

ORDINANCE NUMBER O- 20859 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 17 2017

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0225; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0109; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1515; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 141.0504; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY ADDING NEW SECTION 141.1004 AND BY RENUMBERING SECTION 141.1004 TO 141.1005, SECTION 141.1005 TO 141.1006, SECTION 141.1006 TO 141.1007, SECTION 141.1007 TO 141.1008, SECTION 141.1008 TO 141.1009, AND SECTION 141.1009 TO 141.1010; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0111; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0312; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308, ALL RELATING TO TESTING AND MARIJUANA PRODUCTION FACILITIES.

WHEREAS, the City of San Diego currently allows for the issuance of conditional use permits for the retail sales of medical and recreational marijuana and marijuana products in marijuana outlets in accordance with the laws of the State of California, notwithstanding that marijuana remains illegal under federal law; and

WHEREAS, the City of San Diego currently prohibits the commercial cultivation, distribution and storage, production and testing of medical and recreational marijuana and marijuana products; and

WHEREAS, the City of San Diego desires to allow for the issuance of conditional use permits for the commercial cultivation, distribution and storage, and production of medical and recreational marijuana and marijuana products, and to allow testing labs for medical and recreational marijuana and marijuana products by right; and

WHEREAS, the commercial cultivation, distribution and storage, production and testing of recreational marijuana and marijuana products will not be allowed until the State of California begins issuing licenses pursuant to Proposition 64; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That Chapter 11, Article 3, Division 2 of the San Diego Municipal Code is amended by amending section 113.0225, to read as follows:

§113.0225 Measuring Distance Between Uses

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

Diagram 113-02E

Distance Between Uses

[No change in text.]

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

(c) When measuring distance for separation requirements for *marijuana outlets* or marijuana production facilities, the measurement of distance between the uses shall take into account natural topographical barriers and

constructed barriers such as *freeways or flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

Section 2. That Chapter 12, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 126.0303, to read as follows:

§126.0303 When a Conditional Use Permit Is Required

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

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through *Marijuana outlets*

Marijuana production facilities

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

(b) through (c) [No change in text.]

Section 3. That Chapter 12, Article 7, Division 1 of the San Diego Municipal Code is amended by amending section 127.0109, to read as follows:

§127.0109 Expansion of a Previously Conforming Use

(a) [No change in text.]

(b) Where located in residential zones, the following uses shall not be eligible to expand in accordance with Section 127.0109(a):

- (1) [No change in text.]
- (2) Very Heavy Industrial Uses subject to Section 141.1009.
- (3) Wrecking and Dismantling of Motor Vehicles subject to Section 141.1010; and
- (4) [No change in text.]

Section 4. That Chapter 13, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 131.0112, to read as follows:

§131.0112 Descriptions of Use Categories and Subcategories

- (a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110.

A description of separately regulated uses is located in Section 131.0112(b).

- (1) [No change in text.]
- (2) Agriculture Use Category
This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and animal by-products. The agriculture subcategories are:
(A) through (F) [No change in text.]
- (3) through (8) [No change in text.]
- (9) Distribution and Storage Use Category

This category includes uses that distribute and store goods. Long-term and short-term storage of commercial goods and personal items is included. The subcategories are:

(A) through (C) [No change in text.]

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. The subcategories are:

(A) through (D) [No change in text.]

(E) Testing Labs – Uses engaged in health and safety testing of raw, processed, and manufactured products. This subcategory does not include laboratories that qualify under Medical, Dental & Health Practitioner or testing that qualifies under Research & Development.

(F) Trucking and Transportation Terminals – Uses engaged in the dispatching and long-term or short-term storage of large vehicles. Minor repair and maintenance of vehicles stored on the *premises* is also included.

(11) [No change in text.]

(b) [No change in text.]

Section 5. That Chapter 13, Article 1, Division 2 of the San Diego Municipal Code is amended by amending section 131.0222, to read as follows:

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

Table 131-02B
Use Regulations Table for Open Space Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -
	3rd >>	1-	2-	1-	1-		1-
	4th >>	1	1	1	1	2	1
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]					
Testing Labs		-	-	-	-		-
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]					
Marijuana Production Facilities		-	-	-	-		-
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]					

Footnotes for Table 131-02B

¹ through ⁷ [No change in text.]

⁸ This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1006 and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

⁹ through ¹¹ [No change in text.]

Section 6. That Chapter 13, Article 1, Division 3 of the San Diego Municipal Code is amended by amending section 131.0322, to read as follows:

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

Table 131-03B
Use Regulations Table for Agricultural Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]			
Testing Labs		-		-	
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, <i>Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]			
Marijuana Production Facilities		-		-	
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

Section 7. That Chapter 13, Article 1, Division 4 of the San Diego Municipal Code is amended by amending section 131.0422, to read as follows:

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																							
	1st & 2nd >>	RE-	RS-												RX-		RT-								
	3rd >>	1-	1-												1-		1-								
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]																							
Testing Labs		-	-												-		-								
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, <i>Hazardous Waste</i> Treatment Facility [No change in text.]		[No change in text.]																							
Marijuana Production Facilities		-	-												-		-								
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, <i>Theater Marquees</i> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Separately Regulated Distribution and Storage Uses, Junk Yards [No change in text.]		[No change in text.]											
Distribution and Storage, Separately Regulated Distribution and Storage Uses, Temporary Construction Storage Yards Located Off-site through Industrial, Research & Development [No change in text.]		[No change in text.]											
Testing Labs		-			-			-			-		-
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]											
Marijuana Production Facilities		-			-			-			-		-
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

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

Section 8. That Chapter 13, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 131.0522, to read as follows:

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones															
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-						CV-		CP-
	3rd >>	1-					1-	2-	1-	2-		3-	1-	1-			
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2	1
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]															
Testing Labs		-					-	P	-		P	-		-	-	-	
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, <i>Hazardous Waste</i> Treatment Facility [No change in text.]		[No change in text.]															
Marijuana Production Facilities		-					-	-	-		-	-		-	-	-	
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]															

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																																				
	1st & 2nd >>	CC-																																				
	3rd >>	1-			2-					3-					4-					5-																		
	4th >>	1	2	3	1	2	3	4	5	4	5	6	7	8	9	1	2	3	4	5	6	1	2	3	4	5	6	1	2	3	4	5	6					
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]																																				
Testing Labs		-			P					-					-					-																		
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]																																				
Marijuana Production Facilities		-			-					-					-					-																		
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																																				

Footnotes for Table 131-05B

¹ through ¹⁷ [No change in text.]

Section 9. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Code is amended by amending section 131.0622, to read as follows:

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd>>	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Separately Regulated Distribution and Storage Uses, Junk Yards [No change in text.]	[No change in text.]										
Distribution and Storage, Separately Regulated Distribution and Storage Uses, Temporary Construction Storage Yards Located Off-site through Industrial, Research & Development [No change in text.]	[No change in text.]										
Testing Labs	P	P	P	P	P	P	P	P	P	P	P
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]										
Marijuana Production Facilities	-	-	-	C	C	C	C	C	-	-	-
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

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

Section 10. That Chapter 13, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 132.1510 and 132.1515, to read as follows:

§132.1510 Noise Compatibility

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

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

(f) Where an *applicant* disputes the City Manager's determination of the use

category for a proposed *development*, an *applicant* may request an interpretation by the Planning Commission in accordance with Section 131.0110(b).

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Industrial, Research & Development [No change in text.]	[No change in text.]			
Testing Labs	P	P	P ⁽¹⁾	-
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]			
Marijuana Production Facilities	P	P	P ¹	-
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone [300 per sq ft per person] through Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

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

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

(f) Safety Compatibility Review for MCAS Miramar.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Maximum People Per Acre	APZ I	APZ II	TZ
	25	50	300
Open Space through Industrial, Research & Development [300 sq ft per person] [No change in text.]	[No change in text.]		
Testing Labs [300 sq ft per person]	-	L/.34 ⁸	P ⁸
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]		
Marijuana Production Facilities [490 sq ft per person]	L/.28 ⁸	L/.56 ⁸	P
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone [300 per sq ft per person] through Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

(g) [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Industrial, Research and Development [300 per sq ft per person] [No change in text.]	[No change in text.]					
Testing Labs [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P ⁸
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]					
Marijuana Production Facilities [300 sq ft per person]	-	L/.48 ⁸	L/.90 ⁸	L/.90 ⁸	L/1.38 ⁸	P
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone [300 per sq ft per person] through Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G [No change in text.]

Section 11. That Chapter 14, Article 1, Division 5 of the San Diego Municipal Code is amended by amending section 141.0504, to read as follows:

§141.0504 Marijuana Outlets

Marijuana outlets that are consistent with the requirements for retailer or dispensary license requirements in the California Business and Professions Code may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in

Chapter 13, Article 1 (Base Zones), provided that no more than four *marijuana outlets* are permitted in each City Council District. *Marijuana outlets* are subject to the following regulations.

(a) *Marijuana outlets* shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:

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

(b) through (n) [No change in text.]

Section 12. That Chapter 14, Article 1, Division 10 of the San Diego Municipal Code is amended by adding new section 141.1004 and by renumbering sections 141.1004 to 141.1005, section 141.1005 to 141.1006, section 141.1006 to 141.1007, section 141.1007 to 141.1008, section 141.1008 to 141.1009, and section 141.1009 to 141.1010, to read as follows:

§141.1004 Marijuana Production Facilities

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

A marijuana production facility may be permitted with a Conditional Use Permit decided in accordance with Process Three in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), provided that no

more than 40 marijuana production facilities are permitted in the City of San Diego. Marijuana production facilities are subject to the following regulations.

- (a) Marijuana production facilities shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:
 - (1) 1,000 feet from resource and population-based city parks, *churches*, child care centers, *playgrounds*, libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
 - (2) 100 feet from a residential zone.
- (b) All operations shall be conducted indoors within a secured *structure*. All equipment and storage shall be also located within a secure *structure*.
- (c) 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.
- (d) 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.

- (e) The name and emergency contact phone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production facility shall limit signage on the exterior of the property visible from the *public right-of-way* to the address.
- (f) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (g) A Conditional Use Permit for a marijuana production facility shall expire no later than five (5) years from the date of issuance.
- (h) An extension of time for a Conditional Use Permit granted to a marijuana production facility shall comply with the requirements of section 126.0111 with the following exceptions:
 - (1) The extension shall be for a maximum of five (5) years,
 - (2) A decision on an application for an extension of time shall be made in accordance with Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.

- (3) The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.1004(a) has located within the required distance after the approval date of the initial Conditional Use Permit.
- (4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).
- (i) The sale of marijuana and marijuana products shall only be conducted by a *marijuana outlet* in accordance with Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana products to any person other than another marijuana production facility, a testing lab, or a *marijuana outlet*.
- (j) The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.
- (k) The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

§141.1005 Marine-Related Uses in the Coastal Zone

[No change in text.]

§141.1006 Mining and Extractive Industries

Mining and extractive industries may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Exemptions. The following activities and persons are exempt from the provisions of this section:

(1) through (9) [No change in text.]

- (10) *Excavations* or *grading* for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to *excavation* and *grading* that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite *excavation* or *grading* that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to *excavation* for materials that are, or have been sold for commercial purposes.

- (A) The exemption set forth in Section 141.1006(a)(10) applies only if slope stability and erosion are controlled in accordance with Section 3704(f) and Section 3706(d) of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the California Department of Forestry and Fire Protection.

(11) [No change in text.]

(b) Vested Rights

- (1) Any person who obtained a vested right to conduct a *surface mining* operation before January 1, 1976, shall not be required to secure a Conditional Use Permit pursuant to the provisions of Section 141.1006, as long as the vested right continues and no substantial change is made in the operation except in accordance with the provisions of Section 141.1006. Any substantial change in the *surface mining* operation subsequent to January 1, 1976, may be permitted only with a Conditional Use Permit in accordance with Section 141.1006.

(A) [No change in text.]

- (2) [No change in text.]
- (3) Any person who has obtained a vested right to conduct *surface mining* operations shall obtain a grading permit and be subject to the same frequency of inspection as those mining operators required to obtain a Conditional Use Permit pursuant to Section 141.1006.
- (4) Nothing in Section 141.1006 shall be construed as requiring the filing of a *reclamation* plan for, or the *reclamation* of, mined lands on which *surface mining* operations were conducted prior to, but not after, January 1, 1976.

- (c) The applicant shall submit a *reclamation* plan, financial assurances and grading plans, in accordance with the provisions set forth in Section 141.1006; the California Surface Mining and Reclamation Act of 1975,

Article 5 including Section 2772, 2773 and 2773.1; applicable provisions of Chapter 8, Division 2, Title 14 of the California Code of Regulations including Sections 3500-3505 and 3700-3713; and procedures established by the City Manager. The Conditional Use Permit, *reclamation* plan, financial assurance, and *grading* plan shall be processed as a consolidated action.

- (d) The Director of the California Department of Conservation shall be notified by the City Manager of the filing of a Conditional Use Permit application pursuant to Section 141.1006.

(e) through (f) [No change in text.]

- (g) *Reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.1006 are public records unless it can be demonstrated to the satisfaction of the City Attorney that the release of this information would reveal production, reserves, or rate of depletion that is entitled to protection as proprietary information. The City Attorney shall identify the proprietary information as a separate part of each application. A copy of all permits, *reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.1006, including proprietary information, shall be furnished to the Director of the California Department of Conservation by the City Manager. Proprietary information shall be made available to persons other than the Director of the Department of Conservation only when authorized by the *surface mining* owner in accordance with Public Resources Code section 2778.

(h) through (i) [No change in text.]

- (j) In accordance with the provisions of Section 141.1006, Public Resources Code section 2773.1 and as a condition of approval of the Conditional Use Permit or the *reclamation* plan or both, the *surface mining* operator shall submit financial assurances to ensure compliance with the *surface mining* operation's *reclamation* plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.

(1) through (5) [No change in text.]

- (k) Whenever any *surface mining* operation or portion of a *surface mining* operation that is subject to Section 141.1006 is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Conditional Use Permit, *reclamation* plan, the provisions of Section 141.1006 and the California Surface Mining and Reclamation Act of 1975.
- (l) In accordance with Public Resources Code section 2770, and as further provided in Section 141.1006, whenever any *surface mining* operation becomes *idle*, the *surface mining* operator shall submit a proposed interim management plan (IMP) to the City Manager for review and approval. The IMP shall be submitted within ninety days of the operation becoming *idle* on forms provided by the City Manager. Review and approval of the IMP

shall be carried out in accordance with Public Resources Code section 2770(h). Upon receipt of a complete proposed IMP, the City Manager shall forward it to the California Department of Conservation for review.

(m) through (o) [No change in text.]

§141.1007 Newspaper Publishing Plants

[No change in text.]

§141.1008 Processing and Packaging of Plant Products and Animal By-Products Grown Off-Premises

[No change in text.]

§141.1009 Very Heavy Industrial Uses

[No change in text.]

§141.1010 Wrecking and Dismantling of Motor Vehicles

[No change in text.]

Section 13. That Chapter 14, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 143.0111, to read as follows:

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance

with Section 141.1006 and restoration of the on-site landform to a natural-appearing condition is required.

(b) through (i) [No change in text.]

Section 14. That Chapter 15, Article 1, Division 1 of the San Diego Municipal Code is amended by amending section 151.0103, to read as follows:

§151.0103 Applicable Regulations

(a) [No change in text.]

(b) The following regulations apply in all planned districts:

(1) through (9) [No change in text.]

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

Section 15. That Chapter 15, Article 2, Division 3 of the San Diego Municipal Code is amended by amending section 152.0312, to read as follows:

§152.0312 Subdistrict D Permitted Uses

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

(e) Marijuana production facilities are permitted in accordance with Section 141.1004.

Section 16. That Chapter 15, Article 5, Division 2 of the San Diego Municipal Code is amended by amending section 155.0238, to read as follows:

§155.0238 Use Regulations Table of CU Zones

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

Legend for Table 155-02C

[No change in text.]

Table 155-02C
Use Regulations Table for CU Zones

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CU-									
	3rd >>	1 ⁻⁽¹⁾		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers' Markets, Daily Farmers' Market Stands [No change in text.]		[No change in text.]									
Marijuana Outlets		-		-			-				
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Industrial, Research & Development [No change in text.]		[No change in text.]									
Testing Labs		-		-			-				
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]									
Marijuana Production Facilities		-		-			-				
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]									

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

Section 17. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending section 156.0308, to read as follows:

§156.0308 Base District Use Regulations

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

	Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS															
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space, through Industrial, Research & Development [No change in text.]	[No change in text.]															
Testing Labs	-	-	-	-	-	-	-	-	-	-	-	-	-			
Industrial through Trucking and Transportation Terminals [No change in text.]	[No change in text.]															
Separately Regulated Industrial Uses																
Marijuana Production Facilities	-	-	-	-	-	-	-	-	-	-	-	-	-			
Signs, Separately Regulated Sign Uses, Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]															

Footnotes for Table 156-0308-A [No change in text.]

Section 18. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 19. That prior to becoming effective, this Ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

That if the SDCRAA finds this Ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force no sooner than the thirtieth day from and after the finding of consistency, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That if the SDCRAA determines that this Ordinance is inconsistent or conditionally consistent, subject to proposed modifications, with the ALUCPs for the Airports, the Ordinance shall be submitted to the City Council for reconsideration.

That if the SDCRAA determines that this Ordinance is conditionally consistent with the ALUCPs for the Airports, but that consistency is subject to proposed modifications, the City Council may amend this Ordinance to accept the proposed modifications, and this Ordinance as amended shall take effect and be in force on the thirtieth day from and after its final passage, except that the provisions of this Ordinance as amended inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

That a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote. The proposed decision and findings shall be forwarded to the SDCRAA, the California Department of Transportation, Division of Aeronautics, and the airport operators for the Airports. The City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote.

That if the City Council makes a final decision to overrule a determination of inconsistency, this Ordinance shall take effect and be in force on the thirtieth day from and after that final decision, except that the provisions of this Ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment shall not take effect until the date California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

Section 20. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 21. That marijuana production facilities with an approved Zoning Use Certificate and a Business Tax Certificate issued before January 31, 2017 shall have 24 months from the date of final passage of this Ordinance in which to cease use or obtain required permits.

Section 22. No marijuana production facility or testing lab may be used for recreational marijuana purposes until the State of California has begun issuing licenses for commercial cannabis activities, as defined in California Business and Professions Code section 26001.

Section 23. That, upon final passage, the Clerk is directed to transmit copies of this Ordinance to the State of California Departments of Consumer Affairs (Bureau of Cannabis Control), Food and Agriculture, and Public Health.

APPROVED: MARA W. ELLIOTT, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

SMT:als
07/11/2017
09/12/2017 Rev. Copy
Or.Dept: Planning
Doc. No.: 1500480_5

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 03 2017.

ELIZABETH S. MALAND
City Clerk

By Linda Bruin
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(Note: This ordinance was returned unsigned by the Mayor's Office to the Office of the City Clerk on October 17, 2017. Pursuant to the San Diego Charter Section 295(a) (2), the Mayor has 10 business days from the date the ordinance was transmitted to sign or veto the ordinance, said deadline being close of business on October 17, 2017. Therefore the date of expiration of that time shall be deemed the date of its final passage.)

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 113.0225; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; AMENDING CHAPTER 12, ARTICLE 7, DIVISION 1 BY AMENDING SECTION 127.0109; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 131.0112; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTION 131.0322; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 131.0422; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 131.0522; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 131.0622; AMENDING CHAPTER 13, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 132.1510 AND 132.1515; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 141.0504; AMENDING CHAPTER 14, ARTICLE 1, DIVISION 10 BY ADDING NEW SECTION 141.1004 AND BY RENUMBERING SECTION 141.1004 TO 141.1005, SECTION 141.1005 TO 141.1006, SECTION 141.1006 TO 141.1007, SECTION 141.1007 TO 141.1008, SECTION 141.1008 TO 141.1009, AND SECTION 141.1009 TO 141.1010; AMENDING CHAPTER 14, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 143.0111; AMENDING CHAPTER 15, ARTICLE 1, DIVISION 1 BY AMENDING SECTION 151.0103; AMENDING CHAPTER 15, ARTICLE 2, DIVISION 3 BY AMENDING SECTION 152.0312; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308, ALL RELATING TO TESTING AND MARIJUANA PRODUCTION FACILITIES.

§113.0225 Measuring Distance Between Uses

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

Diagram 113-02E

Distance Between Uses

[No change in text.]

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

- (c) When measuring distance for separation requirements for *marijuana outlets* or marijuana production facilities, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as *freeways or flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

§126.0303 When a Conditional Use Permit Is Required

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

- (a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops through *Marijuana outlets*
Marijuana production facilities

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

(b) through (c) [No change in text.]

§127.0109 Expansion of a Previously Conforming Use

(a) [No change in text.]

(b) Where located in residential zones, the following uses shall not be eligible to expand in accordance with Section 127.0109(a):

(1) [No change in text.]

(2) Very Heavy Industrial Uses subject to Section 141.10089.

(3) Wrecking and Dismantling of Motor Vehicles subject to Section 141.100910; and

(4) [No change in text.]

§131.0112 Descriptions of Use Categories and Subcategories

(a) The following are descriptions of each use category and subcategory found in the Use Regulations Tables of each base zone. These descriptions shall be used to classify specific uses into use subcategories for the purpose of determining applicable use regulations, in accordance with Section 131.0110.

A description of separately regulated uses is located in Section 131.0112(b).

(1) [No change in text.]

(2) Agriculture Use Category

This category includes uses that involve the raising and harvesting of crops, the raising of animals, and the processing of plant and

animal by-products. ~~The raising, harvesting, and processing of marijuana and marijuana products is prohibited.~~ The agriculture subcategories are:

(A) through (F) [No change in text.]

(3) through (8) [No change in text.]

(9) Distribution and Storage Use Category

This category includes uses that distribute and store goods. Long-term and short-term storage of commercial goods and personal items is included. ~~Distribution and storage of marijuana and marijuana products, unless otherwise specifically allowed, is prohibited.~~ The subcategories are:

(A) through (C) [No change in text.]

(10) Industrial Use Category

This category includes uses that produce goods from extracted and raw materials or from recyclable or previously prepared materials, including the design, storage, and handling of these products and the materials from which they are produced. ~~Production of goods from marijuana and marijuana products and testing of marijuana and marijuana products is prohibited.~~ The subcategories are:

(A) through (D) [No change in text.]

(E) Testing Labs – Uses engaged in health and safety testing of raw, processed, and manufactured products. This subcategory does not include laboratories that qualify under

Medical, Dental & Health Practitioner or testing that
qualifies under Research & Development.

(E)(F) Trucking and Transportation Terminals – Uses engaged in
the dispatching and long-term or short-term storage of large
vehicles. Minor repair and maintenance of vehicles stored
on the *premises* is also included.

(11) [No change in text.]

(b) [No change in text.]

§131.0222 Use Regulations Table for Open Space Zones

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

Legend for Table 131-02B

[No change in text.]

**Table 131-02B
Use Regulations Table for Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones						
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ -		OF ⁽¹¹⁾ -	
	3rd >>	1-	2-	1-	1-		1-	
	4th >>	1	1	1	1	2	1	
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]						
Testing Labs		=	=	=	=	=		
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]						
Marijuana Production Facilities		=	=	=	=	=		
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]						

Footnotes for Table 131-02B

¹ through ⁷ [No change in text.]

⁸ This use is only allowed in the OR-1-2 zone subject to the regulations in Section 141.1005~~6~~ and the regulations in Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

⁹ through ¹¹ [No change in text.]

§131.0322 Use Regulations Table for Agricultural Zones

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

Legend for Table 131-03B

[No change in text.]

**Table 131-03B
Use Regulations Table for Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]			
<u>Testing Labs</u>		=		=	
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, <i>Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]			
<u>Marijuana Production Facilities</u>		=		=	
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

§131.0422 Use Regulations Table for Residential Zones

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

Legend for Table 131-04B

[No change in text.]

Table 131-04B
Use Regulations Table for Residential Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																								
	1st & 2nd >>>	RE-	RS-														RX-		RT-							
	3rd >>	1-	1-														1-		1-							
	4th >>	1	2	3	1	2	3	4	5	6	7	8	9	10	11	12	13	14	1	2	1	2	3	4	5	
Open Space through Industrial, Research & Development [No change in text.]		[No change in text.]																								
<u>Testing Labs</u>		=	=														=		=							
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, <i>Hazardous Waste</i> Treatment Facility [No change in text.]		[No change in text.]																								
<u>Marijuana Production Facilities</u>		=	=														=		=							
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, <i>Theater Marquees</i> [No change in text.]		[No change in text.]																								

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Separately Regulated Distribution and Storage Uses, Junk Yards [No change in text.]		[No change in text.]											
Distribution and Storage, Separately Regulated Distribution and Storage Uses, Temporary Construction Storage Yards Located eOff-site through Industrial, Research & Development [No change in text.]		[No change in text.]											
Testing Labs		=			=			=			=		=
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]											
Marijuana Production Facilities		=			=			=			=		=
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]											

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

§131.0522 Use Regulations Table for Commercial Zones

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

Legend for Table 131-05B

[No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones														
	1st & 2nd >>	CN ⁽¹⁾ -					CR-		CO-						CV-	CP-
	3rd >>	1-					1-	2-	1-	2-	3-	1-	2-	1-	2-	1-
	4th >>	1	2	3	4	5	1	1	1	2	1	2	1	2	1	2
Open Space through Industrial, Research & Development [No change in text.]	[No change in text.]															
<u>Testing Labs</u>	=															
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses , <i>Hazardous Waste Treatment Facility</i> [No change in text.]	[No change in text.]															
<u>Marijuana Production Facilities</u>	=															
Industrial, Separately Regulated Industrial Uses , Marine Related Uses Within the Coastal Overlay Zone through Signs , Separately Regulated Signs Uses , <i>Theater Marquees</i> [No change in text.]	[No change in text.]															

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																														
	1st & 2nd >>	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 through Industrial, Research & Development [No change in text.]		[No change in text.]																														
<u>Testing Labs</u>		=			<u>P</u>					=					=					=												
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]																														
<u>Marijuana Production Facilities</u>		=			=					=					=					=												
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]		[No change in text.]																														

Footnotes for Table 131-05B

¹ through ¹⁷ [No change in text.]

§131.0622 Use Regulations Table for Industrial Zones

The uses allowed in the industrial zones are shown in Table 131-06B.

Legend for Table 131-06B

[No change in text.]

Table 131-06B
Use Regulations Table for Industrial Zones

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd> >	IP-			IL-			IH-		IS-	IBT-
	3rd >>	1-	2-	3-	1-	2-	3-	1-	2-	1-	1-
	4th >>	1	1	1	1	1	1	1	1	1	1
Open Space through Separately Regulated Distribution and Storage Uses, Junk Yards [No change in text.]	[No change in text.]										
Distribution and Storage, Separately Regulated Distribution, and Storage Uses, Temporary Construction Storage Yards Located Off-site through Industrial, Research & Development [No change in text.]	[No change in text.]										
<u>Testing Labs</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]										
<u>Marijuana Production Facilities</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>=</u>	<u>=</u>	<u>=</u>
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]										

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

§132.1510 Noise Compatibility

Noise compatibility between airport operations and proposed *development* within

Review Area 1 of this overlay zone shall be evaluated as follows:

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

(f) Where an *applicant* disputes the City Manager's determination of the use category for a proposed *development*, an *applicant* may request an interpretation by the Planning Commission in accordance with Section

131.0110(b).

Legend for Table 132-15D

[No change in text.]

Table 132-15D

Noise Compatibility Criteria

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Industrial, Research & Development [No change in text.]	[No change in text.]			
<u>Testing Labs</u>	<u>P</u>	<u>P</u>	<u>P⁽¹⁾</u>	=
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]			
<u>Marijuana Production Facilities</u>	<u>P</u>	<u>P</u>	<u>P¹</u>	=
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone [300 per sq ft per person] through Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

Footnotes to Table 132-15D [No change in text.]

§132.1515 Safety Compatibility

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

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

(f) Safety Compatibility Review for MCAS Miramar.

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

Legend for Table 132-15F

[No change in text.]

Table 132-15F

Safety Compatibility Criteria for MCAS Miramar

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses] Maximum People Per Acre	APZ I	APZ II	TZ
	25	50	300
Open Space through Industrial, Research & Development [300 sq ft per person] [No change in text.]	[No change in text.]		
<u>Testing Labs</u> [300 sq ft per person]	=	<u>L/.34</u> ⁸	<u>P</u> ⁸
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses , <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]		
<u>Marijuana Production Facilities</u> [490 sq ft per person]	<u>L/.28</u> ⁸	<u>L/.56</u> ⁸	<u>P</u>
Industrial, Separately Regulated Industrial Uses , Marine Related Uses Within the Coastal Overlay Zone [300 per sq ft per person] through Separately Regulated Industrial Uses , Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]		

Footnotes to Table 132-15F [No change in text.]

(g) [No change in text.]

Legend for Table 132-15G

[No change in text.]

Table 132-15G

Safety Compatibility Criteria for Brown Field and Montgomery Field

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	70	130	130	200	No limit
Maximum <i>Lot Coverage</i> ¹¹	N/A	50%	60%	70%	70%	N/A
Open Space through Industrial, Research and Development [300 per sq ft per person] [No change in text.]	[No change in text.]					
<u>Testing Labs</u> [300 sq ft per person]	=	<u>L/.48</u> ⁸	<u>L/.90</u> ⁸	<u>L/.90</u> ⁸	<u>L/1.38</u> ⁸	<u>P</u> ⁸
Industrial, Trucking & Transportation Terminals through Separately Regulated Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]					
<u>Marijuana Production Facilities</u> [300 sq ft per person]	=	<u>L/.48</u> ⁸	<u>L/.90</u> ⁸	<u>L/.90</u> ⁸	<u>L/1.38</u> ⁸	<u>P</u>
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone [300 per sq ft per person] through Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

Footnotes to Table 132-15G [No change in text.]

§141.0504 Marijuana Outlets

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

to the following regulations.

- (a) *Marijuana outlets* shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:

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

(b) through (n) [No change in text.]

§141.1004 Marijuana Production Facilities

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

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

- (a) Marijuana production facilities shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:

(1) 1,000 feet from resource and population-based city parks, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, minor-oriented facilities,

residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades 1 to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) 100 feet from a residential zone.

- (b) All operations shall be conducted indoors within a secured structure. All equipment and storage shall be also located within a secure structure.
- (c) 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.
- (d) 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.
- (e) The name and emergency contact phone number of an operator or manager shall be posted outside the marijuana production facility in a location visible to the public from the public right-of-way in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The operator or manager shall also be available 24 hours a day to address public nuisance complaints and interact with local, state, and federal law enforcement authorities. Other than the contact information, a marijuana production

facility shall limit signage on the exterior of the property visible from the public right-of-way to the address.

- (f) A permit shall be obtained as required pursuant to Chapter 4, Article 2, Division 15.
- (g) A Conditional Use Permit for a marijuana production facility shall expire no later than five (5) years from the date of issuance.
- (h) An extension of time for a Conditional Use Permit granted to a marijuana production facility shall comply with the requirements of section 126.0111 with the following exceptions:

 - (1) The extension shall be for a maximum of five (5) years.
 - (2) A decision on an application for an extension of time shall be made in accordance with Process Two. Appeals of a decision to approve an extension of time shall be made to the Planning Commission.
 - (3) The separation requirements in Section 141.0504(a) shall not be considered in making the findings required in Section 126.0111(g) when a specified use in Section 141.1004(a) has located within the required distance after the approval date of the initial Conditional Use Permit.
 - (4) A change in zoning after the approval date of the initial Conditional Use Permit shall not be considered in making the findings required in Section 126.0111(g).
- (i) The sale of marijuana and marijuana products shall only be conducted by a marijuana outlet in accordance with Section 141.0504. A marijuana production facility is prohibited from providing marijuana and marijuana

products to any person other than another marijuana production facility, a testing lab, or a marijuana outlet.

- (i) The marijuana production facility, adjacent public sidewalks, and areas under the control of the marijuana production facility shall be maintained free of litter and graffiti at all times.
- (k) The marijuana production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

§141.1004~~5~~ **Marine-Related Uses in the Coastal Zone**

[No change in text.]

§141.1005~~6~~ **Mining and Extractive Industries**

Mining and extractive industries may be permitted with a Conditional Use Permit decided in accordance with Process Four 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) Exemptions. The following activities and persons are exempt from the provisions of this section:
 - (1) through (9) [No change in text.]
 - (10) *Excavations or grading* for the exclusive purpose of obtaining materials for roadbed construction and maintenance conducted in connection with timber operations or forest management on land owned by the same person or entity. This exemption is limited to *excavation* and *grading* that is conducted adjacent to timber operation or forest management roads and shall not apply to onsite

excavation or *grading* that occurs within 100 feet of a Class One watercourse or 75 feet of a Class Two watercourse, or to *excavation* for materials that are, or have been sold for commercial purposes.

(A) The exemption set forth in Section 141.10056(a)(10) applies only if slope stability and erosion are controlled in accordance with Section 3704(f) and Section 3706(d) of Title 14 of the California Code of Regulations and, upon closure of the site, the person closing the site implements, where necessary, revegetation measures and post closure uses in consultation with the California Department of Forestry and Fire Protection.

(11) [No change in text.]

(b) Vested Rights

(1) Any person who obtained a vested right to conduct a *surface mining* operation before January 1, 1976, shall not be required to secure a Conditional Use Permit pursuant to the provisions of Section 141.10056, as long as the vested right continues and no substantial change is made in the operation except in accordance with the provisions of Section 141.10056. Any substantial change in the *surface mining* operation subsequent to January 1, 1976, may be permitted only with a Conditional Use Permit in accordance with Section 141.10056.

(A) [No change in text.]

- (2) [No change in text.]
- (3) Any person who has obtained a vested right to conduct *surface mining* operations shall obtain a grading permit and be subject to the same frequency of inspection as those mining operators required to obtain a Conditional Use Permit pursuant to Section 141.10056.
- (4) Nothing in Section 141.10056 shall be construed as requiring the filing of a *reclamation* plan for, or the *reclamation* of, mined lands on which *surface mining* operations were conducted prior to, but not after, January 1, 1976.
- (c) The applicant shall submit a *reclamation* plan, financial assurances and grading plans, in accordance with the provisions set forth in Section 141.10056; the California Surface Mining and Reclamation Act of 1975, Article 5 including Section 2772, 2773 and 2773.1; applicable provisions of Chapter 8, Division 2, Title 14 of the California Code of Regulations including Sections 3500-3505 and 3700-3713; and procedures established by the City Manager. The Conditional Use Permit, *reclamation* plan, financial assurance, and *grading* plan shall be processed as a consolidated action.
- (d) The Director of the California Department of Conservation shall be notified by the City Manager of the filing of a Conditional Use Permit application pursuant to Section 141.10056.
- (e) through (f) [No change in text.]

(g) *Reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.10056 are public records unless it can be demonstrated to the satisfaction of the City Attorney that the release of this information would reveal production, reserves, or rate of depletion that is entitled to protection as proprietary information. The City Attorney shall identify the proprietary information as a separate part of each application. A copy of all permits, *reclamation* plans, reports, applications, and other documents submitted in accordance with Section 141.10056, including proprietary information, shall be furnished to the Director of the California Department of Conservation by the City Manager. Proprietary information shall be made available to persons other than the Director of the Department of Conservation only when authorized by the *surface mining* owner in accordance with Public Resources Code section 2778.

(h) through (i) [No change in text.]

(j) In accordance with the provisions of Section 141.10056, Public Resources Code section 2773.1 and as a condition of approval of the Conditional Use Permit or the *reclamation* plan or both, the *surface mining* operator shall submit financial assurances to ensure compliance with the *surface mining* operation's *reclamation* plan, including revegetation and landscaping requirements, restoration of aquatic or wildlife habitat, restoration of water bodies and water quality, slope stability and erosion and drainage control, disposal of hazardous materials, annual adjustments for disturbance to new lands and those anticipated for the upcoming calendar year, inflation and other measures, as necessary.

(1) through (5) [No change in text.]

- (k) Whenever any *surface mining* operation or portion of a *surface mining* operation that is subject to Section 141.10056 is sold, assigned, conveyed, exchanged, or otherwise transferred, the successor in interest shall be bound by the provisions of the Conditional Use Permit, *reclamation* plan, the provisions of Section 141.10056 and the California Surface Mining and Reclamation Act of 1975.
- (l) In accordance with Public Resources Code section 2770, and as further provided in Section 141.10056, whenever any *surface mining* operation becomes *idle*, the *surface mining* operator shall submit a proposed interim management plan (IMP) to the City Manager for review and approval. The IMP shall be submitted within ninety days of the operation becoming *idle* on forms provided by the City Manager. Review and approval of the IMP shall be carried out in accordance with Public Resources Code section 2770(h). Upon receipt of a complete proposed IMP, the City Manager shall forward it to the California Department of Conservation for review.

(m) through (o) [No change in text.]

§141.10067 Newspaper Publishing Plants

[No change in text.]

§141.10078 Processing and Packaging of Plant Products and Animal By-Products Grown Off-Premises

[No change in text.]

§141.10089 Very Heavy Industrial Uses

[No change in text.]

§141.100910 Wrecking and Dismantling of Motor Vehicles

[No change in text.]

§143.0111 Limited Exceptions from Environmentally Sensitive Lands Regulations

The following *development* activities require a Neighborhood Development Permit or Site Development Permit in accordance with Table 143-01A, but the applicable development regulations are modified as indicated:

- (a) Outside the *MHPA* and the Coastal Overlay Zone, mining and extractive industries may exceed the maximum allowable *steep hillside* development area described in Section 143.0142(a). Both inside and outside the *MHPA*, a Conditional Use Permit is required in accordance with Section 141.10056 and restoration of the on-site landform to a natural-appearing condition is required.

(b) through (i) [No change in text.]

§151.0103 Applicable Regulations

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
 - (1) through (9) [No change in text.]
 - (10) ~~Processing, raising, harvesting, retail sales, distributing, storing, or manufacturing, as described in Section 131.0112, of marijuana or marijuana products when the use is specifically allowed by the Planned District Ordinance.~~ Marijuana production facilities regulations contained in Section 141.1004, when the use is specifically allowed by the Planned District Ordinance.

§152.0312 Subdistrict D Permitted Uses

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

(e) Marijuana production facilities are permitted in accordance with Section 141.1004.

§155.0238 Use Regulations Table of CU Zones

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

Legend for Table 155-02C

[No change in text.]

**Table 155-02C
Use Regulations Table for CU Zones**

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3 ⁽²⁾⁽¹²⁾	6	7	8	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Farmers’ Markets, Daily Farmers’ Market Stands [No change in text.]		[No change in text.]									
<u>Marijuana Outlets</u>		=		=			=				
Retail Sales, Separately Regulated Retail Sales Uses, Plant Nurseries through Commercial Services, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]									
Medical Marijuana Consumer Cooperatives		-		-			-				
Commercial Services, Separately Regulated Commercial Services Uses, Mobile Food Trucks through Industrial, Research & Development [No change in text.]		[No change in text.]									
<u>Testing Labs</u>		=		=			=				
Industrial, Trucking & Transportation Terminals through Separately Regulated		[No change in text.]									

Use Categories/Subcategories [See Land Development Code Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>>	CU-									
	3rd >>	1-(1)		2-			3-				
	4th >>	1	2	3	4	5	3(2)(12)	6	7	8	
Industrial Uses, Hazardous Waste Treatment Facility [No change in text.]											
<u>Marijuana Production Facilities</u>		=		=			=				
Industrial, Separately Regulated Industrial Uses, Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses , Theater <i>Marquees</i> [No change in text.]		[No change in text.]									

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

§156.0308 Base District Use Regulations

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

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
	LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay															
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
Public Park/ Plaza/Open Space, through Industrial, Research & Development [No change in text.]	[No change in text.]															
<u>Testing Labs</u>	=	=	=	=	=	=	=	=	=	=	=	=	=			
Industrial through Trucking and Transportation Terminals [No change in text.]	[No change in text.]															
<u>Separately Regulated Industrial Uses</u>																

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS																
LEGEND: P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay																
Use Categories/ Subcategories	C	NC	ER	BP	WM ⁷	MC	RE	I ⁷	T ⁷	PC	PF ¹⁰	OS	CC ⁷	Additional Regulations	MS/CS & E Overlays	
<u>Marijuana Production Facilities</u>	=	=	=	=	=	=	=	=	=	=	=	=	=			
Signs, Separately Regulated Sign Uses, Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]															

Footnotes for Table 156-0308-A Footnotes for Table 156-0308-A [No change in text.]

SMT:als
07/11/2017
09/12/2017 Rev. Copy
Or.Dept:Planning
Doc. No.: 1499083_5

Passed by the Council of The City of San Diego on OCT 03 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 17 2017

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

(Seal)
THEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

SEP 11 2017

OCT 17 2017

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)
ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Linda Irwin, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20859