

Community Planners Committee

Planning Department • City of San Diego

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Tuesday, May 23rd, 2023

REGULAR MEETING AGENDA

**LOCATION: Balboa Park Club, Santa Fe Room
2144 Pan American W Rd., San Diego, CA 92101**

TIME: 6:30-8:45 p.m.

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- NOTE: If a Sign Language interpretation or language translation services are required, please visit www.sandiego.gov/planning/translation to submit a request at least (3) three workdays prior to the meeting date to insure availability. Times assigned for each item are approximate. The order of agenda items may be modified at the beginning of the meeting at the discretion of the Chair.
- ITEM #1 - 6:30 **CALL TO ORDER/INTRODUCTIONS/MODIFICATIONS TO THE AGENDA:**
- ITEM #2 - 6:35 **APPROVAL OF MINUTES OF MARCH 27th, 2023 and ROLL CALL**
- ITEM #3 - 6:40 **NON-AGENDA PUBLIC COMMENT** - 2 minutes per issue
Identification of issues that are within the jurisdiction of the CPC, but not on the agenda. No discussion or action is permitted, except to establish a subcommittee for study, or place the item on a future agenda.
- ITEM #4 - 6:50 **ELECT THE EXECUTIVE BORD MEMBERS (ACTION ITEM)** - The members of CPC will elect a Chair and a Vice Chair.
- ITEM #5 - 7:00 CANNABIS SOCIAL EQUITY AND ECONOMIC DEVELOPMENT PROGRAM - **(INFORMATION ITEM):** Tyler Sherer, Program Director for the Cannabis Business Division, will present proposed code amendments to implement the City's social equity programs for Cannabis operators. The acronym is the SEED program.
- ITEM #6 - 7:30 EQUITY FORWARD INITIATIVE AND RELATED PROJECTS - **(INFORMATION ITEM):** Sameera Rao and Anisha Gianchandani from the Planning Department will present on the implementation of Equity Forward Initiative and the changes to the CIP prioritization process this year.
- ITEM #7 - 8:20 **UNAUTHORIZED CAMPING ORDINANCE - (INFORMATION ITEM)**
Bridget Naso, Policy Advisor for Council Member Whitburn, will give a

presentation on the proposed ordinance and an update on safe camping sights. This ordinance will be coming in front of the full City Council in June.

ITEM #8 - 8:45 **REPORTS TO CPC:**

- Staff Report
- Chair's Report
- CPC Member Comments

ITEM #9 - 9:00 **ADJOURN TO NEXT REGULAR MEETING: TBD**



THE CITY OF SAN DIEGO

Report to the Planning Commission

DATE ISSUED: May 25, 2023

REPORT NO. PC-23-023

HEARING DATE: June 1, 2023

SUBJECT: Workshop to review Cannabis Social Equity and Economic Development ("SEED") Program Updates to the San Diego Municipal Code and the Local Coastal Program.

Staff Recommendation: *This is an information item. No action will be taken.*

Environmental Impact: This activity is not a project as defined by CEQA Guidelines Section 15378 and is thus not subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3). Future projects would be subject to environmental review in accordance with the Land Development Code and CEQA.

City of San Diego Strategic Plan: This item relates to the Strategic Plan's Priority Area: Foster Regional Prosperity. The proposed code amendment package supports business practices to improve opportunities to retain, attract, and expand businesses.

SUMMARY

This informational report outlines proposed changes to the Land Development Code ("LDC") to implement the tools and regulatory compliance assistance that will help to eliminate some of the barriers to entry identified in the City's [Cannabis Equity Assessment](#) ("Equity Assessment"). The City Council adopted the Equity Assessment by a unanimous vote in October 2022. The intent is to level the playing field and promote participation in the City of San Diego's regulated cannabis market by the people who were most harmed by the inequitable prosecution of the War on Drugs related to cannabis. The City recently received \$882,000 in state grant funding to assist in cannabis equity program implementation based on the adoption of the Equity Assessment. The workshop will provide a public forum to solicit feedback on the proposed code changes which include:

1. Codifying Equity Assessment Chapter 7 SEED applicant and ownership criteria in the LDC;
2. Allowing 36 additional cannabis outlets for eligible SEED applicants and establishing a Cannabis Outlet SEED Overlay Zone ("COSEED OZ") that includes a broad range of commercial zones within Transit Priority Areas ("TPAs");
3. Reducing some of the strict sensitive use restrictions and distance requirements for new SEED cannabis outlets and production facilities and allowing SEED cannabis outlets as a Limited Use;
4. Allowing SEED applicants to qualify for the program prior to securing a location;
5. Waiving or reducing licensing, permitting and inspection fees for SEED applicants;
6. Expanding cannabis outlet hours of operation in conformance with the state rules; and,
7. Establishing a Cannabis SEED Incubator Program.

The discussion that follows outlines proposed changes to the LDC to implement the tools and regulatory compliance assistance that will eliminate some of the barriers to entry identified in the equity assessment.

BACKGROUND

The intent of the proposed SEED regulations is to implement the Equity Assessment by providing economic opportunities for eligible SEED applicants. This includes defining who may benefit, where they may locate, what incentives will be created, and, most importantly, why the program is necessary. The proposed changes have been created after carefully studying the pitfalls that the Los Angeles cannabis equity program encountered. San Diego's SEED applicant criteria, found in Chapter 7 of the Equity Assessment, establish the "*who*," and the proposed increased in permits and zoning where SEED cannabis outlets are allowed will help establish the "*where*" as recommended in Chapter 6 of the Equity Assessment. The changes to the separation and distance regulations establish the "*what*" and the "*why*" because the intent of the SEED Equity Program seeks to incentivize market participation and growth in the local cannabis industry while making an impact on reducing the illicit cannabis industry.

DISCUSSION

The San Diego Municipal Code ("SDMC") allows for 38 Cannabis Outlet storefront retailers for medicinal and adult-use sales, and a total of 40 Cannabis Production Facilities citywide for cannabis cultivation, manufacturing and distribution activities. To date, DSD has issued Conditional Use Permits (CUPs) for 33 retail cannabis outlets (24 in operation and 6 pending review and approval by a decision maker). Based on the current number of applications in process, all 38 cannabis outlet permits will be issued to non-equity applicants in 2023. See Attachment 1, Cannabis Outlet and Production Facility Summary for further detail.

The Equity Assessment recommends reducing zoning restrictions, providing financial assistance, establishing work programs, and reducing permit fees for both outlets and production facilities. There are a limited number of locations available to lease or purchase for cannabis businesses. When the City's sensitive use separation requirements are added, areas of the City that allow cannabis outlets are even further restricted. Current restrictions limit cannabis outlets a maximum of four per council district, with most of these spots already taken. It is extremely difficult to find locations for the opportunities that remain. To implement the recommendations in the Equity Assessment, CBD staff is proposing adding 36 new SEED cannabis outlet permits as part of the package of SDMC amendments to incorporate cannabis equity with streamlining/prioritization processes.

Similar programs in other cities preceding this effort have shared their trial and errors of practices. The City of San Diego's SEED Program is from the knowledge gained by reviewing the after-action reports of other programs. CBD staff specifically evaluated programs underway in Los Angeles, Oakland, and in San Jose. These peer municipalities mirror the scope of San Diego's efforts and have reported many successes and failures. San Diego's intent to establish SEED Cannabis Outlets within commercially-zoned TPA's is based upon lessons learned by other jurisdictions. In addition, a number of the barriers to entry identified in equity listening sessions have been directly translated into code language and can be found in the proposed code language and use tables that are included as Attachment 2. The following provides an overview of the requested changes:

1. Cannabis SEED Applicant and Ownership Criteria

Chapter 7 of the Equity Assessment includes cannabis SEED applicant and ownership criteria and

a residency map. After researching the equity programs of other cities and the State of California, as well as listening session stakeholder feedback, staff included these criteria in order to provide San Diegans who have been adversely affected by cannabis criminalization a path to economic and community recovery. The criteria take into account the historic patterns of redlining by banking institutions, migration that occurred because of the social and economic impacts to communities of color, and impacts that may have occurred from families being separated and having children placed into foster care. The impacts of educational opportunities that are demonstrated thru lower educational attainment as evidenced in Exhibit 13 of the Equity Assessment (Pages 2-24) that have affected disadvantaged communities (Exhibit 14, Pages 2-25) also informed the residency requirements.

2. Proposed Cannabis Outlet SEED Overlay Zone and Equity Outlet Permits

The purpose of the COSEED OZ is to assist in diversifying the economy of the City of San Diego by establishing allowable uses within TPAs that support regulated SEED cannabis-based businesses. The COSEED OZ is intended to provide a regulatory framework for new SEED outlets in commercial zones along transit corridors. Please see Attachment 3 for a map of the COSEED OZ or view the [TPA map on the City's website](#). Allowing new SEED cannabis outlets within these areas would not only provide additional opportunities to SEED applicants but would also provide better access to cannabis products for adults 21 years of age and older.

The proposed amendments would make 36 new SEED cannabis outlet permits available to SEED applicants approved under the equity applicant criteria in Chapter 7 of the Assessment. Eligible SEED applicants could also apply for available production facility permits as well. The SEED cannabis outlet permits will be available in batches of up to nine per calendar year. Production facility permits do not have a per year cap. Attachment 4 provides a comparison of current permitted zones and Planned District Ordinances ("PDOs") with those proposed for SEED cannabis outlets. The permits would not be limited to specific Council districts and would allow for delivery services. A community beautification plan to reduce illegal dumping, littering, graffiti and blight and promote beautification of the adjacent community within 50 feet of each outlet would be required. This plan would include the planting of shade producing street trees and other landscaping improvements.

Locating new equity-based SEED cannabis outlets within transit corridors may also potentially reduce greenhouse gas ("GHG") emissions because patrons (many who reside along and adjacent to these corridors) will not have to rely on an automobile to access these outlets as is the case for most outlets now. Furthermore, many of these areas have smoke shops and hookah lounges that sell/serve intoxicating hemp-derived products and are shown in Attachment 5 (Approved under the 2018 Federal Farm Bill). By allowing well-regulated SEED cannabis operators to locate within these areas, this may assist in removing the market share that intoxicating hemp products are gaining and may also help to increase the City's cannabis tax revenue.

3. Proposed Cannabis Sensitive Uses and Separation Requirements

To provide an opportunity for cannabis SEED applicants, CBD recommends reducing some, but not all, of the current sensitive use restrictions. The SDMC currently recognizes resource and population-based city parks, other cannabis outlets, churches, childcare centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities, residential care facilities, schools, and residential zones as sensitive uses. In order to provide SEED applicants a greater opportunity to locate new SEED cannabis outlets within the COSEED Overlay Zone, the

proposed amendments would remove resource and population-based city parks, churches, playgrounds, libraries owned and operated by the City of San Diego, residential care facilities and residential zones as sensitive uses to align with current state requirements. Childcare centers, minor oriented facilities and schools would remain as sensitive uses per state law.

The SDMC sets the distance between all current sensitive uses at 1,000 feet from all permitted cannabis outlets. For cannabis SEED applicants, the proposed amendments would change the distance between City recognized sensitive uses to 600 feet. Attachment 6 shows that these changes would be in line with other large California jurisdictions as well as the State of California's sensitive use separation requirements. Amendments would also change how the 600-foot distance would be measured. The remaining sensitive uses would be measured between property lines and be measured horizontally in a straight line between the two closest points of the property lines, buildings, or use locations. The distance would be measured horizontally without regard to topography or structures that would interfere with a straight-line measurement, to align with current State law. Currently there is a 1000-foot separation requirement between cannabis outlets. As part of the amendment process, CBD is proposing to remove this requirement for SEED cannabis outlets and production facilities.

Furthermore, the potential for allowing SEED cannabis outlets permits to be a Limited Use Process 2 rather than a Conditional Use Process 3 should be considered. Currently, alcohol licenses fall under either a Limited or Conditional Use Permit process based on the proximity of the uses to sensitive receptors. The same process should be considered to be applied to SEED Cannabis outlet permits. Generally alcohol licenses are currently allowed as a limited use unless an operator is within 600 feet of a high-crime rate census tract (or within it), within 600 feet of a census tract (or within it) where a high-ratio of alcohol beverage outlets exist, within 600 feet of a public or private accredited school, a public park, a playground or recreational area, a church, a hospital, or a San Diego County welfare district office, or within 100 feet of a residentially zoned property. Attachment 7 provides the SDMC alcohol license process code section.

4. Allowing equity applicants to qualify for the program prior to securing a location

Since access to capital is one of the identified equity barriers that prevents historically marginalized populations from owning or leasing real estate appropriate for cannabis business operations, requiring a SEED cannabis operator to own or lease a property before applying for a City permit only promises further disparity. Information gathered from the cannabis equity listening sessions found that very few potential SEED applicants are well-funded or are well-connected to deep financial networks as many of the existing operators are. Almost all SEED applicants have issues with access to capital or even getting a license. Obtaining a CUP often comes down to who can hire consultants to put together an application, and an applicant's ability to sit on real estate or keep paying a lease until they get approved. This can result in opening the door to predatory partnerships that can strip away control of businesses from the people these programs are meant to help. Accordingly, the SEED Program recommends allowing operators to apply for a permit and even be approved for the program before they need to invest any resources on leasing or purchasing a space for both SEED cannabis outlets and production facilities. This approval may also provide SEED operators with the legitimacy needed to attract capital needed for real estate leasing or purchasing. Grant funding obtained through the State of California GO-BIZ grant will be used to provide grants to SEED operators to help offset some of the costs for leasing and/or purchasing a building.

5. Waiving or Reducing Licensing, Permitting and Inspection Fees for Equity Applicants

As part of the cannabis equity program development and as discussed in the Equity Assessment, it will be important to waive licensing, permitting, and inspection fees to reduce the financial barriers for eligible SEED applicants. The cost will be absorbed through the State grant funding that was recently received.

6. Operating Hours

The SDMC currently allows cannabis outlets to operate between the hours of 7:00 a.m. and 9:00 p.m. seven days a week. State law allows cannabis outlets to operate between 6:00 a.m. and 10:00 p.m. The amendment would align with State regulations by allowing SEED cannabis outlets to operate between 6:00 a.m. and 10:00 p.m. seven days a week.

7. Cannabis SEED Incubator Program

Recognizing that not every SEED applicant will be able to realize their own operation, the City is following the example of the City of Oakland and establishing a SEED cannabis incubator program that connects SEED applicants with existing cannabis businesses. A SEED cannabis incubator is defined as an existing regulated cannabis business in the City of San Diego that incubates, employs, or provides financial, real estate, cannabis knowledge or legacy market transitioning support to a SEED applicant. The general operator of the SEED incubator would provide free space and technical assistance to SEED applicants for cannabis operations including outlets and production facilities. To qualify as a SEED cannabis Incubator, a general operator must provide a SEED applicant with three years free rent, access to a minimum of 1000 square feet to conduct its business operations, and any required security measures, including camera systems, safes, and alarm systems for the space utilized by the SEED applicant. This space may be located either at the general operator's place of business or in another location in zones approved for cannabis activity. The City is soliciting ideas on what benefit a general operator would receive for providing incubator space to SEED applicants.

For production facilities, a [State-issued Type S license](#) is required. Type S manufacturers operate in shared-use facilities and can extract cannabis using butter, or food grade oils, water, glycerin, vegetable oil, animal fat, or using mechanical methods; Make cannabis products through infusion; and package and label cannabis. Shared use facilities are places where multiple Type S manufacturers rotate on a schedule and share space and equipment. Currently, the City of San Diego has only one Type S license for a production facility. City staff will work to identify other production facility operators who may be amenable to applying for a Type S license along with SEED applicants. There is a potential to have grant funding cover the cost of obtaining the Type S licenses for both general production facility operators and SEED applicants.

State of California Grant Deliverables and Future Grant Opportunities

California cities and counties are eligible to apply for grants from the Cannabis Equity Grants Program for Local Jurisdictions ("CEG Program"). The City was awarded \$764,000 in grant funding to help support equity licensees move through the local and state processes. These funds are being used to hire consultants for the following initiatives:

- (1) Development of a Accela Cannabis Module
- (2) Contractor to develop training tools for cannabis applicants/licensees; and

- (3) Contractor to aid future equity applicants with the application and permitting processes.

On December 11, 2022, the City applied for a Type II grant from the State of California's Governor's Office of Business ("GOBIZ") Phase II grant funding. On January 31, 2023, the City was awarded a \$882,840 grant from the state. Phase II grant funding will provide grants to SEED applicants to pay for permit fees, legal fees and licenses, initial business operation expenses such as leases and other building expenses as well as a grants administrator that the City anticipates hiring a contractor for. The 18-month grant will expire on October 3, 2024.

Outreach

On March 8, 2023, the CBD updated the Economic Development and Intergovernmental Relations ("EDIR") Committee on the division's progress implementing the SEED Cannabis Equity Assessment and Program. The [staff report](#) provided the initial proposal to be brought before a decision-making body. At that meeting, Council President Pro-Tem Montgomery Steppe expressed the importance of moving cannabis social equity forward.

CBD staff is convening a series of three internal working group meetings with stakeholders to discuss the proposed amendment package. These meetings are being held on May 10th, May 17th and May 24th. A summary of the outcome of those meetings will be presented during this workshop to the Planning Commission. The proposed code amendments will also be presented to the Community Planners Committee as an information item on May 23rd.

Conclusion

CBD staff has completed significant work on advancing equity in the cannabis permitting space with the adoption of the cannabis equity assessment and the proposed SDMC amendment package. The proposed code amendments are necessary in order to commence the creation of a successful, thriving and sustainable cannabis SEED program.

Respectfully submitted,

Lara Gates

Lara Gates
Deputy Director
Cannabis Business Division

Attachments:

1. Cannabis Outlet and Production Facility Summary
2. Proposed SDMC Code Amendment Package
3. TPA Overlay Zone Map
4. Zoning Comparison Chart
5. Smoke and Tobacco Shop Locational Map
6. Cannabis Sensitive Receptor Separation Requirement Chart
7. SDMC Alcohol License Regulations

Address No.	Address Street	CO or CPF?	Notes	Stats	Stats Notes
658	<u>E. San Ysidro Boulevard</u>	CO	Urbn Leaf. Amendment currently in process	CO Permits Issued:	33
995	Gateway Center Way	CO	Prime Harvest. Recently approved,	COs Operational:	24
1028	Buenos Avenue	CO	Urbn Leaf. Amendment currently in process	COs Non-operational:	9
1215	West Nutmeg Street	CO	Recently approved	CPF Permits Issued:	28
1233	Camino Del Rio South	CO	SDRC. Operational. Amendment issued.	CPFs Operational:	19
2281	Fairmount Avenue	CO	March and Ash.	CPFs Non-operational:	9
2335	Roll Drive	CO	A Green Alternative.	Total Cannabis Permits Issued:	61
2405	Harbor Drive	CO	Harbor Collective.	Permits Operational	43
2555	Kettner Boulevard	CO	Recently approved	Permits Non-operational:	18
2605	Camino Del Rio South	CO	Non-operational but working to utilize.		
2835	Camino Del Rio South	CO	March and Ash.		
3385	Sunrise Street	CO	Goldn Bloom. Amendment currently in process		
3452	Hancock Street	CO	Golden State Greens.		
3455	Camino Del Rio South	CO	Eaze Dispensary. Amendment currently in process		
3500	Estudillo Street	CO	Klover.		
3703	Camino Del Rio South	CO	The Healing Center SD.		
3940	Home Avenue	CO	HiKei.		
4337	Home Avenue	CO	Non-operational but working to utilize.		
4645	De Soto Street	CO	Cannabist.		
4909	Pacific Highway	CO	Recently approved		
5125	Convoy Street	CO	Medmen San Diego.		
6220	Federal Boulevard	CO	Originals.		
7128	Miramar Road	CO	Mankind.		
7625	Carroll Road	CO	Body and Mind.		
7850	Mission Center Court	CO	Cookies. Amendment currently in process		
8039	Balboa Avenue	CO	Recently approved		
8863	Balboa Avenue	CO	The Reserve.		
10150	<u>Sorrento Valley Road</u>	CO	Cannabis 21+		
10671	Roselle Street	CO	Torrey Holistics. Amendment currently in process		
10715	Sorrento Valley Road	CO	Medmen.		
11330	Sorrento Valley Road	CO	Cookies Sorrento Valley. Non-operational but working to utilize.		
13510	Sabre Springs Parkway	CO	March and Ash.		
16375	Bernardo Center Drive	CO	Urbn Leaf RB. Recently Issued		
1028	Buenos Avenue	CPF			
1555	Laurel Bay Way	CPF			
2220	Niels Bohr Court	CPF			
2335	Paseo De Las Americas	CPF			
2365	Marconi Court	CPF			

Address No.	Address Street	CO or CPF?	Notes	Stats	Stats Notes
3279	F Street	CPF			
3279	National Avenue	CPF			
3433	Pickwick Street	CPF			
3940	Home Avenue	CPF			
4909	Pacific Highway	CPF			
6225	Progressive Avenue	CPF			
7540	Trade Street	CPF			
7667	Vickers Street	CPF			
7720	Kenamar Court	CPF			
7740	Formula Place	CPF			
7745	Arjons Drive	CPF			
7755	Arjons Drive	CPF			
7830	Trade Street	CPF			
7895	Convoy Court	CPF			
9212	Mira Este Court	CPF			
9244	Balboa Avenue	CPF			
9350	Trade Place	CPF			
9565	Heinrich Hertz Drive	CPF			
9731	Siempre Viva Road	CPF			
9870	Marconi Drive	CPF			
9938	Mesa Rim Road	CPF			
10145	Via De La Amistad	CPF			
10671	Roselle Street	CPF			

DRAFT Article 3: Supplemental Development Regulations**Division XX: Cannabis Social Equity and Economic Development (SEED) Permit Program Regulations***(Added XX-XX-20XX by O-XXXXX N.S.; effective XX-XX-20XX.)***§143.0XXX Purpose and Intent of SEED Permit Program Regulations**

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 regulating the retail sale of cannabis at cannabis outlets, and the raising, harvesting, manufacturing, processing, wholesaling, distributing, storing, and production of cannabis and cannabis products at cannabis production facilities in accordance with state law and to ensure that cannabis is not diverted for illegal purposes, and to limit its use to those persons authorized under state law. It is further the intent of this Division to set forth the regulations for the Cannabis Social Equity and Economic Development (SEED) Permit Program to help heal the adverse effects caused by the War on Drugs that affected members of our community by providing incentives and reduced costs in the process to acquire the necessary permits to operate a cannabis business.

As discussed in the City of San Diego's Cannabis Equity Assessment, adopted by the City Council on October 11, 2022, during the era of cannabis prohibition in California, the burdens of arrests, convictions, and long-term collateral consequences arising from a conviction fell disproportionately on Black and Latinx people, even though people of all races used and sold cannabis at nearly identical rates. The California Department of Justice data shows that from 2006 to 2015, inclusive, Black Californians were two times more likely to be arrested for cannabis misdemeanors and five times more likely to be arrested for cannabis felonies than White Californians. During the same period, Latinx Californians were 35 percent more likely to be arrested for cannabis crimes than White Californians. The collateral consequences associated with cannabis law violations, coupled with generational poverty and a lack of access to resources, make it extraordinarily difficult for persons with convictions to enter the newly regulated industry.

It is therefore the intent of these equity-focused regulations to bolster residents who have been disproportionately impacted, and to provide the regulatory tools and support to communities and residents who have been harmed by the War on Drugs, and to implement the following as of the date of this section's passage: California Cannabis Equity Act of 2018 (Stats. 2018, Ch. 794), the recommendations found in the City of San Diego Equity Report, 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.

§14X.0X02 Definitions

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

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

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

Cannabis processing means the creation or manufacturing of cannabis concentrate or an edible or topical product containing concentrated cannabis and other ingredients.

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

Equity share means an ordinary share, including fraction or part ownership, in which a shareholder, as a fractional owner, undertakes the maximum entrepreneurial risk associated with the business venture, with full membership in the company and full voting rights.

Responsible person has the same meaning as in San Diego Municipal Code section 11.0210, and includes a corporate director or officer, manager or member manager, partner, trustee, or sole proprietor of an entity or trust operating or owning a cannabis outlet or a cannabis production facility, and persons responsible for the operation, management, direction, or policy of a cannabis outlet or a cannabis production facility.

SEED equity applicant means a person meeting the requirements in SDMC Section 143.0XXX(a).

SEED cannabis incubator means an existing regulated cannabis business in the City of San Diego that assists with the startup of a *SEED equity applicant* by employing them, or providing financial support, real estate, cannabis knowledge, or legacy market transitioning assistance.

SEED cannabis outlet means a cannabis outlet owned and/or operated by an individual identified as being qualified to participate in the City of San Diego’s Cannabis SEED equity program.

SEED cannabis production facility means a cannabis production facility owned and/or operated by a *responsible person* identified as being qualified to participate in the City of San Diego’s Cannabis SEED equity program.

SEED Cultivator means an existing Regulated Cannabis business in the City of San Diego that incubates, employs, or provides financial, real estate, cannabis knowledge, or legacy market transitioning support to a SEED Equity Applicant.

§143.0XXX When SEED Regulations Apply

This Division applies to any cannabis *development* where the applicant meets the following criteria.

- (a) Equity Criteria. A *SEED equity applicant* must satisfy the following criteria:
 - (1) Have been as an individual or have had an immediate family member, (i.e. parent, sibling, spouse, or child), or a legal guardian convicted or arrested, after January 1, 1980, for a crime involving the sale, possession, use, manufacture, or cultivation of *cannabis*.
 - (2) An eligible applicant must also meet two of the five of the following criteria:
 - A. Be a current or former resident of the City of San Diego who has lived in the following community plan areas for at least five years cumulative residency between 1980 and 2016: Barrio Logan, Linda Vista, Southeastern San Diego, Encanto Neighborhoods, Greater Golden Hill, Greater North Park, City Heights, College Area, Eastern Area, or San Ysidro.
 - B. Have a household income below 80% of the Area Median Income in San Diego County, as defined by the U.S. Department of Housing and Urban Development for the San Diego Standard Metropolitan Statistical Area, in either the preceding year or current year of submitting an equity verification application or is eligible to get financial aid through a program like CalFresh, MediCal, CalWORKS, Supplemental security income, or Social Security disability.
 - C. Have lost housing in the City of San Diego through eviction, foreclosure, or subsidy cancellation any time after 1994.
 - D. Have attended school in San Diego County for at least five years between 1971 and 2016.
 - E. Have been placed in the foster care system in San Diego County between 1971 and 2016.

(b) Review of SEED Equity Program Eligibility.

- (1) Proof of conviction of a crime after January 1, 1980, involving the sale, possession, use, manufacture, or cultivation of *cannabis* shall be demonstrated through federal or state court records indicating the disposition of the criminal matter.
- (2) Proof of income to demonstrate a household income below 80% of the Area Median Income in San Diego County, shall be supported with federal tax returns and at least one of the following documents:
 - Two months of pay stubs,
 - Current profit and loss statement if Sole Proprietor,
 - Previous Federal tax year's 1099-Miscellaneous Income Form showing proof of income,
 - Supplemental Nutrition Assistance Program (SNAP) program eligibility,
 - Medical/CALWORKS, or
 - Supplemental Security Income or Social Security Disability (SSI/SSDI).

To establish residency, a minimum of two of the documents below, evidencing five years of residency, shall be considered acceptable proof of residency. All residency documents must list the applicant's first and last name, and the City of San Diego residence address, (no P.O. boxes):

- A. California driver's record;
- B. California identification card; or
- C. Property tax billing and payments; or
- D. Verified copies of state or federal income tax returns where a City of San Diego address within the corresponding community planning areas is listed as a primary address; or
- E. TK-12 San Diego Unified School District transcripts; or
- F. San Diego Housing Commission records; or
- G. Utility, cable or internet company billing and payment covering any month in each of the five (5) years.

(c) SEED Equity Ownership and Transfer of Cannabis Outlet Conditional Use Permits

- (1) Equity Ownership.
 - A. SEED Equity Tier 1 Applicant: one or more equity applicants shall own no less than 100% ownership of cannabis business to whom the Conditional Use Permit is issued.
 - B. SEED Equity Tier 2 Applicant: one or more SEED equity applicants shall own no less than 51% equity share in the cannabis business to whom the Conditional Use Permit is issued. *SEED Cultivators* shall own no more than 49% equity share in the cannabis business to whom the Conditional Use Permit is issued.

Transfer of SEED Equity Cannabis Outlet Conditional Use Permits - Permits may be transferable to other equity applicants via the conditional use permit 2 or 3 amendment process. This will allow Equity Applicant Tier 1 to transition to Tier 2 or *cannabis outlet*. This will also allow additional Tier 1 Applicants to merge into stronger market positions.

(d) SEED Equity Permits Additional Requirements

- (1) Profits, Dividends and Distribution - "Equity Share" means an ordinary share, including fraction or part ownership, in which a shareholder, as a fractional owner, undertakes the maximum entrepreneurial risk associated with the business venture, with full membership in the company and full voting rights.
- (2) Successors - The Equity Share shall not be subject to arrangements causing or potentially causing ownership benefits in the SEED Equity Applicant Equity Applicant or Licensee will continue to qualify under this section with the requisite Equity Shares so long as the surviving spouse or successor in interest of the deceased SEED Equity Applicant inherits or otherwise acquires all of such Individual's ownership interest in the SEED Equity Applicant or Licensee.
- (3) All SEED Equity Owners Shall:
 - A. Comply in all respects with the Equity Share criteria and requirements in section XXX(a) above ("Equity Share Requirements") in dealings with one another;
 - B. Keep records evidencing their compliance with the Equity Share Requirements; and
- (4) Any action or inaction taken by a SEED equity applicant, or any other shareholders in violation of the Equity Share Requirements shall entitle the other party to initiate a legal action in the Superior Court of San Diego, including, but not limited to, an action for specific performance, declaratory relief, and/or injunctive relief, to enforce the Equity Share Requirements against the other party.
- (5) The annual business tax certificate issued to a SEED Equity Applicant may be suspended or revoked, or a business tax certificate renewal denied, if it can be shown, to the City's satisfaction, that any provision in an operating agreement, contract, business formation document, or any other agreement between Owners of the SEED Equity Applicant violates any of the Equity Share Requirements and is not cured within

the time allotted by the City of San Diego.

- (6) All SEED Equity owners are required to incorporate the following addendum into operating agreement documents to evidence compliance with Equity Share Requirements: "To the extent that any provision of this agreement, or part thereof, is or may be construed to be inconsistent with or in violation of the "Equity Share" requirements set forth in Chapter 14 of the San Diego Municipal Code provision(s) shall be ineffective, unenforceable, and null and void."

§143.0XXX SEED Cannabis Incubator Regulations

To qualify as a *SEED cannabis incubator*, a cannabis business operator shall provide an Equity applicant with three (3) years free rent, access to a minimum of 1,000 square feet to conduct its business operations, and any required security measures, including camera systems, safes, and alarm systems for the space utilized by the *SEED equity applicant*. This space may be located either at the cannabis business operator's place of business or in another location in commercial and industrial zones approved for cannabis activity. A cannabis business operator may provide a minimum of xx-square-feet of counter or shelf space and check-out area for a smaller rebate of \$xx on their annual operator's fees.

§143.0XXX SEED Equity Applicant Pre-Approval

SEED equity applicants selected as pre-approved shall have a maximum of one (1) calendar year from the date of their selection to complete the permit application process using a site in conformance with SDMC 143.0XXX. *SEED equity applicants* shall submit a pre-application record through the [Accela CBD Portal?], including all documents as required by the City's Project Submittal Manual, for the Conditional Use Permit review of the site pursuant to SDMC 143.0XXX. Pre-application records shall be processed by the order filed. All permit processing fees for the SEED equity applicant shall be waived. A *SEED equity applicant* whose location is not permitted per SDMC 143.0XXX shall be permitted to submit new pre-application record(s) identifying new cannabis operation location(s) and provided that the new location(s) is submitted within the original one (1) calendar year time limitation. If the pre-application is deemed eligible for further processing, the *SEED equity applicant* shall submit an application for a Conditional Use Permit through the [Accela CBD Portal?], including all information, forms, and documents, required in the Project Submittal Manual, within one (1) calendar year of the date *SEED equity applicant* is notified by electronic mail that the pre- application record is deemed eligible for further processing.

Pre-application for *SEED equity applicants* will take place at a designated time and applications will be taken on a first-come, first-served basis until nine (9) *SEED equity applicants* are determined to be eligible.

§143.0XXX SEED Cannabis Outlet Development Regulations

SEED 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 all commercial zones in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), in areas within the *transit priority area* (TPA) overlay zone. No more than 36 *SEED cannabis outlets*, issued at a rate of nine (9) new permits per calendar year, are permitted City-wide, subject to continued compliance with this section. In addition to permit conditions pertaining to landscaping, trash removal, and graffiti removal, all *SEED cannabis outlet* Conditional Use Permits shall be conditioned to provide a community beautification plan to reduce illegal dumping, littering, graffiti and blight and promote beautification of the adjacent community, including the planting and maintenance of shade producing street trees and other landscaping improvements, within fifty (50) feet of the *SEED cannabis outlet* premises. *SEED cannabis outlets* are subject to the following regulations.

- (a) *SEED cannabis outlets* shall maintain the following minimum separation:
 - (1) 600 feet from childcare centers, minor-oriented 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 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, facade, and the immediate surrounding area of the 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 *SEED 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 *SEED 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 advertising cannabis, window signs and any display visible from the public right-of-way are not permitted.

- (e) The name and emergency contact phone number of the designated responsible managing operator shall be posted in a location visible from outside the cannabis outlet in character size at least two inches in height.
- (f) The cannabis outlet shall operate only between the hours of 6:00 a.m. and 10:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to cannabis and 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 cannabis and cannabis products without a human intermediary.
- (h) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (i) A Conditional Use Permit for a *SEED cannabis outlet* shall expire no later than ten years from the date of issuance.
- (j) Deliveries shall be permitted as an accessory use only from *SEED cannabis outlets* with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.
- (k) The *SEED cannabis outlet*, adjacent public sidewalks, and areas under the control of the cannabis outlet, shall be maintained free of litter and graffiti at all times.
- (l) The *SEED 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 cannabis outlet.
- (n) A Conditional Use Permit for a *SEED cannabis outlet* may be amended in accordance with a Process Two decision as described in Section 112.0503, subject to this Section 143.0XXX(n).
 - (1) The separation requirements in Section 143.0XXX(a) shall not be considered in making the findings required for amendments processed in accordance with Section 143.0XXX(n).
 - (2) A change in zoning after the approval date of the current Conditional Use Permit shall not be considered in making the findings required for amendments processed in accordance with Section 143.0XXX(n).

- (3) The *SEED cannabis outlet* shall be subject to Section 143.0XXX(a) if expanded beyond the premises identified in the current Conditional Use Permit.
- (4) A Conditional Use Permit for a *SEED cannabis outlet* may be amended one or more times as follows:
 - (A) An application for an amendment may include a request to extend the expiration date for a period not to exceed ten years.
 - (B) An amendment application to extend the expiration date of a Conditional Use Permit must be submitted and deemed complete prior to the Conditional Use Permit expiration date. The Conditional Use Permit shall automatically be extended until a decision on the amendment request is final, and all available administrative appeals of the project decision have been exhausted. This automatic extension does not apply to development permit applications that are closed in accordance with Section 126.0115.
- (5) SEED equity ownership Conditional Use Permit renewal regulations are as follows:
 - (A) SEED Equity Tier 1 Applicant: Renewal allows reducing to 51% SEED Applicant Equity and increasing to 49% general equity ownership to allow for market participation. If Equity is reduced to 51/49, SEED Equity Applicant is set to Tier 2.
 - (B) SEED Equity Tier 2 Applicant: Must provide proof that it continues to satisfy Equity Criteria established in the City’s Cannabis Equity Assessment SEED Equity Tier 1 criteria, but meets all Cannabis Operating regulations, the applicant shall be entitled to convert to a standard Cannabis Outlet.
- (o) *SEED cannabis outlet* Permit Transference - A Conditional Use Permit for a *SEED cannabis outlet* may be transferable to other equity applicants in accordance with a Process Two decision as described in Section 112.0503, subject to Section 143.0XXX(n). This will allow Equity Applicant Tier 1 to transition to Tier 2 or a standard Cannabis Outlet as defined in Section 141.0504.

§143.0XXX

SEED Cannabis Production Facility Development Regulations

A *SEED 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 *SEED cannabis production facilities* are permitted in the City of San Diego. *SEED cannabis production facilities* are subject to the following regulations.

SEED cannabis production facilities shall maintain the following minimum separation: 600 feet from childcare centers, minor-oriented 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 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.

- (a) All operations, including equipment and storage, shall be conducted indoors within a secured *structure*. Greenhouses are prohibited.
- (b) Lighting shall be provided to illuminate the immediate surrounding area of the facility, including parking lots and adjoining sidewalks. Lighting shall be hooded or oriented so as to deflect light away from adjacent properties.
- (c) Security 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) The name and emergency contact phone number of the designated responsible managing operator shall be posted outside the *SEED 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 designated responsible managing operator 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 *cannabis production facility* shall limit signage on the exterior of the property visible from the *public right-of-way* to the address.
- (e) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (f) A Conditional Use Permit for a *SEED cannabis production facility* shall expire no later than ten years from the date of issuance.
- (g) A Conditional Use Permit for a *SEED cannabis production facility* may be amended in accordance with a Process Two decision as described in Section 112.0503, subject to this section.
 - (1) The separation requirements in Section 141.1004(a) shall not be considered in making the findings required for amendments processed in accordance with Section 141.1004(h).
 - (2) A change in zoning after the approval date of the current Conditional Use Permit shall not be considered in making the findings required for

- amendments processed in accordance with Section 141.1004(h)(1).
- (3) The *SEED cannabis production facility* shall be subject to Section 141.1004(a) if expanded beyond the *premises* identified in the current Conditional Use Permit.
 - (4) A Conditional Use Permit for a *SEED cannabis production facility* may be amended one or more times as follows:
 - (A) An application for an amendment may include a request to extend the expiration date for a period not to exceed ten years.
 - (B) An amendment application to extend the expiration date of a Conditional Use Permit must be submitted and *deemed complete* prior to the Conditional Use Permit expiration date and the Conditional Use Permit shall automatically be extended until a decision on the amendment request is final and all available administrative appeals of the project decision have been exhausted.
 - (h) The sale of *cannabis* and *cannabis* products shall only be conducted by a *cannabis outlet* in accordance with Section 141.0504 or a *SEED cannabis outlet* in accordance with Section 143.0XXX. A *SEED cannabis production facility* is prohibited from providing *cannabis* and *cannabis* products to any person other than another *cannabis production facility*, *SEED cannabis production facility*, a testing lab, a *cannabis outlet*, or a *SEED cannabis production outlet*.
 - (i) The *SEED cannabis production facility*, adjacent public sidewalks, and areas under the control of the *cannabis production facility* shall be maintained free of litter and graffiti at all times.
 - (j) The *SEED cannabis production facility* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
 - (k) SEED equity ownership Conditional Use Permit renewal regulations are as follows:
 - (A) SEED Equity Tier 1 Applicant: Renewal allows reducing to 51% SEED Applicant Equity and increasing to 49% general operator equity ownership to allow for market participation. If Equity is reduced to 51/49, SEED Equity Applicant is set to Tier 2.
 - (B) SEED Equity Tier 2 Applicant: Must provide proof to the City of San Diego, that it continues to satisfy Equity Criteria established by the SEED Commission. If Tier 2 Applicant is no longer compliant with criteria, but meets all Cannabis Operating regulations, shall be entitled to convert to a standard Cannabis Production Facility.
 - (l) *SEED cannabis production facility* Permit Transference - A Conditional Use Permit for a *SEED cannabis production facility* may be transferable to other equity applicants in accordance with a Process Two decision as described in

Section 112.0503, subject to Section 143.0XXX(n). This will allow Equity Applicant Tier 1 to transition to Tier 2 or a standard Cannabis Production Facility as defined in Section 141.0504.

§131.0522 Use Regulations Table for Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

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

**Table 131-05B
Use Regulations Table for Commercial Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN(1)-					CR-		CO-					CV-		CP-		
	3rd >>	1-					1-	2-	1-		2-		3-			1-	1-	
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Open Space																		
Active Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Passive Recreation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Natural Resources Preservation	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Park Maintenance Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Agriculture																		
Agricultural Processing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Aquaculture Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dairies																		
Horticulture Nurseries & Greenhouses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising & Harvesting of Crops	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising, Maintaining & Keeping of Animals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses																		
Agricultural Equipment Repair Shops	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-
Commercial Stables	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	L	-	-
Community Gardens	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Equestrian Show & Exhibition Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C	-	-
Open Air Markets for the Sale of Agriculture-related Products & Flowers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Residential																		
Mobilehome Parks	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Multiple Dwelling Units	P(2)	P(2)	-	-	-	-	P(2)	-	P(2)	-	-	-	P(2)	P(2)	P(2)	P(2)	-	-
Rooming House [See Section 131.0112(a)(3)(A)]	P(2)	P	-	-	-	-	P	-	P	-	-	-	P	P(2)	P(2)	-	-	-
Shopkeeper Units	P(2)	P(2)	-	-	-	-	P(2)	-	P(2)	-	-	-	P(2)	P(2)	P(2)	-	-	-
Single Dwelling Units	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Residential Uses																		
Accessory Dwelling Units	L	L	-	-	-	-	L	-	L	-	-	-	L	L	L	-	-	-
Continuing Care Retirement Communities	L	L	-	-	-	-	L	-	L	-	-	-	L	L	L	-	-	-
Employee Housing:																		
6 or Fewer Employees	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN(1)-					CR-		CO-					CV-		CP-			
	3rd >>	1-					1-	2-	1-		2-	3-			1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
12 or Fewer Employees		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Greater than 12 Employees		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Fraternities, Sororities and Student Dormitories		C(2)					C	-	C		-	-	-	C(2)		-	-	-	-
Garage, Yard, & Estate Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Guest Quarters		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Home Occupations		L	L	L	L	L	L	-	L	-	L	L	L	L	L	L	L	L	-
Interim Ground <i>Floor Residential</i>		N(18)					N(18)	-	N(18)		-	N(18)	N(18)	N(18)	N(18)	-	-	-	-
<i>Junior Accessory Dwelling Units</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Live/Work Quarters		L	L	L	L	L	L	L	L	-	L	L	L	L	L	L ¹⁸	L	L	-
Low Barrier Navigation Center		L	L	L	L	L	L	-	L	-	L	L	L	L	L	L	L	L	-
<i>Movable Tiny Houses</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Permanent Supportive Housing</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Residential Care Facilities:																			
6 or Fewer Persons		P(2)					P	-	P		-	P	P	P	P	P	P(2)	-	-
7 or More Persons		C(2)					C	-	C		-	C	C	C	C	C	C(2)	-	-
Transitional Housing:																			
6 or Fewer Persons		P(2)					P	-	P		=P	P	P	P	P	P	P(2)	-	-
7 or More Persons		L(2)					L	-	L		L	L	L	L	L	L	L(2)	-	-
Watchkeeper Quarters		-	-	-	-	-	-	L	-	-	-	-	-	-	-	-	-	-	-
Institutional																			
Separately Regulated Institutional Uses																			
Airports		-	C	C	C	C	C	C	C	C	-	C	C	C	C	C(10)	-	-	-
Botanical Gardens & Arboretums		-	P	P	C	C	C	C	C	C	-	P	P	P	P	P	-	-	-
Cemeteries, Mausoleums, Crematories		-	C	C	C	C	C	C	C	C	-	C	C	C	C	C(10)	-	-	-
Correctional Placement Centers		-	C	C	C	C	C	C	C	C	-	C	C	C	C	C(10)	-	-	-
Educational Facilities:																			
Kindergarten through Grade 12		C(10)					L	L	C		C	C	C	C	C	C	C(10)	-	-
Colleges / Universities		-	C	C	C	C	C	C	C	C	C	C	C	C	C	C(10)	-	-	-
Vocational / Trade School		-	P	P	P	P	P	P	P	P	C	-	-	-	-	-	-	-	-
Electric Vehicle Charging Stations		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Energy Generation & Distribution Facilities		C(10)					P	C	P		P	P	C	C	C	P(10)	-	-	
Exhibit Halls & Convention Facilities		-	P	P	C	C	C	C	C	C	-	P	P	P	P	P	-	-	-
<i>Flood Control Facilities</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-
<i>Historical Buildings</i> Used for Purposes Not		C(10)					C	C	C		C	C	C	C	C	C(10)	-	-	

(10-2022)

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																		
	1st & 2nd >>	CN(1)-					CR-		CO-					CV-		CP-				
	3rd >>	1-					1-	2-	1-		2-	3-			1-	1-				
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1	
Otherwise Allowed																				
Homeless Facilities:																				
Congregate Meal Facilities		C					C	-	C	C	C	C	C	C	C				-	
Emergency Shelters		C					C	-	C	C	C	C	C	C	C				-	
Homeless Day Centers		C					C	-	C	C	C	C	C	C	C				-	
Hospitals, Intermediate Care Facilities & Nursing Facilities		-					P	P	C	C	C	C	C	P(10)					-	
Interpretive Centers		-					-	-	-	-	-	-	-	-	-				-	
Museums		-					P	P	C	C	C	C	C	P					-	
Major Transmission, Relay, or Communications Switching Stations		-					C	C	C	C	C	C	C	C(10)					-	
<i>Placemaking on Private Property</i>		L					L	L	L	L	L	L	L	L	L	L	L	L	L	
Outdoor Dining on Private Property		L					L	L	L	L	L	L	L	L	L	L	L	L	-	
<i>Satellite Antennas</i>		L					L	L	L	L	L	L	L	L	L	L	L	L	L	
<i>Social Service Institutions</i>		-					C	C	C	C	C	C	C	C(10)					-	
Solar Energy Systems		L					L	L	L	L	L	L	L	L	L	L	L	L	L	
<i>Wireless Communications Facilities</i>		See Section 141.0420																		
Retail Sales																				
Building Supplies & Equipment		p(11)					p(11)	p(11)	-	-	-	-	-	-	-	-	-	-	-	-
Food, Beverages and Groceries		p(11)					p(11)	p(11)	p(11)	p(11)	p(11)	p(11,19)	p(11)	p(11)	-	-	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment		p(11)					p(11)	p(11)	p(3,11)	p(3,11)	p(3,11,19)	p(13)	-	-	-	-	-	-	-	-
Pets & Pet Supplies		p(11)					p(11)	p(11)	-	-	-	-	-	-	-	-	-	-	-	-
Sundries, Pharmaceutical, & Convenience Sales		p(11)					p(11)	p(11)	p(11)	p(11)	p(11,19)	p(11)	-	-	-	-	-	-	-	-
Wearing Apparel & Accessories		p(11)					p(11)	p(11)	-	-	p(11,19)	p(11)	-	-	-	-	-	-	-	-
Separately Regulated Retail Sales Uses																				

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CN(1)-					CR-		CO-					CV-		CP-			
	3rd >>	1-					1-	2-	1-		2-	3-			1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Agriculture Related Supplies & Equipment		-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
Alcoholic Beverage Outlets		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-
<i>Cannabis Outlets</i>		-	-	-	-	-	-	C	-	C	-	-	-	-	-	-	-	-	-
Farmers' Markets																			
Weekly Farmers' Markets		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Daily Farmers' Market Stands		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-
Plant Nurseries		P	P	P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-
Retail Farms		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-
Retail Tasting Stores		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	-
SEED Cannabis Outlets		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	-	C	C	-	-	-	-	-	-	-	C ⁽¹⁰⁾	C	C	-
Commercial Services																			
Building Services		-	-	-	-	-	P	P	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	-	-	-	-
Business Support		P	P	P	P	P	P	P	p ⁽⁵⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	p ⁽⁷⁾	-	-	-	-
Eating & Drinking Establishments		p ⁽⁴⁾⁽¹⁶⁾	p ⁽⁴⁾⁽¹⁶⁾	p ⁽⁴⁾⁽¹⁶⁾	p ⁽⁴⁾⁽¹⁶⁾	p ⁽⁴⁾⁽¹⁶⁾	p ⁽¹⁶⁾	p ⁽¹⁶⁾	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ^(5,16)	p ⁽¹⁶⁾	p ⁽¹⁶⁾	p ⁽¹⁶⁾	-
Financial Institutions		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Funeral & Mortuary Services		-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
Instructional Studios		P	P	P	P	P	P	P	P	P	P	P	P	P	P	p ⁽¹²⁾	p ⁽¹²⁾	p ⁽¹²⁾	-
Maintenance & Repair		P	P	P	P	P	P	P	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	p ⁽⁶⁾	-	-	-	-
Off-site Services		-	-	-	-	-	P	P	-	-	-	-	-	-	-	-	-	-	-
Personal Services		P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	P	-
Radio & Television Studios		-	-	-	-	-	P	P	-	-	-	-	-	-	-	P	P	P	-
Tasting Rooms		-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-
Visitor Accommodations		P	P	P	P	P	P	P	-	-	-	-	-	-	-	P	P	P	-
Separately Regulated Commercial Services Uses																			
<i>Adult Day Care Facility</i>		L	L	L	L	L	L	L	-	-	-	-	-	-	-	L	L	L	-
Adult Entertainment Establishments:																			
Adult Book Store		L	L	L	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-
Adult Cabaret		-	-	-	-	-	L	L	-	-	-	-	-	-	-	L	L	L	-
Adult Drive-In Theater		-	-	-	-	-	L	L	-	-	-	-	-	-	-	L	L	L	-
Adult Mini-Motion Picture Theater		-	-	-	-	-	L	L	-	-	-	-	-	-	-	L	L	L	-
Adult Model Studio		L	L	L	L	L	L	L	-	-	-	-	-	-	-	L	L	L	-
Adult Motel		-	-	-	-	-	L	L	-	-	-	-	-	-	-	L	L	L	-
Adult Motion Picture Theater		-	-	-	-	-	L	L	-	-	-	-	-	-	-	L	L	L	-

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Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN(1)-					CR-		CO-					CV-		CP-		
	3rd >>	1-					1-	2-	1-		2-	3-			1-	1-		
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Adult Peep Show Theater		-	-	-	-	-	L	L	-	-	-	-	-	-	L	-	-	-
Adult Theater		-	-	-	-	-	L	L	-	-	-	-	-	-	L	-	-	-
Body Painting Studio		L	-	-	-	-	L	L	-	-	-	-	-	-	L	-	-	-
Massage Establishment		L	-	-	-	-	L	L	-	-	-	-	-	-	-	-	-	-
Sexual Encounter Establishment		L	-	-	-	-	L	L	-	-	-	-	-	-	L	-	-	-
Assembly and Entertainment Uses, Including Places of Religious Assembly		L	(10)	-	-	-	L	L	L	L	L	L	L	L	L	(10)	-	-
Boarding Kennels/Pet Day Care		L	-	-	-	-	L	L	N	N	-	-	-	-	N	(10)	-	-
Camping Parks		-	-	-	-	-	C	C	C	C	-	-	-	-	C	-	-	-
<i>Child Care Facilities:</i>																		
Child Care Centers		L	-	-	-	-	L	-	L	L	L	L	L	L	L	(10)	-	-
Large Family Child Care Homes		L	-	-	-	-	L	-	L	L	L	L	L	L	L	(10)	-	-
Small Family Child Care Homes		L	-	-	-	-	L	-	L	L	L	L	L	L	L	-	-	-
Eating and Drinking Establishments with a Drive-in or Drive-through Component		-	C	-	-	-	-	-	P	P	P	-	-	-	P	-	-	-
Fairgrounds		-	-	-	-	-	C	C	-	-	-	-	-	-	C	-	-	-
Golf Courses, Driving Ranges, and Pitch & Putt Courses		-	-	-	-	-	C	C	C	C	-	-	-	-	C	-	-	-
Helicopter Landing Facilities		-	-	-	-	-	C	C	C	C	C	C	C	C	C	(10)	-	-
Massage Establishments, Specialized Practice		L	-	-	-	-	L	L	-	-	-	-	-	-	L	(14)	-	-
Mobile Food Trucks		L	(15)	-	-	-	L	(15)	L	(15)	L	(15)	L	(15)	L	(15)	L	(15)
Nightclubs & Bars Over 5,000 Square Feet in Size		-	-	-	-	-	C	C	C	C	C	C	C	C	C	-	-	-
<i>Parking Facilities as a Primary Use:</i>																		
Permanent Parking Facilities		-	-	-	-	-	P	P	C	C	-	-	-	-	C	-	P	-
Temporary Parking Facilities		-	-	-	-	-	N	N	C	C	C	C	C	C	C	-	N	-
Private Clubs, Lodges and Fraternal Organizations		p	(10)	-	-	-	P	P	P	P	P	P	P	P	P	(10)	-	-
Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size ⁽⁹⁾		-	-	-	-	-	P	P	C	C	-	-	-	-	C	-	-	-
Pushcarts on Private Property		L	-	-	-	-	L	L	L	L	L	L	L	L	L	-	-	-
<i>Recycling Facilities:</i>																		
Large Collection Facility		N	-	-	-	-	N	N	N	N	-	-	-	-	N	(10)	-	-
Small Collection Facility		L	-	-	-	-	L	L	L	L	-	-	-	-	L	(10)	-	-

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-					CV-		CP-		
	3rd >>	1-					1-	2-	1-	2-	3-			1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Large Construction & Demolition Debris Recycling Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small Construction & Demolition Debris Recycling Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Drop-off Facility		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Green Materials Composting Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mixed Organic Composting Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Large Processing Facility Accepting All Types of Traffic		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Small Processing Facility Accepting All Types of Traffic		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Reverse Vending Machines		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Tire Processing Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Sidewalk Cafes, Streetaries, and Active Sidewalks		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Sports Arenas & Stadiums		-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C
Theaters that are Outdoor or Over 5,000 Square Feet in Size		-	-	-	-	-	C	C	C	C	C	C	C	C	C	C	C	C
Urgent Care Facilities		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N ⁽¹⁰⁾	N	N
Veterinary Clinics & Animal Hospitals		L	L	L	L	L	L	L	L	N	N	N	N	N	N	N	N	N
Zoological Parks		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Offices																		
Business & Professional		p ⁽⁷⁾	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Government		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Medical, Dental & Health Practitioner		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Regional & Corporate Headquarters		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

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Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN(1)-					CR-		CO-					CV-		CP-		
	3rd >>	1-					1-	2-	1-	2-	3-	1-	1-					
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Separately Regulated Office Uses																		
Real Estate Sales Offices & Model Homes		L	L	-	L	L	L	L	L	L	L	L	L	L	-			
<i>Sex Offender Treatment & Counseling</i>		L	L	L	L	L	L	L	L	L	L	L	L	L(10)	-			
Vehicle & Vehicular Equipment Sales & Service																		
Commercial Vehicle Repair & Maintenance		-	P	P	-	-	-	-	-	-	-	-	-	-	-			
Commercial Vehicle Sales & Rentals		-	P	P	-	-	-	-	-	-	-	-	-	-	-			
Personal Vehicle Repair & Maintenance		-	P	P	-	-	-	-	-	-	-	-	-	-	-			
Personal Vehicle Sales & Rentals		-	P	P	-	-	-	-	-	-	-	-	-	-	-			
Vehicle Equipment & Supplies Sales & Rentals		-	P	P	-	-	-	-	-	-	-	-	-	-	-			
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																		
Automobile Service Stations		-	N	N	C	C	C	C	C	C	C	C	C	-	-			
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>		-	C	C	-	-	-	-	-	-	-	-	-	-	-			
Vehicle Storage Facilities as a <i>Primary Use</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Distribution and Storage																		
Equipment & Materials Storage Yards		-	-	P	-	-	-	-	-	-	-	-	-	-	-			
Moving & Storage Facilities		-	-	P	-	-	-	-	-	-	-	-	-	-	-			
Distribution Facilities		-	-	P(8)	-	-	-	-	-	-	-	-	-	-	-			
Separately Regulated Distribution and Storage Uses																		
Junk Yards		-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Temporary Construction Storage Yards Located Off-site		L	L	L	L	L	L	L	L	L	L	L	L	-	-			
Industrial																		
Heavy Manufacturing		-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Light Manufacturing		-	-	P(8)	-	-	-	-	-	-	-	-	-	-	-			
Marine Industry		-	-	-	-	-	-	-	-	-	-	-	-	-	-			
Research & Development		-	P	P	P	P	P	P	P	P	P	P	-	-	-			
Testing Labs		-	-	P	-	P	-	P	-	-	-	-	-	-	-			
Trucking & Transportation Terminals		-	P	P	-	-	-	-	-	-	-	-	-	-	-			

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-					CV-		CP-		
	3rd >>	1-					1-	2-	1-	2-	3-			1-	1-			
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2
Separately Regulated Industrial Uses																		
Artisan Food and Beverage Producer		N	-	-	-	-	-	-	-	-	-	-	L	-	-	-	-	-
<i>Cannabis Production Facilities</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Hazardous Waste</i> Research Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Hazardous Waste</i> Treatment Facility		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone		-	-	-	-	-	C	C	C	C	L	-	-	C	-	-	-	-
Mining and Extractive Industries		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Newspaper Publishing Plants		-	-	-	-	-	C	C	C	C	C	-	-	C ⁽¹⁰⁾	-	-	-	-
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Very Heavy Industrial Uses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Wrecking & Dismantling of Motor Vehicles		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Signs																		
Allowable Signs		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Separately Regulated Signs Uses																		
Community Entry <i>Signs</i>		L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L
Neighborhood Identification <i>Signs</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Comprehensive <i>Sign</i> Program		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Revolving <i>Projecting Signs</i>		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
<i>Signs</i> with Automatic Changing Copy		N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N
Theater <i>Marquees</i>		-	-	-	-	-	N	N	-	-	-	-	-	N	-	-	-	-

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Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																														
	1st & 2nd >>		CC-																														
	3rd >>		1-			2-			3-			4-			5-																		
	4th >>		1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5
Open Space																																	
Active Recreation																																	
- - - - -																																	
Passive Recreation																																	
- - - - -																																	
Natural Resources Preservation																																	
- - - - -																																	
Park Maintenance Facilities																																	
- - - - -																																	
Agriculture																																	
Agricultural Processing																																	
- - - - -																																	
Aquaculture Facilities																																	
- - - - -																																	
Dairies																																	
- - - - -																																	
Horticulture Nurseries & Greenhouses																																	
- - - - -																																	
Raising & Harvesting of Crops																																	
- - - - -																																	
Raising, Maintaining & Keeping of Animals																																	
- - - - -																																	
Separately Regulated Agriculture Uses																																	
Agricultural Equipment Repair Shops																																	
P P - P P																																	
Commercial Stables																																	
- - - - -																																	
Community Gardens																																	
L L L L L																																	
Equestrian Show & Exhibition Facilities																																	
- - - - -																																	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers																																	
- - - - -																																	
Residential																																	
Mobilehome Parks																																	
- - - - -																																	
Multiple Dwelling Units																																	
P(2) - P(2) P(2) P(2)																																	
Rooming House [See Section 131.0112(a)(3)(A)]																																	
P - P P P																																	
Shopkeeper Units																																	
P - P P P																																	
Single Dwelling Units																																	
- - - - -																																	
Separately Regulated Residential Uses																																	
Accessory Dwelling Units																																	
L - L L L L																																	
Continuing Care Retirement Communities																																	
L - L L L L																																	
Employee Housing:																																	
6 or Fewer Employees																																	
- - - - -																																	
12 or Fewer Employees																																	
- - - - -																																	
Greater than 12 Employees																																	
- - - - -																																	
Fraternities, Sororities and Student Dormitories																																	
C - C C C C																																	
Garage, Yard, & Estate Sales																																	
- - - - -																																	

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Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																								
	1st & 2nd >>		CC-																								
	3rd >>		1-			2-				3-					4-					5-							
	4th >>		1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Nursing Facilities																											
Interpretive Centers	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Museums	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Major Transmission, Relay, or Communications Switching Stations	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Placemaking on Private Property	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Outdoor Dining on Private Property	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Satellite Antennas	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Social Service Institutions	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Solar Energy Systems	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Wireless Communication Facilities	See Section 141.0420																										
Retail Sales																											
Building Supplies & Equipment	P(11)	P(11)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Food, Beverages and Groceries	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)		
Consumer Goods, Furniture, Appliances, Equipment	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)		
Pets & Pet Supplies	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)		
Sundries, Pharmaceutical, & Convenience Sales	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)		
Wearing Apparel & Accessories	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)	P(11)		
Separately Regulated Retail Sales Uses																											
Agriculture Related Supplies & Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
Alcoholic Beverage Outlets	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Cannabis Outlets	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-	C	-		
Farmers' Markets																											
Weekly Farmers' Markets	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Daily Farmers' Market Stands	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Plant Nurseries	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Retail Farms	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
Retail Tasting Stores	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L		
SEED Cannabis Outlets	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		
Swap Meets & Other Large Outdoor Retail Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	C		
Commercial Services																											
Building Services	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P		
Business Support	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
Eating & Drinking Establishments	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)	P(16)		

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																										
	1st & 2nd >>	CC-																										
	3rd >>	1-			2-			3-			4-			5-														
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	
Financial Institutions		P			P			P			P			P			P											
Funeral & Mortuary Services		P			P			P			P			P			P											
Instructional Studios		P			P			P			P			P			P											
Maintenance & Repair		P			P			P			P			P			P											
Off-site Services		-			-			-			P			P			P											
Personal Services		P			P			P			P			P			P											
Radio & Television Studios		P			P			P			P			P			P											
Tasting Rooms		-(17)			-(17)			-(17)			-(17)			-(17)			P(17)											
Visitor Accommodations		P			P			P			P			P			P											
Separately Regulated Commercial Services Uses																												
<i>Adult Day Care Facility</i>		L			-			L			L			L			L											
Adult Entertainment Establishments:																												
Adult Book Store		L			L			L			L			L			L											
Adult Cabaret		L			L			L			L			L			L											
Adult Drive-In Theater		L			L			L			L			L			L											
Adult Mini-Motion Picture Theater		L			L			L			L			L			L											
Adult Model Studio		L			L			L			L			L			L											
Adult Motel		L			L			L			L			L			L											
Adult Motion Picture Theater		L			L			L			L			L			L											
Adult Peep Show Theater		L			L			L			L			L			L											
Adult Theater		L			L			L			L			L			L											
Body Painting Studio		L			L			L			L			L			L											
Massage Establishment		L			L			-			-			-			-									L		
Sexual Encounter Establishment		L			L			L			L			L			L											
Assembly and Entertainment Uses, Including Places of Religious Assembly		L			L			L			L			L			L											
Boarding Kennels/Pet Day Care		L			L			L			L			L			L											
Camping Parks		C			C			C			C			C			C											
<i>Child Care Facilities:</i>																												
Child Care Centers		L			-			L			L			L			L											
Large Family Child Care Homes		L			-			L			L			L			L											
Small Family Child Care Homes		L			-			L			L			L			L											
Eating and Drinking Establishments with a Drive-in or Drive-through Component		P			P			C			C			C			C											
Fairgrounds		C			C			-			-			-			-									C		

(10-2022)

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																														
	1st & 2nd >>		CC-																														
	3rd >>		1-			2-					3-					4-					5-												
	4th >>		1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5
Golf Courses, Driving Ranges, and Pitch & Putt Courses			C	C					C					C					C														
Helicopter Landing Facilities			C	C					C					C					C														
Massage Establishments, Specialized Practice			L	L					L					L					L														
Mobile Food Trucks			L ⁽¹⁵⁾	L ⁽¹⁵⁾					L ⁽¹⁵⁾					L ⁽¹⁵⁾					L ⁽¹⁵⁾														
Nightclubs & Bars Over 5,000 Square Feet in Size			C	C					C					C					C														
Parking Facilities as a <i>Primary Use</i> :																																	
Permanent Parking Facilities				P	C					P					P					P													
Temporary Parking Facilities				N	C					N					N					N													
Private Clubs, Lodges and Fraternal Organizations				P	P					P					P					P													
Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size ⁽⁹⁾				C	C					C					C					C													
Pushcarts on Private Property				L	L					L					L					L													
Recycling Facilities:																																	
Large Collection Facility				N	N					N					N					N													
Small Collection Facility				L	L					L					L					L													
Large Construction & Demolition Debris Recycling Facility				-	-					-					-					-													
Small Construction & Demolition Debris Recycling Facility				-	-					-					-					-													
Drop-off Facility				L	L					L					L					L													
Green Materials Composting Facility				-	-					-					-					-													
Mixed Organic Composting Facility				-	-					-					-					-													
Large Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables from Commercial & Industrial Traffic				-	-					-					-					-													
Large Processing Facility Accepting All Types of Traffic				-	-					-					-					-													
Small Processing Facility Accepting at Least 98% of Total Annual Weight of Recyclables From Commercial & Industrial Traffic				-	-					-					C					C													
Small Processing Facility Accepting All				-	-					-					C					C													

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																									
	1st & 2nd >>	CC-																									
	3rd >>	1-			2-			3-			4-			5-													
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6
Types of Traffic																											
Reverse Vending Machines	L			L						L					L						L						L
Tire Processing Facility	-			-						-					-						-						-
Sidewalk Cafes, Streetaries, and Active Sidewalks	L			L						L					L						L						L
Sports Arenas & Stadiums	C			C						C					C						C						C
Theaters that are Outdoor or Over 5,000 Square Feet in Size	C			C						C					C						C						C
Urgent Care Facilities	N			N						N					N						N						N
Veterinary Clinics & Animal Hospitals	L			L						L					L						L						L
Zoological Parks	-			-						-					-						-						-
Offices																											
Business & Professional	P			P						P					P						P						P
Government	P			P						P					P						P						P
Medical, Dental & Health Practitioner	P			P						P					P						P						P
Regional & Corporate Headquarters	P			P						P					P						P						P
Separately Regulated Office Uses																											
Real Estate Sales Offices & Model Homes	L			-						L					L						L						L
<i>Sex Offender</i> Treatment & Counseling	L			L						L					L						L						L
Vehicle & Vehicular Equipment Sales & Service																											
Commercial Vehicle Repair & Maintenance	-			-						-					P						P						P
Commercial Vehicle Sales & Rentals	-			-						-					P						P						P
Personal Vehicle Repair & Maintenance	P			P						P					-						P						P
Personal Vehicle Sales & Rentals	P			P						P					-						P						P
Vehicle Equipment & Supplies Sales & Rentals	P			P						P					-						P						P
Separately Regulated Vehicle & Vehicular Equipment Sales & Service Uses																											
Automobile Service Stations	N			N						N					N						N						N
Outdoor Storage & Display of New, Unregistered Motor Vehicles as a <i>Primary Use</i>	C			C						-					C					C						C	
Vehicle Storage Facilities as a <i>Primary Use</i>	-			-						-					-						-						-
Distribution and Storage																											

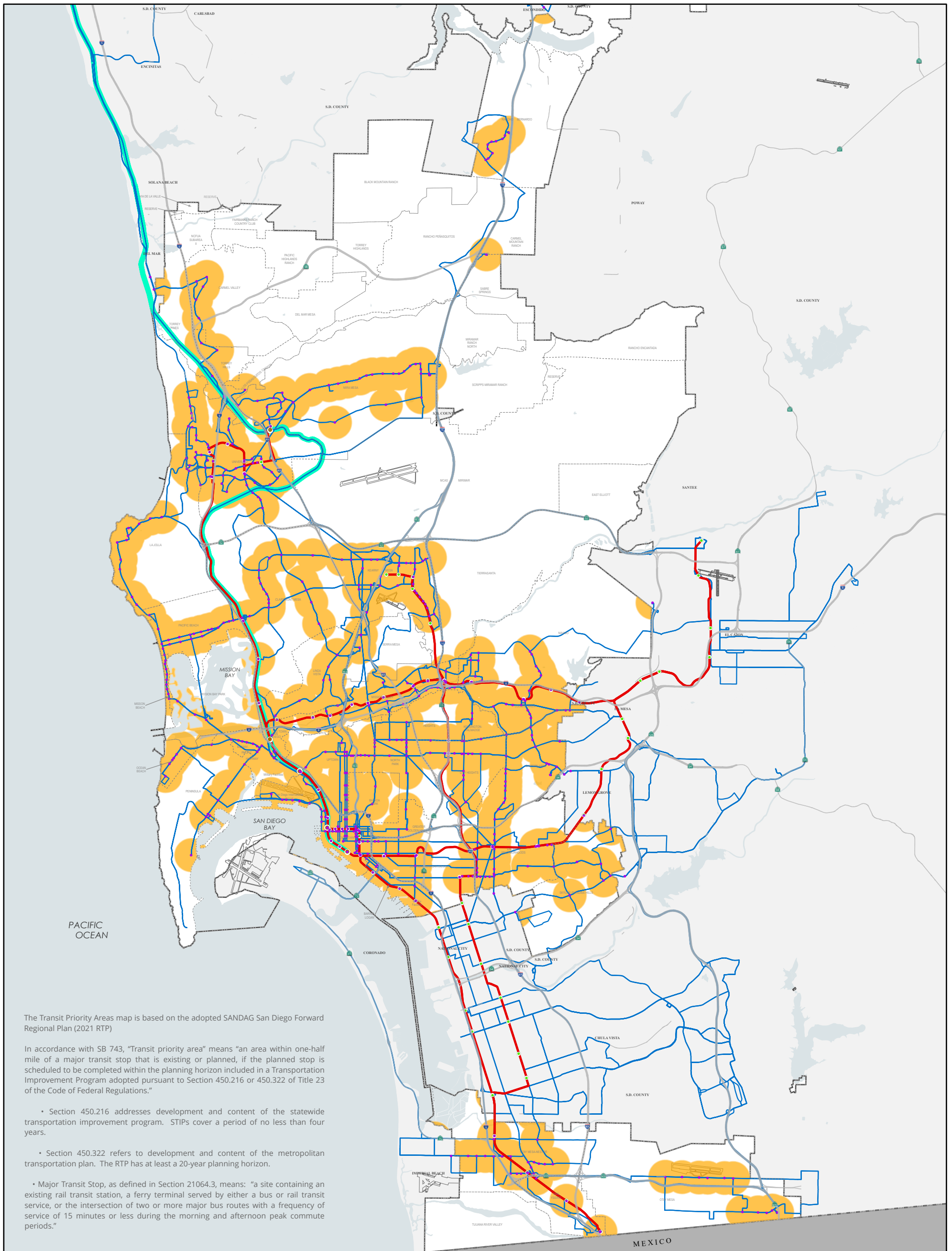
(10-2022)

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones																								
	1st & 2nd >>		CC-																								
	3rd >>		1-			2-				3-					4-				5-								
	4th >>		1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5
Equipment & Materials Storage Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Moving & Storage Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Distribution Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Separately Regulated Distribution and Storage Uses																											
Junk Yards	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Temporary Construction Storage Yards Located Off-site	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Industrial																											
Heavy Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Light Manufacturing	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Marine Industry	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Research & Development	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Testing Labs	-	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Trucking & Transportation Terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Separately Regulated Industrial Uses																											
Artisan Food and Beverage Producer	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
<i>Cannabis Production Facilities</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Hazardous Waste Research Facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
<i>Hazardous Waste Treatment Facility</i>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Marine Related Uses Within the Coastal Overlay Zone	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Newspaper Publishing Plants	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Processing & Packaging of Plant Products & Animal By-products Grown Off-premises	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Very Heavy Industrial Uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Wrecking & Dismantling of Motor Vehicles	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Signs																											
Allowable Signs	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Separately Regulated Signs Uses																											
Community Entry Signs	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Neighborhood Identification Signs	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Comprehensive Sign Program	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Revolving Projecting Signs	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Signs with Automatic Changing Copy	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
Theater Marquees	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	



Transit Priority Areas per SB 743

Current as of:
5/16/2022



The Transit Priority Areas map is based on the adopted SANDAG San Diego Forward Regional Plan (2021 RTP)

In accordance with SB 743, "Transit priority area" means "an area within one-half mile of a major transit stop that is existing or planned, if the planned stop is scheduled to be completed within the planning horizon included in a Transportation Improvement Program adopted pursuant to Section 450.216 or 450.322 of Title 23 of the Code of Federal Regulations."

- Section 450.216 addresses development and content of the statewide transportation improvement program. STIPs cover a period of no less than four years.

- Section 450.322 refers to development and content of the metropolitan transportation plan. The RTP has at least a 20-year planning horizon.

- Major Transit Stop, as defined in Section 21064.3, means: "a site containing an existing rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service of 15 minutes or less during the morning and afternoon peak commute periods."

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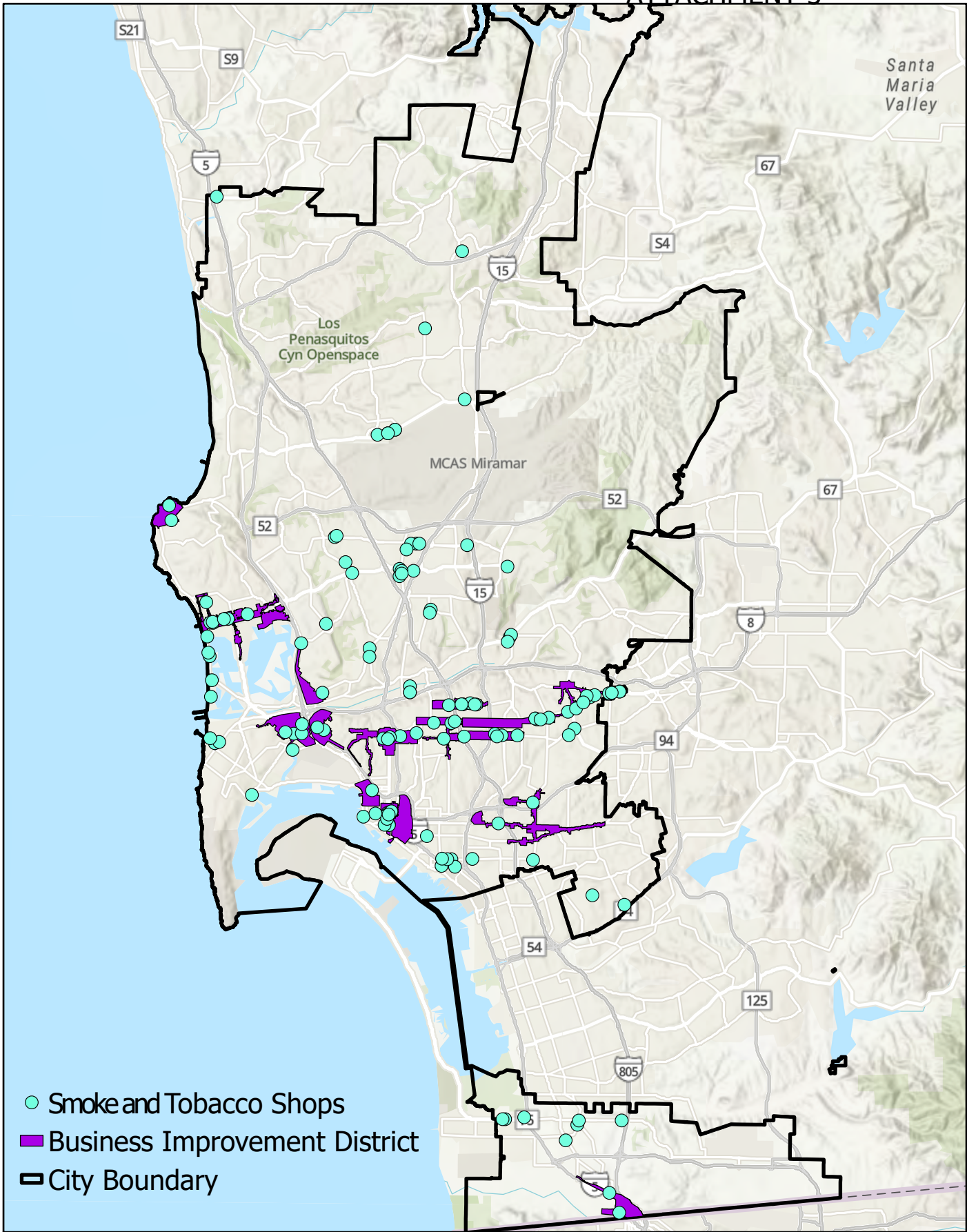
Long Term through 2035

- Major Transit Stops
- Trolley Stations
- Coaster Station
- High Frequency Routes
- Trolley Lines
- Coaster Line
- Transit Priority Areas
- Community Planning Areas



**Cannabis Outlet Zoning Comparison Chart
Attachment 4**

Current Regulations allow Cannabis Outlets in the following Base Zones:	Proposed SEED Equity Outlet regulations would expand the current regulations to allow COs in the following Base Zones:
IBT-1-1	IBT-1-1
IL-3-1	IL-3-1
IS-1-1	IS-1-1
CC-2-1; CC-2-2; CC-2-3; CC-2-4; CC-2-5	CC-2-1; CC-2-2; CC-2-3; CC-2-4; CC-2-5
CR-2-1	CR-2-1
CO-2-1; CO-2-2	CO-2-1; CO-2-2
Current Regulations also allow Cannabis Outlets in the following Planned Districts	SEED Equity Outlet expanded Base Zones within the TPA:
Barrio Logan (Subdistrict D)	CN-1-1; CN-1-2; CN-1-3; CN-1-4; CN-1-5; CN-1-6
Carmel Valley (EC & SP)	CR-1-1
Centre City (WM, I, T & CC)	CO-1-1; CO-1-2; CO-3-1; CO-3-2; CO-3-3
	CV-1-1; CV-1-2
	CP-1-1
	CC-1-1; CC-1-2; CC-1-3
	CC-3-4; CC-3-5; CC-3-6; CC-3-7; CC-3-8; CC-3-9
	CC-4-1; CC-4-2; CC-4-3; CC-4-4; CC-4-5; CC-4-6
	CC-5-1; CC-5-2; CC-5-3; CC-5-4; CC-5-5; CC-5-6
	And the following Planned Districts ("PDOs"):
	Barrio Logan (Subdistrict D)
	Carmel Valley (EC & SP)
	Centre City (WM, I, T & CC)
	SEED Equity Outlet expanded PDOs within the TPA:
	Carmel Valley (NC, VC, TC, SC & MC)
	Cass Street Commercial Planned District
	Central Urbanized Planned District (CU & CT)
	Centre City (C, NC, BP, MC & PC)
	Gaslamp Quarter
	La Jolla (Zone 1, Zone 2, Zone 3 & Zone 4)
	Mission Beach (NC-N, NC-S, VC-N & VC-S)
	Old Town San Diego (OTCC & OTMCR)

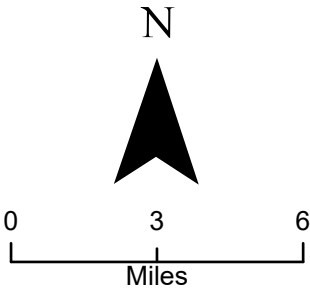


- Smoke and Tobacco Shops
- Business Improvement District
- City Boundary



San Diego Smoke and Tobacco Shops

2023



**Cannabis Sensitive Receptor Separation Requirements
Attachment 6**

	State of CA	Los Angeles	National City	Oakland	Sacramento	San Francisco	San Diego
Church	N/A	N/A	N/A	N/A	600ft*	N/A	1,000ft
K-12 School	600ft	700ft	600ft	600ft	600ft	600ft	1,000ft
Youth Center (i.e. Minor-oriented Fac.)	600ft	700ft	600ft	600ft	600ft*	N/A	1,000ft
Public Park	N/A	700ft	N/A	N/A	600ft*	N/A	1,000ft
Public Library	N/A	700ft	N/A	N/A	N/A	N/A	1,000ft
Drug Treatment Facility	N/A	700ft	N/A	N/A	600ft*	N/A	N/A
Day Care Center	600ft	700ft	600ft	600ft	600ft*	N/A	1,000ft
Permanent Supportive Housing (i.e. Res. Care Fac.)	N/A	700ft	N/A	N/A	N/A	N/A	1,000ft
Other Cannabis Retailer	N/A	700ft	N/A	600ft	N/A	600ft	1,000ft
Residential Zone	N/A	N/A	250ft	N/A	300ft*	N/A	100ft

*Cannabis Outlets are allowable but public hearing is required if within the designated distance.

Article 1: Separately Regulated Use Regulations**Division 5: Retail Sales Use Category--Separately Regulated Uses***(Added 12-9-1997 by O-18451 N.S.)***§141.0501 Agriculture-Related Supplies and Equipment**

Agricultural-related supplies and equipment 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) subject to the following regulations.

- (a) The location, number, and intensity of other nonagricultural establishments located in the vicinity will be evaluated to determine the appropriate size and intensity of the proposed establishment.
- (b) The proximity and capacity of *freeways*, primary arterials, and major *streets* will be evaluated to determine the appropriate size and intensity of the proposed establishment.
- (c) Off-street parking shall be sufficient to serve the facility and limit adverse impacts to adjacent or nearby property.

*(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)***§141.0502 Alcoholic Beverage Outlets**

Any establishment for which a Type 20 Beer and Wine License or a Type 21 General Liquor License has been obtained from, or for which an application has been submitted to, the California Department of Beverage Control for permission to sell alcoholic beverages for off-site consumption shall be regulated as an alcoholic beverage outlet subject to this section.

Alcoholic beverage outlets are permitted as a limited use in the zones indicated with an “L” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the regulations in Section 141.0502(b). Proposals for alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the regulations in Section 141.0502(c).

- (a) Exemptions. The following alcoholic beverage outlets and areas are exempt from the provisions of this section:

- (1) Hotels, *motels*, or any other lodging establishments where the area devoted to the sale of alcoholic beverages for off-site consumption does not exceed 10 percent of the *gross floor area* of the entire *premises*;
- (2) Establishments of more than 15,000 square feet of *gross floor area*, provided the area devoted to alcohol sales does not exceed 10 percent of the *gross floor area* of the entire *premises*;
- (3) Alcoholic beverage establishments within the Gaslamp Quarter Planned District and the Centre City Planned District; and
- (4) Alcoholic beverage outlets that were in existence on December 20, 1995, if the outlet retains the same type of retail liquor license within a license classification and is in continuous operation without substantial change in the mode or character of operation.
 - (A) For the purposes of Section 141.0502(a)(4), a break in “continuous operation” does not include the suspension of business due to extraordinary circumstances beyond the control of the licensee or a closure for more than 180 calendar days during the diligent pursuit of building repairs or remodeling of the *premises* undertaken under the authority of a valid Building Permit.
 - (B) For the purposes of Section 141.0502(a)(4), “substantial change in mode or character of operation” includes any of the following:
 - (i) Closure, abandonment, discontinuance, or suspension of the outlet for more than 180 consecutive calendar days during which the *premises* are not continually maintained and secured;
 - (ii) Alteration of the *premises* that would result in an increase of more than 10 percent of the existing *gross floor area* of all *structures* on the *premises*;
 - (iii) Revocation or suspension of the license issued by the State of California Department of Alcoholic Beverage Control (ABC) for a period of more than 30 calendar days for any reason; or

- (iv) Conviction of the owner, operator, or the ABC licensee for violations of California Health and Safety Code Sections 11350, 11351, 11352, 11550 and 11364.7 when the conviction relates to the *premises* or the operation of the establishment.
- (b) Limited Use Regulations. Alcoholic beverage outlets are permitted as a limited use subject to the following regulations.
- (1) Alcoholic beverage outlets are not permitted in any of the following locations:
 - (A) Within a census tract, or within 600 feet of a census tract, where the general crime rate exceeds the citywide average general crime rate by more than 20 percent;
 - (B) Within a census tract, or within 600 feet of a census tract, where the ratio of alcohol beverage outlets exceeds the standards established by California Business and Professional Code section 23958.4;
 - (C) In an adopted Redevelopment Project Area;
 - (D) Within 600 feet of a public or private accredited *school*, a *public park*, a playground or recreational area, a *church*, a hospital, or a San Diego County welfare district office; and
 - (E) Within 100 feet of a residentially zoned property.
 - (2) For the purposes of Section 141.0502(b)(1), the separation distance shall be measured from *property line* to *property line* in accordance with Section 113.0225. A separation distance less than that required in Section 141.0502(b)(1) may be approved by the City Manager due to the existence of natural or built barriers such as topography, *freeways*, *flood* control channels, rivers, or similar divisive features if no direct access is available within the measurement area.
 - (3) Pool or billiard tables, foosball or pinball games, arcade style video and electronic games, or coin-operated amusement devices are not permitted on the *premises* with an alcoholic beverage outlet.

- (4) Exterior public pay phones that permit incoming calls are not permitted on the *premises*, adjacent public sidewalks, or areas under the control of the owner or operator.
- (5) The owner or operator shall provide illumination, at a minimum level of 0.4 foot candles per square foot, on the exterior of the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. The illumination shall be in operation during all hours of darkness while the outlet is open for business so that persons standing on or near the *premises* at night are identifiable by law enforcement personnel. The required illumination shall be shielded and directed so that it does not shine on adjacent properties.
- (6) The *sign* area pertaining to or referencing alcoholic sales or beverages shall not exceed 630 square inches.
- (7) A maximum of 33 percent of the square footage of the windows and doors of the *premises* may bear advertising or *signs* of any sort, and all advertising and *signs* shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the outlet.
- (8) The owner or operator of the alcoholic beverage outlet shall post a prominent, permanent *sign* or *signs* stating, “No loitering, consumption of alcoholic beverages, or open alcoholic beverage containers are allowed inside the *premises*, in the parking area, or on the public sidewalks adjacent to the *premises*.”
- (9) The owner or operator shall list a business address and telephone number in the Pacific Bell/San Diego telephone directory or other similarly distributed directory.
- (10) The owner or operator shall provide trash receptacles, conveniently located for use by patrons, inside and outside the alcoholic beverage outlet, including adjacent public sidewalks and areas under the control of the owner or operator. At least one 13-gallon trash receptacle shall be located inside the *premises*. At least one 32-gallon trash receptacle shall be located outside the alcoholic beverage outlet, and at least one additional 32-gallon trash receptacle shall be located in the parking areas under the control of the owner or operator.

- (11) The owner or operator shall maintain the *premises*, adjacent public sidewalks, and areas under the control of the owner or operator, free of litter and graffiti at all times. The owner or operator shall provide for daily removal of trash, litter, and debris. The owner or operator shall eliminate graffiti within 48 hours of application.
 - (12) Off-street parking shall be provided in accordance with the requirements for retail sales uses in Table 142.05E.
- (c) Conditional Use Permit Regulations. Proposed alcoholic beverage outlets that do not comply with the regulations in Section 141.0502(b) may be permitted with a Conditional Use Permit decided in accordance with Process Three subject to the following regulations.
- (1) The San Diego Police Department shall provide the City Manager with a recommendation on the proposed use and location of the alcoholic beverage outlet. The City Manager will provide the *applicant* with a copy the Police Department recommendation at least 7 calendar days before the date of the public hearing. The decision maker will review and consider the Police Department recommendation before making a decision on the application.
 - (2) The decision maker may request that the State of California Department of Alcoholic Beverage Control impose restrictions on any alcohol sales license to be issued or renewed by the state. The decision maker's request shall be based on an evaluation of conditions in the area of the proposed alcoholic beverage outlet, including the concentration of alcoholic beverage outlets, high crime rates, or any other conditions in the area that would be aggravated by the sale of alcoholic beverages.
 - (3) Off-street parking shall be provided in accordance with the requirements for retail sales uses in Table 142.05E.
 - (4) Conditions addressing the following issues may be imposed by the decision maker:
 - (A) Entertainment uses or activities or amusement devices on the *premises*;
 - (B) Separation, monitoring, or design of the area devoted to alcoholic beverage sales;

- (C) Hours of operation;
 - (D) Security measures; and
 - (E) Lighting, litter, graffiti or nuisance abatement, or any other special requirements for the *premises*.
- (5) The owner or operator shall post a copy of the Conditional Use Permit conditions in the licensed *premises* in a place where they may be readily viewed by any member of the general public or any member of a government agency.
- (6) The Conditional Use Permit shall include a date on which the permit will expire and become void. This date shall not be less than 10 years from the approval date of the Conditional Use Permit.
- (7) An *applicant* may request that the expiration date be extended in accordance with the following provisions.
- (A) An application for an extension shall be filed before the expiration of the approved Conditional Use Permit.
 - (B) An application for an extension shall be considered in accordance with Process Two if there is no record in the City of San Diego Police Department or other department or with any other governmental agency of any violations of the State of California Department of Alcoholic Beverage Control rules, regulations, and orders or of any violation of city, county, state or federal law, code, regulation or policy related to prostitution, drug activity or other criminal activity on the *premises*.
 - (C) An application for an extension shall be considered in accordance with Process Three if there is a record of violations as described in Section 141.0502(c)(7)(B).
 - (D) Prior violations of any conditions contained in an approved Conditional Use Permit shall constitute grounds for denying an application for an extension.

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

(Amended 11-16-2012 by O-20216 N.S.; effective 12-16-2012.)

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

Amendments to the San Diego Municipal Code Related to Unauthorized Camping or Encampments on Public Property





The proposed ordinance establishes that it is unlawful for any person to camp in or upon any public property if shelter beds are available, unless specifically authorized by the City Manager.

In addition, it would make it unlawful, at any time regardless of the availability of shelter beds, for any person to camp or to have unauthorized encampments in the following locations:

- Within two blocks of an elementary, middle, or high school.



- Within two blocks of any shelter, provided signs are posted prohibiting camping that are clearly visible to pedestrians.



- In any open space or waterway, as defined in the ordinance within the boundaries of the City, or the natural areas abutting a waterway.

- Within any transit hub, on any trolley platform, or along any trolley tracks, provided signs are posted prohibiting camping that are clearly visible to pedestrians.

● In Balboa Park, Mission Bay Park, Presidio Park, and the Shoreline Parks, which are those parks contiguous to the shoreline or beach in the communities of Ocean Beach, Mission Beach, Pacific Beach, and La Jolla.

Public Health



Public Health



Items Commonly Found in Encampments:



Fuel

Propane Tanks

Weapons

Rotten
Food



Drugs/Paraphernalia

Needles

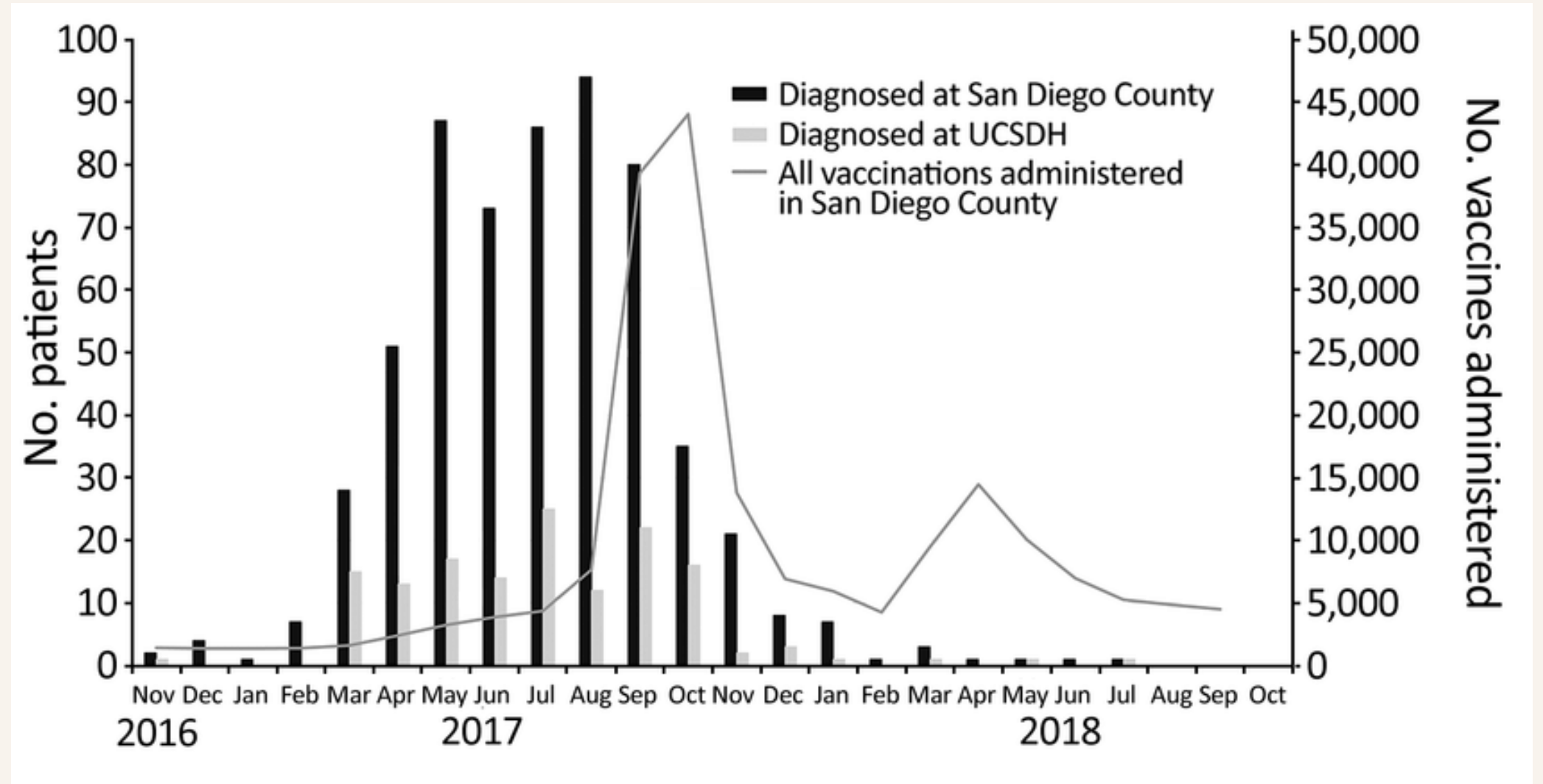
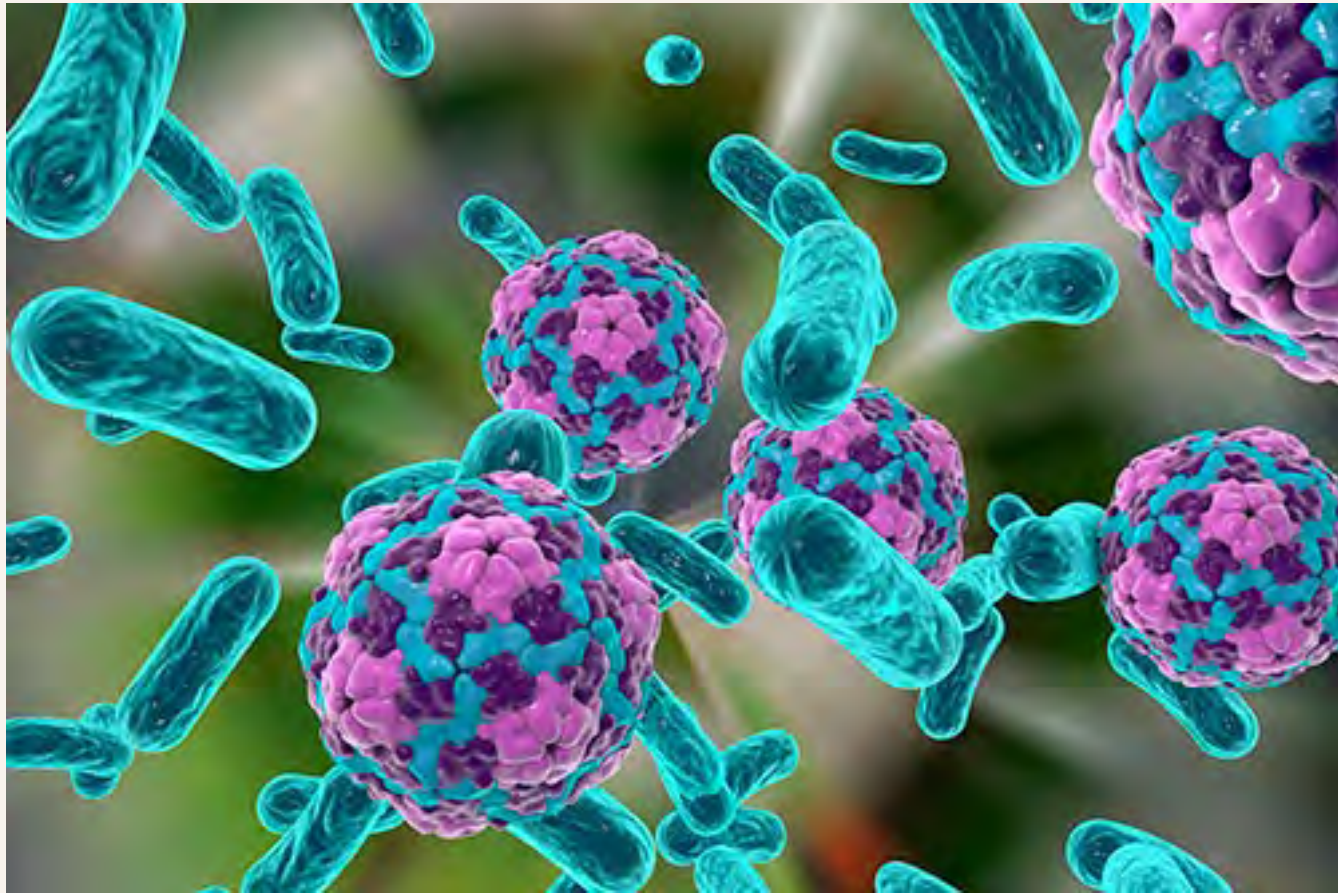
Jars of
Urine

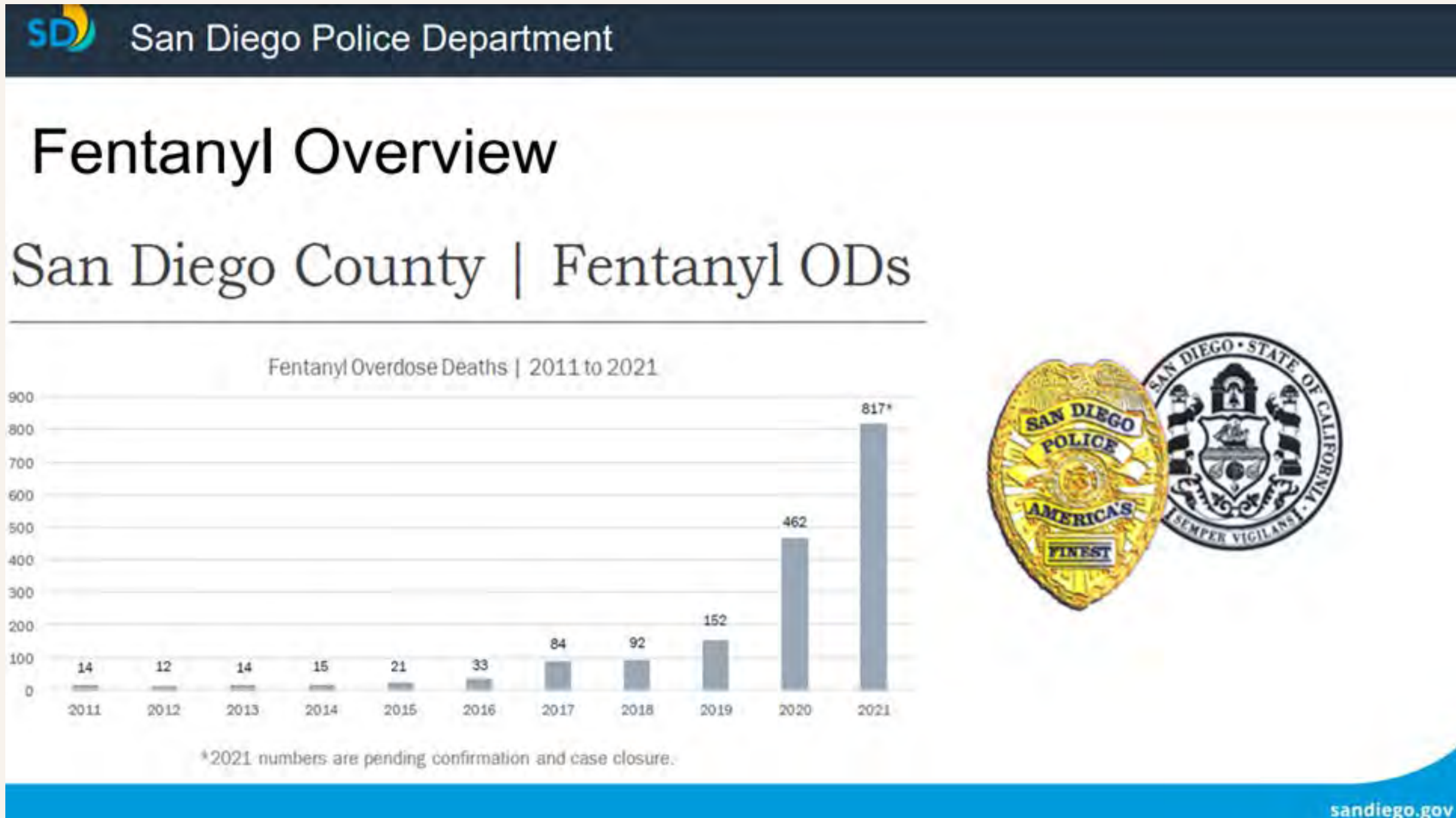
Human Waste

Public Health:

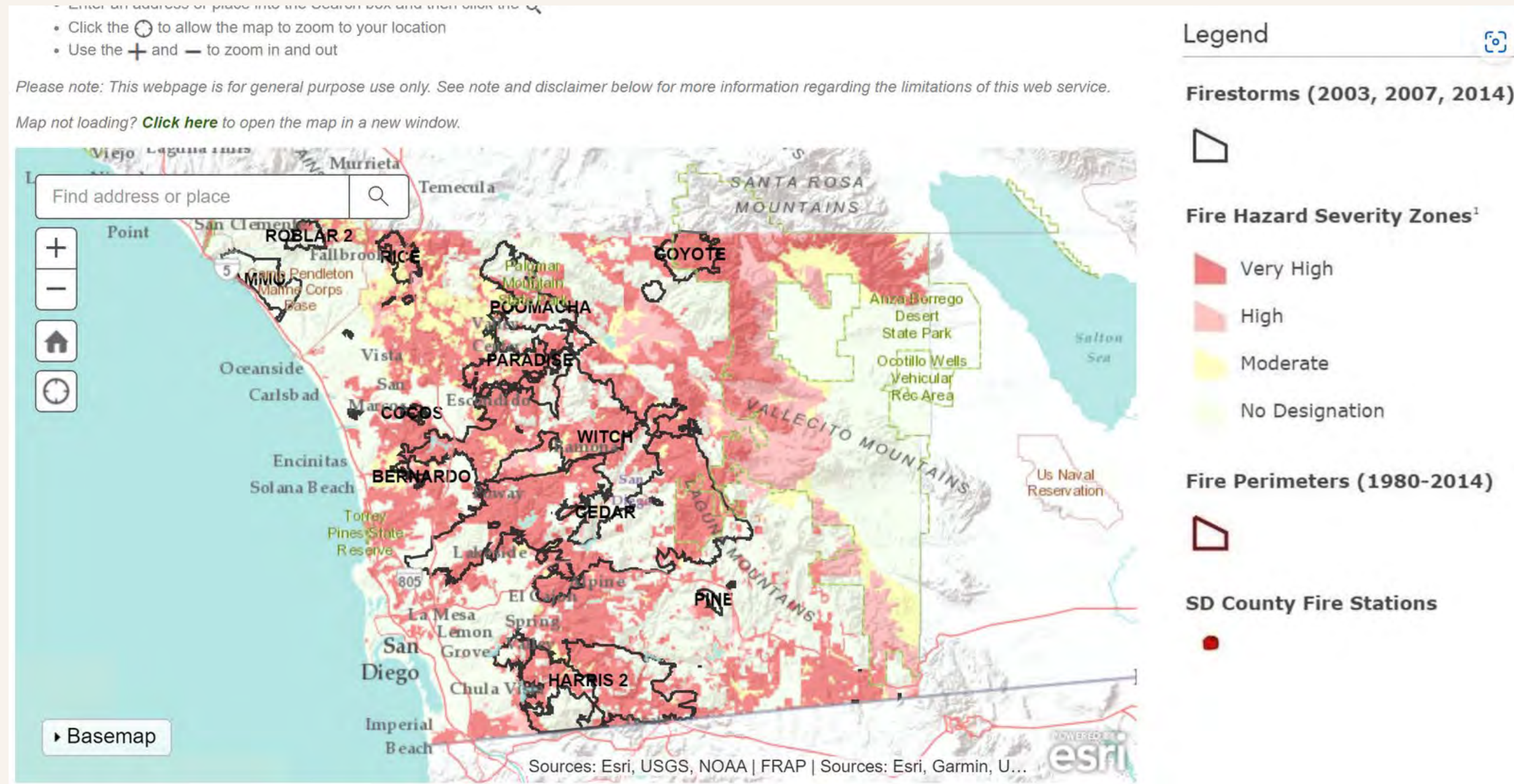


Public Health: Hepatitis A

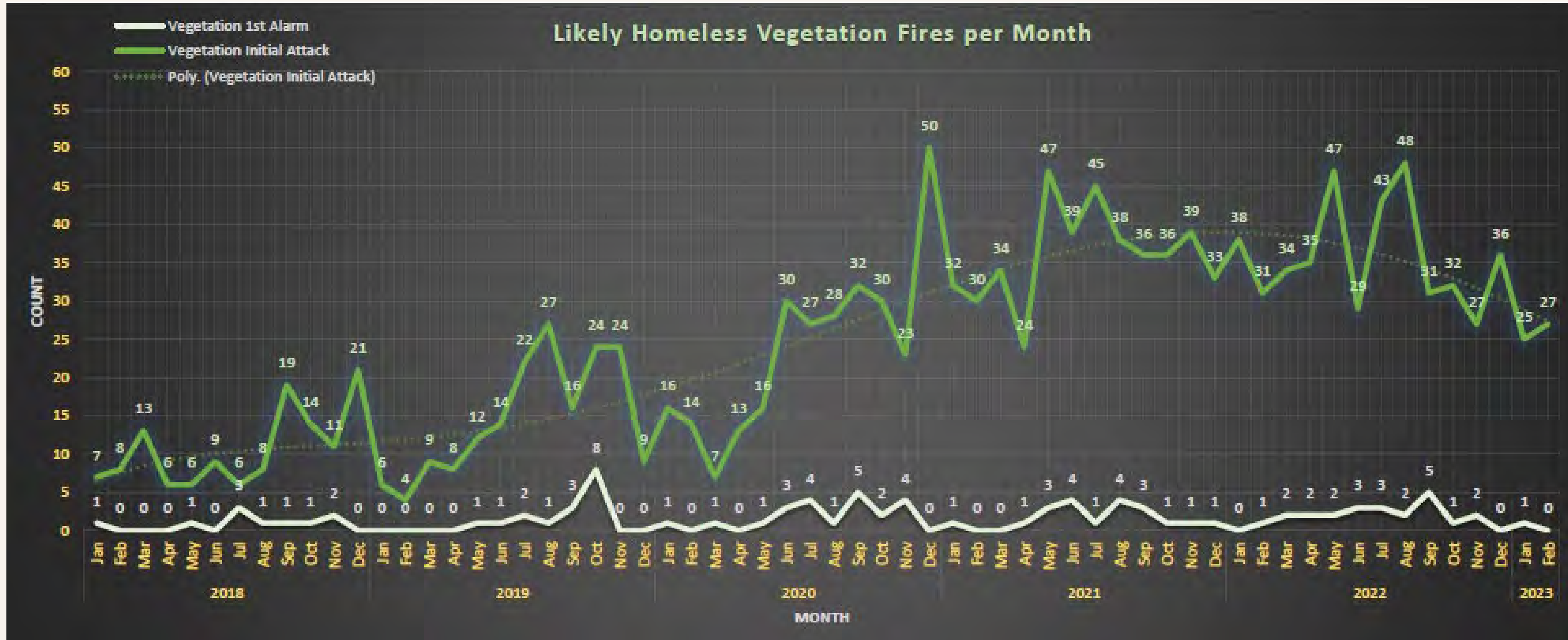




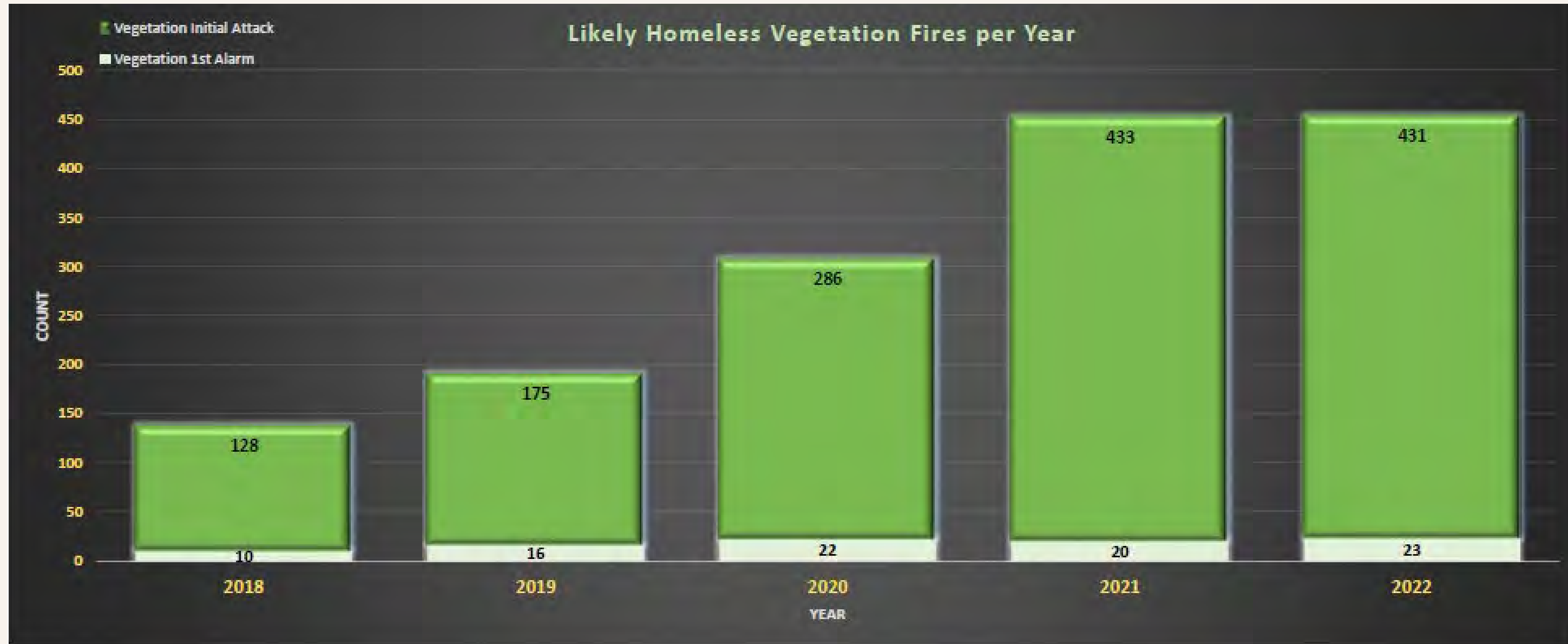
Environmental Risk Factors:



Environmental Risk Factors:



Environmental Risk Factors:





Water Pollution Risk:



Abatement



Abatement :

- The City will post written notice on each tent giving a minimum of 24 hours for a person to remove belongings, noting not to leave behind items they would like to keep
- The City must conduct the clean-up within 48 hours of posting a notice
- City staff is required to document the abatement process

Abatement :

- The ordinance describes the type of items that can be stored and how to obtain those items.
- If there is a significant risk of property damage, injury, or death. A clean-up notice can be issued with a 3-hour advance notice.

Community Outreach :

February 2023

- Mission Valley Planning
- University Heights Community Assoc.
- Uptown Planners
- Balboa Park Committee
- San Diego Senior Alliance
- Burlingame Neighborhood Association
- Mission Hills Town Council
- Hillcrest Business Association
- Mission Hills BID
- Downtown Community Planning Council
- El Cajon Blvd BID
- Balboa Park Committee of 100
- Balboa Park Cultural Partnership
- Cortez Hill Residents Group

March 2023

- Mission Valley Planning-March 1
- University Heights Community Assoc.-March 2
- Uptown Planners-March 7
- North Park Main Street-March 9
- Mission Hills Town Council-March 9
- Balboa Park Committee of 100-March 13
- Hillcrest Business Association-March 14
- Hillcrest Town Council-March 14
- Mission Hills BID-March 15
- El Cajon Blvd BID-March 16
- Atria HOA-March 16
- Bankers Hill Community Group-March 20
- North Park Planning-March 21
- Cortez Hill Residents Group

Community Outreach :

April 2023

- Burlingame Neighborhood Association Annual Meeting-April 2
- City Heights Planning-April 3
- Uptown Planners-April 4
- Mission Valley Planning-April 5
- University Heights Community Assoc.-April 6
- University Heights Community Recreation Group-April 6
- College Area Planning- April 10

Other Organizations

- Downtown San Diego Partnership Public Policy Committee
- People Assisting The Homeless (PATH)
- Regional Task Force on Homelessness

Shelters

- Harm Reduction Shelter
- Non-congregate Shelters
- Youth Shelters
- The Old Library
- Transitional and Supportive Housing

Programs :

- Safe Parking
- The Housing Stability Program
- Housing First
- New Civic Center Revitalization Plan
- Safe Sleeping Sites

ACTION :

Adopt an Ordinance amending Chapter 5, Article 4, Division 2 of the San Diego Municipal Code by amending section 54.0 212; amending Chapter 6, Article 3, Division 00 by repealing and reserving section 63.20 .11; amending Chapter 6, Article 3, Division 1 by amending sections 63.0 10 2, 63.0 10 3, 63.0 10 5 and 63.0 10 8; amending Chapter 6, Article 3, by adding Division 4 sections 63.0 40 1, 63.0 40 2, 63.0 40 3, 63.0 40 4, 63.0 40 5, and 63.0 40 6 all relating to regulating encampments on public property.

Questions :

