 5-foot planting requirement when commercial development abuts residential zones when commercial development allows zero setbacks.
31	Regulatory Reform	142.0408(a & c)	<u>Temporary Vehicular Use Area Requirements</u> Clarifying that vehicular use areas are subject to construction permit rather than building Permits.
32	Clarification	142.0413(b)(2), (c)(d)(1) and (e)(1)	<u>Water Conservation</u> - Modifying language in compliance with the Model Water Efficient Landscape Ordinance (MWELo).
33	Clarification	143.0141 (a)(B)(i,ii)	<u>Development Regulations for Sensitive Biological Resources</u> - Clarify ESL regulations to coordinate with the Biology Guidelines, where brush management zone two is not acceptable as mitigation area.

Minor Corrections: The following 7 items clarify regulations, correct formatting errors, incorrect terms, and incorrect section references.			
34	Incorrect Section	141.0505	<u>Plant Nurseries</u> - Section (d) incorrectly references 141.0504 the correct section is 141.0505.
35	Repealed Ordinance	123.0501 123.0502 123.0503 123.0504 123.0505 123.0506 131.0422 Table 131.04B 131.0431 131.0447 131.0457	<u>Residential High Occupancy Permit</u> - Remove repealed ordinance per Superior Court Judgment filed January 10, 2018.
36	Correction	157.0202(b)	<u>Overview of Decision Process</u> - Remove reference to Process Two by the City Manager I lieu of Planning Commission.
37	Repealed Ordinance	98.0202(a)(5)	<u>Mobilehomes, Recreational Vehicles and Commercial Coaches</u> - Remove reference to Chapter X, Article 1, Division 5 that was repealed.
38	Correction	1510. 0102 and Map No. C-403.4	<u>LJ Shores PDO Boundaries</u> Adding the existing referenced map within the LJ Shores PDO for ease of reference.
39	Regulatory Reform	22.4035 142.1210(b)(5)(E)	<u>Special Event Signs</u> -Eliminate section referencing incorrect Chapters and Police Department approval for signs.
40	Correction	156.0309(e) Figure B, C & D	<u>Centre City Planned District</u> -Update Figures to align with actions from Phase 1 Update and minor corrections to wording on 156.0309(e).

Issue Item #12: Marijuana Regulations**Changing Marijuana to Cannabis (throughout the code)****§22.4033 Sales or Distribution of Goods in Special Event Venue**

- (a) [No change in text.]
- (b) It is unlawful to sell, resell, offer to sell, or distribute ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products within a Special Event Venue.

§34.0103 Definitions

Except where the context otherwise requires, the definitions given in this section shall govern the application and interpretation of this Article. Each word or phrase defined in this Division appears in the text of this Division in italicized letters.

- (a) [No change in text.]
- (b) “*Cannabis Business*” means any activity which entails the distribution, delivery, dispensing, exchanging, bartering or sale of non-medical *Cannabis*, including but not limited to, transporting, manufacturing, cultivating, compounding, converting, processing, preparing, storing, packaging, wholesale, or retail sales of *Cannabis* and any ancillary products in the City, whether or not carried on for gain or profit. Medical marijuana activities authorized under Health and Safety Code section 11362.765, as it may be amended from time to time, are not *Cannabis Business* under this Article. ~~Medical marijuana consumer cooperatives permitted pursuant to this Code are not *Cannabis Businesses* under this Article.~~
- (c) through (k) [No change in text.]

Division 13: ~~Marijuana~~ Cannabis Regulations**§42.1301 Purpose and Intent**

- (a) through (c) [No change in text.]
- (d) This Division shall be interpreted in a manner consistent with state law. Nothing in this Division is intended to authorize the sale, distribution, possession, planting, cultivation, harvesting, drying, processing, manufacturing, compounding, converting, producing, deriving, or preparing of ~~marijuana~~ cannabis, or any other transaction, in violation of state law.

§42.1302 Definitions

For the purpose of this Division the following definitions shall apply and appear in italicized letters:

~~*Marijuana*~~ *Cannabis* has the same meaning as in California Health and Safety Code section 11018.

~~*Marijuana*~~ *Cannabis* *processing* means the creation or manufacturing of ~~*marijuana cannabis*~~ concentrate, ~~including concentrated cannabis or an~~ edible or topical product containing ~~*marijuana*~~ or concentrated cannabis and other ingredients.

~~*Marijuana*~~ *Cannabis* *products* has the same meaning as in California Health and Safety Code section 11018.1.

Primary caregiver means the individual designated by the *qualified patient* who has consistently assumed responsibility for the housing, health, or safety of the *qualified patient*, in accordance with state law, including California Health and Safety Code section 11362.5. As explained in *People v. Mentch*, 45 Cal. 4th 274 (2008), a *primary caregiver* is a person who consistently provides caregiving to a *qualified patient*, independent of any assistance in taking medical ~~*marijuana*~~ *cannabis*, at or before the time he or she assumed responsibility for assisting with medical ~~*marijuana*~~ *cannabis*.

Private residence has the same meaning as in California Health and Safety Code section 11362.2(b)(5).

Qualified patient means a California resident having the right to obtain and use ~~*marijuana*~~ *cannabis* for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of ~~*marijuana*~~ *cannabis* in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which ~~*marijuana*~~ *cannabis* provides relief in accordance with state law, including California Health and Safety Code section 11362.5.

Vaping has the same meaning as in section 43.1001 of this Code.

Volatile solvents means volatile organic compounds, including explosive gases, such as butane, propane, xylene, styrene, gasoline, kerosene, O₂ or H₂, and dangerous poisons, toxins or carcinogens, such as methanol, iso-propyl alcohol, methylene chloride, acetone, benzene, toluene, and trichloro-ethylene.

§42.1303 Smoking and Vaping ~~Marijuana~~ Cannabis or ~~Marijuana~~ Cannabis Products

Smoking, *vaping*, and ingesting of ~~marijuana~~ cannabis or ~~marijuana~~ cannabis *products* is prohibited in any public place or in any place open to the public. Any person who violates this section is guilty of an infraction.

§42.1304 ~~Marijuana~~ Cannabis Cultivation

- (a) Personal indoor ~~marijuana~~ cannabis cultivation is subject to the following regulations:
- (1) Indoor ~~marijuana~~ cannabis cultivation for personal use, in a manner and amount consistent with state law, may occur in an area of no more than 64 square feet.
 - (2) For purposes of this section, indoor ~~marijuana~~ cannabis cultivation includes cultivation in a fully enclosed and secure accessory *structure* to a *private residence* located upon the grounds of a *private residence*, consistent with state law.
 - (3) The use of gas products or *volatile solvents*, including carbon dioxide (CO₂), methane, or any other flammable or non-flammable gas, for ~~marijuana~~ cannabis cultivation or ~~marijuana~~ cannabis *processing* is prohibited.
- (b) No person shall plant, cultivate, harvest, dry, or process ~~marijuana~~ cannabis plants outdoors in anything other than a secured *structure* upon the grounds of a *private residence*.

Chapter 4**Article 2: Health Regulated Businesses and Activities****Division 15: ~~Marijuana~~ Cannabis Outlets, ~~Marijuana~~ Cannabis Production Facilities, and Transportation of ~~Marijuana~~ Cannabis****§42.1501 Purpose and Intent**

It is the intent of this Division to promote and protect the public health, safety, and welfare of the citizens of San Diego by allowing but strictly regulating the retail sale of cannabis ~~marijuana~~ at cannabis ~~marijuana~~ outlets, and the raising, harvesting, processing, wholesaling, distributing, storing, and producing of cannabis ~~marijuana~~ and cannabis ~~marijuana~~ products at cannabis ~~marijuana~~ production facilities in accordance with state law. It is further the intent of this Division to ensure that cannabis ~~marijuana~~ is not diverted for illegal purposes, and to limit its use to those persons authorized under state law. Nothing in this

Division is intended to authorize the cultivation, sale, distribution, possession of cannabis ~~marijuana~~, or other transaction, in violation of state law. It is not the intent of this Division to supersede or conflict with state law, but to implement the Compassionate Use Act (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7-11362.83), the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act.

§42.1502 Definitions

~~Marijuana~~ Cannabis *production facility* means individual or combined uses, operating with a Conditional Use Permit in accordance with section 141.1004, engaged in the agricultural raising, harvesting, and processing of *marijuana*; wholesale distribution and storage of *marijuana* and *marijuana* products; and production of goods from *marijuana* and *marijuana* products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

Primary caregiver through *Qualified patient* [No change in text.]

Responsible person has the same meaning as in San Diego Municipal Code section 11.0210, and includes an employee of a cannabis outlet or a cannabis production facility, ~~and each person upon whom a duty, requirement or obligation is imposed by this Division, or who is otherwise~~ and persons responsible for the operation, management, direction, or policy of a ~~marijuana~~ cannabis outlet or a ~~marijuana-cannabis production facility~~. ~~It also includes an employee who is in apparent charge of a marijuana outlet or a marijuana production facility.~~

§43.1002 Prohibitions

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

(h) It is unlawful to smoke, vape, and ingest ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products at Special Events.

(i) It is unlawful to vape ~~marijuana~~ cannabis or ~~marijuana~~ cannabis products in a vaping lounge.

§52.3305 Evidentiary Factors

The following factors, in addition to the specific circumstances of each situation, may be considered to determine if a violation of this Division has occurred:

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

- (5) Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine, methamphetamine, or ~~marijuana~~ cannabis);
- (6) through (10) [No change in text.]

Chapter 5

Article 8: Minors

Division 7: Restricting the Advertising of Cannabis and Cannabis Products to Youth

§58.0701 Purpose and Intent

It is the purpose and intent of this Division to promote and protect the health, safety, and welfare of youth in the City of San Diego by regulating the location of billboards advertising cannabis or cannabis products in areas where youth play and attend school. It is further the intent of this Division to reduce youth's exposure to billboards advertising cannabis or cannabis products by establishing additional regulations beyond those provided in state law to include an expanded list of prohibited locations, and criminal and civil consequences for non-compliance. It is not the intent of this Division to supersede or conflict with state law, but to implement a local ordinance allowing the City of San Diego greater ability to enforce restrictions on billboards advertising cannabis or cannabis products to youth to help reduce the illegal consumption and purchase of cannabis or cannabis products by youth.

§58.0702 Definitions

For purposes of this Division, defined terms appear in italics. The following definitions apply in this Division:

Advertising has the same meaning as in San Diego Municipal Code section 58.0301.

Billboard has the same meaning as in San Diego Municipal Code section 58.0501.

Cannabis has the same meaning as in California Health and Safety Code section 11018.

Cannabis products has the same meaning as in California Health and Safety Code section 11018.1.

Day care center has the same meaning as in California Health and Safety Code section 1596.76.

Playground has the same meaning as in San Diego Municipal Code section 113.0103.

Property Line means a line that defines the boundaries of a lot or premises for purposes of applying development regulations. See San Diego Municipal Code section 113.0246 for additional information on determining property lines.

Public park has the same meaning as in San Diego Municipal Code section 113.0103.

School means any public or licensed private facility providing instruction in kindergarten or any grades 1 to 12, inclusive.

Youth center has the same meaning as in California Health and Safety Code section 11353.1.

§58.0703 Measure of Distance

The distance between any billboard and any school, playground, public park, day care center, or youth center shall be measured in a straight line, without regard to intervening structures, from the billboard to the closest property line of the school, playground, public park, day care center, or youth center.

§58.0704 Advertising Restrictions

It is unlawful for any person, business, or retailer to place or maintain, or cause to be placed or maintained, any advertising of cannabis or cannabis products on a billboard that is within 1,000 feet of a school, playground, public park, day care center, or youth center. This section does not apply to any noncommercial message.

§113.0103 Definitions

Abutting Property through Map, tentative [No change in text.]

~~Marijuana~~ Cannabis outlet means a retail establishment operating with a Conditional Use Permit in accordance with Section 141.0504, where ~~marijuana~~ cannabis, ~~marijuana~~ cannabis products, and ~~marijuana~~ cannabis accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, are sold to the public in accordance with dispensary or retailer licensing requirements pursuant to the California Business and Professions Code. A ~~marijuana~~ cannabis outlet does not include clinics licensed by the State of California pursuant to California Health and Safety Code Division 2, Chapters 1, 2, 3.01, 3.2, or 8.

Cannabis production facility means individual or combined uses, operating with a Conditional Use Permit in accordance with section 141.1004, engaged in the agricultural raising, harvesting, and processing of cannabis wholesale distribution and storage of cannabis and cannabis products; and production of goods from cannabis and cannabis products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.

Market value through Yard [No change in text.]

§113.0225 Measuring Distance Between Uses

When there is a separation requirement between uses, the distance of the separation shall be measured as follows, except as specified by state law. See Diagram 113-02E.

Diagram 113-02E
Distance Between Uses [No change in text.]

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

- (c) When measuring distance for separation requirements for ~~marijuana outlets~~ cannabis outlets or ~~marijuana production facilities~~ cannabis production facilities, the measurement of distance between the uses ~~shall take into account natural topographical barriers and constructed barriers such as freeways or flood control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct and legal pedestrian path of travel between property lines. For this purpose, the direct and legal pedestrian path of travel includes the crossing of streets only at street corners or via marked crosswalks where available. route around the barrier in a manner that establishes direct access.~~

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulations Table in Chapter 13. The decision process is described in Section 126.0304.

- (a) Conditional Use Permits Decided by Process Three

Bed and breakfast establishments (under circumstances described in Section 141.0603)

Cannabis outlet

Cannabis production facilities

Major transmission, relay, or communication switching station
~~Marijuana outlets~~
~~Marijuana production facilities~~
 Museums

§131.0222 Use Regulations Table for Open Space Zones

The uses allowed in the open space zones are shown in Table 131-02B.

Legend for Table 131-02B [No change in text.]
Table 131-02B
Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	Zone Designator	Zones					
	1st & 2nd >> 3rd >> 4th >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
		1-	2-	1-	1-		1-
		1	1	1	1	2	1
Separately Regulated Retail Sales Uses							
Marijuana <u>Cannabis Outlets</u>		-	-	-	-		-
Separately Regulated Industrial Uses							
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-	-	-	-		-

§131.0322 Use Regulations Table for Agricultural Zones

The uses allowed in the agricultural zones are shown in Table 131-03B.

Legend for Table 131-03B [No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Separately Regulated Retail Sales Uses [No change in text.]					
Marijuana <u>Cannabis</u> Outlets		-		-	
Plant Nurseries		C		C	
Separately Regulated Industrial Uses					
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-		-	

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B [No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-														RX-		RT-						
		3rd >>	1-	1-														1-		1-					
		4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4
Separately Regulated Retail Sales Uses																									
Marijuana <u>Cannabis Outlets</u>		-	-														-		-						
Separately Regulated Industrial Uses																									
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-	-														-		-						

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	Zone Designator	Zones																											
	1st & 2nd >>	RE-	RS-														RX-		RT-										
	3rd >>	1-	1-														1-		1-										
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5				
Separately Regulated Retail Sales Uses																													
Marijuana <u>Cannabis Outlets</u>		-		-		-		-		-		-																	
Separately Regulated Industrial Uses																													
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-		-		-		-		-		-																	

§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 [No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	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	6	1	1	1	2	1	2	1	2	3	1	2	1
Separately Regulated Retail Sales Uses																			
Marijuana <u>Cannabis Outlets</u>		-						-	C	-	C	-	-	-					
Separately Regulated Industrial Uses																			
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-						-	-	-	-	-	-	-	-				
	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	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	6	1	1	1	2	1	2	1	2	3	1	2	1								
Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	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
Separately Regulated Retail Sales Uses																											
Marijuana <u>Cannabis</u> Outlets		-		C				-				-				-											
Separately Regulated Industrial Uses																											
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-		-				-				-				-											

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B. [No change in text.]

Legend for Table 131-06B [No change in text.]

Table 131-06B

Use Regulations Table for Industrial Zones

Use Categories/ Subcategories	Zone Designator	Zones									
	1st & 2nd >>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
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> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Marijuana <u>Cannabis Outlets</u>		-	-	-	-	-	C	-	-	C	C
Separately Regulated Industrial Uses											
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-	-	-	C	C	C	C	C	-	-

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated as follows:

(a) and (f) [No change in text.]

Legend for Table 132-15D [No change in text.]

**Table 132-15D
Noise Compatibility Criteria**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] [No change in text.]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Separately Regulated Industrial Uses				
Marijuana Facilities Production <u>Cannabis Production Facilities</u>	P	P	P ¹	-

§132.1515 Safety Compatibility

Safety compatibility between airport operations and proposed *development* within Review Area 1 of this overlay zone shall be evaluated in accordance with this Section.

(a) and (f) [No change in text.]

Legend for Table 132-15F [No change in text.]

Table 132-15F
Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
Maximum People Per Acre [No change in text.]	25	50	300
Separately Regulated Industrial Uses			
Marijuana Facilities Production <u>Cannabis Production Facilities</u> [490 sq ft per person]	L/.28 ⁸	L/.56 ⁸	P

(g) Safety Compatibility Review for Brown Field and Montgomery Field.

(1) [No change in text.]

(2) [No change in text.]

Legend for Table 132-15G [No change in text.]

Table 132-15G
Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre [No change in text.]	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹ [No change in text.]	N/A	50%	60%	70%	70%	N/A
Trucking & Transportation Terminals	-	P ⁹	P	P	P ⁹	P
Separately Regulated Industrial Uses						
Marijuana Facilities Production <u>Cannabis Production Facilities</u> [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P

§141.0504 Marijuana Cannabis Outlets

Marijuana Cannabis outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than four marijuana cannabis outlets are permitted in each City Council District. Marijuana cannabis outlets are subject to the following regulations.

- (a) Marijuana Cannabis outlets shall maintain the following minimum separation between uses, as measured between property lines. ~~as measured between property lines, in accordance with Section 113.0225.~~
 - (1) 1,000 feet from resource and population-based city parks, other marijuana cannabis outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between property lines, in accordance with Section 113.0225 (c).
 - (2) 100 feet from a residential zone. The distance shall be measured horizontally in a straight line between the two closest points of the property lines without regard to topography or structures that would interfere with a straight-line measurement.
- (b) Lighting shall be provided to illuminate the interior, façade, and the immediate surrounding area of the marijuana cannabis outlet, including any accessory uses, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security shall be provided at the marijuana cannabis outlet which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the premises during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.
- (d) Primary signs shall be posted on the outside of the marijuana cannabis outlet and shall only contain the name of the business, which shall contain

only alphabetic characters, and shall be limited to two colors. Secondary signs, including window signs, advertising *cannabis* shall not be permitted.

- (e) The name and emergency contact phone number of an operator or manager shall be posted in a location visible from outside the ~~*marijuana*~~ *cannabis* outlet in character size at least two inches in height.
- (f) The ~~*marijuana*~~ *cannabis* outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to ~~*marijuana*~~ *cannabis* and ~~*marijuana*~~ *cannabis* products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to ~~*marijuana*~~ *cannabis* and ~~*marijuana*~~ *cannabis* products without a human intermediary.
- (h) [No change in text.]
- (i) A Conditional Use Permit for a ~~*marijuana*~~ *cannabis* outlet shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an accessory use only from ~~*marijuana*~~ *cannabis* outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to the Compassionate Use Act of 1996.
- (k) The ~~*marijuana*~~ *cannabis* outlet, adjacent public sidewalks, and areas under the control of the ~~*marijuana*~~ *cannabis* outlet, shall be maintained free of litter and graffiti at all times.
- (l) The ~~*marijuana*~~ *cannabis* outlet shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted accessory use at a ~~*marijuana*~~ *cannabis* outlet.
- (n) An extension of time for a Conditional Use Permit granted to a ~~*marijuana*~~ *cannabis* outlet shall comply with the requirements of Section 126.0111, with the following exceptions:

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

§141.1004 **Marijuana Cannabis Production Facilities**

~~Marijuana production facility are individual or combined uses engaged in the agricultural raising, harvesting, and processing of marijuana; wholesale distribution and storage of marijuana and marijuana products; and production of goods from marijuana and marijuana products consistent with the requirements of State of California Statutes and the California Departments of Food and Agriculture, Consumer Affairs, and Public Health regulations.~~

A ~~marijuana production facility~~ cannabis production facility may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no more than 40 ~~marijuana~~ cannabis production facilities are permitted in the City of San Diego. ~~Marijuana Cannabis~~ production facilities are subject to the following regulations.

- (a) ~~Marijuana production facility~~ Cannabis production facilities shall maintain the following minimum separation between uses, ~~as measured between property lines, in accordance with Section 113.0225:~~
 - (1) 1,000 feet from resource and population-based city parks, other ~~marijuana cannabis~~ outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes. The distance shall be measured between property lines, in accordance with Section 113.0225 (c).
 - (2) 100 feet from a residential zone. The distance shall be measured horizontally in a straight line between the two closest points of the property lines without regard to topography or structures that would interfere with a straight-line measurement.
- (b) through (d) [No change in text.]
- (e) The name and emergency contact phone number of an operator or manager shall be posted outside the ~~marijuana production facility~~ cannabis production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a

day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a ~~marijuana production facility~~ cannabis production facility shall limit signage on the exterior of the property visible from the public *right-of-way* to the address.

- (f) [No change in text.]
- (g) A Conditional Use Permit for a ~~marijuana production facility~~ cannabis production facility shall expire no later than five (5) years from the date of issuance.
- (h) [No change in text.]
- (i) The sale of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products shall only be conducted by a ~~marijuana~~ cannabis outlet in accordance with Section 141.0504. A ~~marijuana production facility~~ cannabis production facility is prohibited from providing ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products to any person other than another ~~marijuana production facility~~ cannabis production facility, a testing lab, or a ~~marijuana~~ cannabis outlet.
- (j) The ~~marijuana production facility~~ cannabis production facility, adjacent public sidewalks, and areas under the control of the ~~marijuana production facility~~ cannabis production facility shall be maintained free of litter and graffiti at all times.
- (k) The ~~marijuana production facility~~ cannabis production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (l) Off-site advertising shall be prohibited.

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (8) [No change in text.]
 - (9) Marijuana Cannabis outlet regulations contained in Section 141.0504 when the use is specifically allowed by the Planned District Ordinance.

- (10) ~~Marijuana production facilities~~ Cannabis production facilities regulations contained in Section 141.1004, when the use is specifically allowed by the Planned District Ordinance.

§152.0312 Subdistrict D Permitted Uses

- (a) and (b) [No change in text.]
- (c) ~~Marijuana~~ Cannabis outlets are permitted in accordance with Section 141.0504.
- (d) [No change in text.]
- (e) ~~Marijuana production facilities~~ Cannabis production facilities are permitted in accordance with Section 141.1004.

§153.0309 Employment Center (EC)

- (a) [No change in text.]
- (1) through (10) [No change in text.]
- (11) ~~Marijuana~~ Cannabis outlets are permitted in accordance with Section 141.0504.
- (12) through (14) [No change in text.]

- (b) and (c) [No change in text.]

§153.0310 Special Use Area (SP)

- (a) [No change in text.]
- (b) Permitted Uses
- The following uses are permitted in the Special Use Area:
- (1) through (11) [No change in text.]
- (12) ~~Marijuana~~ Cannabis outlets are permitted in accordance with Section 141.0504.
- (13) [No change in text.]
- (c) and (d) [No change in text.]

§155.0238 Use Regulations Table of CU Zones

The uses allowed in the CU zones are shown in Table 155-02C:

Legend for Table 155-02C [No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land <i>Development</i> Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
Separately Regulated Retail Sales Uses											
Marijuana <u>Cannabis Outlets</u>		-		-			-				
Separately Regulated Industrial Uses											
Marijuana Facilities Production <u>Cannabis Production Facilities</u>		-		-			-				