

ORDINANCE NUMBER O- 21163 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 08 2020

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.4033; AMENDING CHAPTER 3, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 34.0103; AMENDING CHAPTER 4, ARTICLE 2, DIVISION 13 BY AMENDING SECTIONS 42.1301, 42.1302, 42.1303, AND 42.1304; AMENDING CHAPTER 4, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 42.1501, 42.1502, 42.1504, 42.1505, 42.1506, 42.1507, 42.1508, 42.1509, AND 42.1510; AMENDING CHAPTER 4, ARTICLE 3, DIVISION 10 BY AMENDING SECTION 43.1002; AMENDING CHAPTER 5, ARTICLE 2, DIVISION 33 BY AMENDING SECTION 52.3305; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0225; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; 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 AMENDING SECTION 141.1004; 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 3, DIVISION 3 BY AMENDING SECTIONS 153.0309 AND 153.0310; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0112, 1516.0117, AND 1516.0122, RELATING TO CANNABIS REGULATIONS AS PART OF THE 12th UPDATE (PHASE TWO) OF THE LAND DEVELOPMENT CODE.

WHEREAS, the City of San Diego currently regulates marijuana businesses and activities throughout the San Diego Municipal Code (SDMC); and

WHEREAS, the terms “marijuana” and “cannabis” are utilized throughout the SDMC; and

WHEREAS, the proposed regulations to replace the term “marijuana” with “cannabis” will provide consistency throughout the SDMC and with state law; and

WHEREAS, the Ordinance proposes regulations on secondary signage for cannabis outlets to clarify the intent of the sign requirements that include restricting advertising to protect youth; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 2, Division 4 of the San Diego Municipal Code is amended by amending section 22.4033, to read as follows:

**§22.4033 Sales or Distribution of Goods in Special Event Venue**

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

Section 2. That Chapter 3, Article 4, Division 1 of the San Diego Municipal Code is amended by amending section 34.0103, to read as follows:

**§34.0103 Definitions**

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

“*Cannabis*” [No change in text.]

“*Cannabis Business*” means any activity which entails the distribution, delivery, dispensing, exchanging, bartering or sale of non-medical *Cannabis*, including but not limited to, transporting, manufacturing, cultivating, compounding, converting, processing, preparing, storing, packaging, wholesale, or retail sales of *Cannabis* and any ancillary products in the City, whether or not carried on for gain or profit. Medical marijuana activities authorized under Health and Safety Code section 11362.765, as it may be amended from time to time, are not *Cannabis Businesses* under this Article.

“*Cannabis Business Tax*” through “*Tax Administrator*” or “*administrator*” [No change in text.]

Section 3. That Chapter 4, Article 2, Division 13 of the San Diego Municipal Code is amended by amending sections 42.1301, 42.1302, 42.1303, and 42.1304, to read as follows:

**Chapter 4: Health and Sanitation**

**Article 2: Health Regulated Businesses and Activities**

**Division 13: Cannabis Regulations**

**§42.1301 Purpose and Intent**

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

(d) This Division shall be interpreted in a manner consistent with state law. Nothing in this Division is intended to authorize the sale, distribution, possession, planting, cultivation, harvesting, drying, processing, manufacturing, compounding, converting, producing, deriving, or preparing of *cannabis*, or any other transaction, in violation of state law.

**§42.1302 Definitions**

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

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

*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.

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

*Private residence* [No change in text.]

*Qualified patient* means a California resident having the right to obtain and use *cannabis* for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of *cannabis* in the treatment of cancer, anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any

other illness for which *cannabis* provides relief in accordance with state law, including California Health and Safety Code section 11362.5.

*Vaping through Volatile solvents* [No change in text.]

**§42.1303      Smoking and Vaping Cannabis or Cannabis Products**

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

**§42.1304      Cannabis Cultivation**

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

Section 4. That Chapter 4, Article 2, Division 15 of the San Diego Municipal Code is amended by amending sections 42.1501, 42.1502, 42.1504, 42.1505, 42.1506, 42.1507, 42.1508, 42.1509, and 42.1510, to read as follows:

**Article 2: Health Regulated Businesses and Activities**

**Division 15: Cannabis Outlets, Cannabis Production Facilities,  
and Transportation of Cannabis**

**§42.1501 Purpose and Intent**

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

It is not the intent of this Division to supersede or conflict with state law, but to implement the Compassionate Use Act (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7-11362.83), the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act.

**§42.1502 Definitions**

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

*Cannabis* has the same meaning as in California Business and Professions Code section 26001.

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

*Primary caregiver* has the same meaning as in San Diego Municipal Code section 42.1302.

*Qualified patient* has the same meaning as in San Diego Municipal Code section 42.1302.

*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*; and

*State identification card through Violent felony* [No change in text.]

**§42.1504 Cannabis Outlets and Cannabis Production Facilities—Permit Required**

- (a) It is unlawful for any person to operate any *cannabis outlet* without a *Cannabis Outlet Permit* or a *cannabis production facility* without a *Cannabis Production Facility Permit* issued pursuant to this Division.
- (b) *Cannabis outlets* and *cannabis production facilities* shall designate one officer or manager to act as a responsible managing officer. The responsible managing officer may complete and sign the permit application on behalf of the *cannabis outlet* or a *cannabis production facility*.
- (c) The issuance of a *Cannabis Outlet Permit* or *Cannabis Production Facility Permit* pursuant to this Division does not relieve any person from the obligation to obtain any other permit, license, certificate, or other similar approval that may be required by the City, the County of San Diego, or state or federal law.
- (d) [No change in text.]
- (e) Applications for *Cannabis Outlet Permits* and *Cannabis Production Facility Permits* shall be filed with the City Manager.
- (f) [No change in text.]



- (g) *Cannabis Outlet* Permits and *Cannabis Production Facility* Permits issued pursuant to this Division shall be valid for one year from the date of issuance.
- (h) An application for a *Cannabis Outlet* Permit or a *Cannabis Production Facility* Permit shall be denied if the applicant has had any permit issued pursuant to this Division revoked by the City Manager within the twelve months preceding the date of application.

**§42.1505 Exemptions**

- (a) This Division does not apply to the cultivation of *cannabis* by a *qualified patient* at that patient's home, so long as the qualified patient is only growing the *cannabis* for his or her own personal medical needs in a manner consistent with state law.
- (b) This Division does not apply to the cultivation of six or fewer *cannabis* plants within a private residence or an accessory structure to that residence that is fully enclosed and secure. For the purposes of this section, a private residence means a house, apartment unit, mobile home, or other similar dwelling.

**§42.1506 Cannabis Outlets and Cannabis Production Facilities—Cost Recovery Fees**

Notwithstanding any other provision of this Code, the City may recover its costs in the form of a permit fee for the costs of permitting and regulating *cannabis outlets* and *cannabis production facilities*.

**§42.1507 Cannabis Outlets and Cannabis Production Facilities—Background Checks and Reporting Convictions**

- (a) Prior to acting as a *responsible person* in a *cannabis outlet* or a *cannabis production facility*, all persons shall undergo fingerprinting. The fingerprints shall be provided to and kept on file with the City.
- (b) The City shall conduct a background check of all *responsible persons*.  
Any person who has been convicted of a *violent felony* or a crime of moral turpitude within the past seven years cannot act as a *responsible person* for a *cannabis outlet* or a *cannabis production facility*.  
A conviction is complete upon entry of judgment upon a finding of guilty, or upon entry of a plea of guilty, or upon entry of a plea of nolo contendere or “no contest,” regardless of the pendency of any appeal, or expungement pursuant to California Penal Code sections 1203.4, 1203.4a, or 1203.41.
- (c) It is unlawful for any *responsible person* to act as a *responsible person* for a *cannabis outlet* or a *cannabis production facility* if he or she fails to provide their fingerprints to the City.
- (d) through (e) [No change in text.]

**§42.1508 Cannabis Outlets and Cannabis Production Facilities—Operational Requirements**

- (a) The *responsible person* for a *cannabis outlet* and a *cannabis production facility* shall maintain and provide, upon request by the City, a current list of all *responsible persons*.
- (b) Age Limitations

- (1) No person under the age of 21 is allowed at or in any *cannabis outlet* or *cannabis production facility* unless the person is a *qualified patient* or *state identification card* holder, and if under the age of 18, is accompanied by a parent, legal guardian, or a *primary caregiver* who is over the age of 18.
- (2) No person under the age of 21 may be employed by or act as a *responsible person* on behalf of a *cannabis outlet* or a *cannabis production facility*.

**§42.1509 Cannabis Outlets and Cannabis Production Facilities—Regulatory Actions on Permit**

- (a) In addition to any penalties and remedies provided by law, and any other bases for regulatory action provided by law, a *Cannabis Outlet Permit* and a *Cannabis Production Facility Permit* are subject to regulatory actions for the following reasons:
  - (1) through (5) [No change in text.]
- (b) Regulatory action includes the following:
  - (1) through (4) [No change in text.]
  - (5) Suspension of the *Cannabis Outlet Permit* or the *Cannabis Production Facility Permit*; or
  - (6) Revocation of the *Cannabis Outlet Permit* or the *Cannabis Production Facility Permit*.
- (c) through (i) [No change in text.]
- (j) The regulatory action shall be suspended while an appeal is pending, or until the time for filing such an appeal has expired, except for regulatory

action taken when the City Manager determines there is a need to take immediate action to protect the public from injury or harm or when the *Cannabis Outlet* Permit or the *Cannabis Production Facility* Permit was based on material misrepresentations in the application and the permit would not have been issued but for the material misrepresentations.

**§42.1510      Transportation**

The transportation of *cannabis* and *cannabis* products between facilities licensed by the State of California pursuant to Business and Professions Code, Division 10, is permitted.

Section 5. That Chapter 4, Article 3, Division 10 of the San Diego Municipal Code is amended by amending section 43.1002, to read as follows:

**§43.1002      Prohibitions**

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

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

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

Section 6. That Chapter 5, Article 2, Division 33 of the San Diego Municipal Code is amended by amending section 52.3305, to read as follows:

**§52.3305      Evidentiary Factors**

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

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

(5)      Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine or methamphetamine):

(6) through (11) [No change in text.]

Disclaiming a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug* as “not safe for human consumption” will not avoid the application of this Division.

Section 7. That Chapter 11, Article 3, Division 1 of the San Diego Municipal Code is amended by amending section 113.0103, to read as follows:

**§113.0103 Definitions**

*Abutting property* through *Business day* [No change in text.]

*Cannabis outlet* has the same meaning as in San Diego Municipal Code section 42.1502.

*Cannabis production facility* has the same meaning as in San Diego Municipal Code section 42.1502.

*Capital improvement program project* through *Map, tentative* (See *tentative map*) [No change in text.]

*Market value* through *Yard* [No change in text.]

Section 8. 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 *cannabis outlets* or *cannabis production facilities*, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as *freeways or flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct route around the barrier in a manner that establishes direct access.

Section 9. 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  
Agriculture-related supplies and equipment sales  
Alcoholic beverage outlets (under circumstances described in Section 141.0502)  
Assembly and entertainment uses, including places of religious assembly (under circumstances described in Section 141.0602)  
Automobile service stations  
Bed and breakfast establishments (under circumstances described in Section 141.0603)  
*Cannabis outlets*  
*Cannabis production facilities*  
Child Care Centers  
Commercial stables  
Continuing care retirement communities  
Educational facilities

Employee housing  
Energy generation and distribution stations  
Equestrian show and exhibition facilities  
Fraternal organizations, sororities, and student dormitories  
*Historical buildings* used for purposes not otherwise allowed in the zone  
Impound storage yards  
Major transmission, relay, or communication switching station  
Museums  
Newspaper publishing plants  
Outdoor storage and display of new, unregistered motor vehicles as a  
*primary use*  
Parking facilities as a *primary use*  
Plant nurseries  
Private clubs, lodges, and fraternal organizations  
Processing and packaging of plant products and animal by-products grown  
off-premises  
Recycling facilities (under circumstances described in Section 141.0620)  
Residential care facilities for 7 to 12 persons  
Swap meets and other large outdoor retail facilities  
*Wireless communication facilities* (under circumstances described in  
Section 141.0420)

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

Section 10. 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 <sup>(1)</sup> -	OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]				
<i>Cannabis Outlets</i>		-	-	-	-	-
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]				
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses</b> , Artisan Food and Beverage Producer [No change in text.]		[No change in text.]				
<i>Cannabis Production Facilities</i>		-	-	-	-	-
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]				
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses</b> , Theater Marquees [No change in text.]		[No change in text.]				

Footnotes for Table 131-02B [No change in text.]

Section 11. 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
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]			
<i>Cannabis Outlets</i>		-		-	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses</b> , Artisan Food and Beverage Producer [No change in text.]		[No change in text.]			
<i>Cannabis Production Facilities</i>		-		-	
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]			
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]			

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

Section 12. 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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]																								
Cannabis Outlets		-	-														-	-								
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																								
Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer [No change in text.]		[No change in text.]																								
Cannabis Production Facilities		-	-														-	-								
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]																								
Marine Related Uses Within the Coastal Overlay Zone through Signs, Separately Regulated Signs Uses, Theater Marquees [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
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]											
<i>Cannabis Outlets</i>		-			-			-			-		-

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]											
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses,</b> Artisan Food and Beverage Producer [No change in text.]		[No change in text.]											
<i>Cannabis Production Facilities</i>		-			-			-			-		-
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]		[No change in text.]											
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses,</b> Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

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

Section 13. 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 <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
	3rd >>	1-						1-	2-	1-	2-	3-	1-	2-	3-	1-	2-	1-	2-
	4th >>	1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]																	
<i>Cannabis Outlets</i>		-	-	-	-	-	-	-	C	-	-	-	-	-	-	-	-	-	-
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																	
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer</b> [No change in text.]		[No change in text.]																	
<i>Cannabis Production Facilities</i>		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
<i>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]																	
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [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		
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]																											
<i>Cannabis Outlets</i>		-			C			-			-			-															
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																											
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer</b> [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
Cannabis Production Facilities		-			-				-						-				-						-	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]																								
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 [No change in text.]

Section 14. 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
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]									
<i>Cannabis Outlets</i>		-	-	-	-	-	C	-	-	C	C
<i>Farmers' Markets through Daily Farmers' Market Stands</i> [No change in text.]		[No change in text.]									
<i>Plant Nurseries through Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer</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> >	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
<i>Cannabis Production Facilities</i>		-	-	-	C	C	C	C	C	-	-
<i>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]									
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]									

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

Section 15. 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 (f) [No change in text.]

**Legend for Table 132-15D**

[No change in text.]

**Table 132-15D**

**Noise Compatibility Criteria**

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

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
<i>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</i> [No change in text.]	[No change in text.]			
Marine Related Uses Within the Coastal Overlay Zone through 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 (f) [No change in text.]

**Legend for Table 132-15F**

[No change in text.]

**Table 132-15F****Safety Compatibility Criteria for MCAS Miramar**

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

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	APZ I	APZ II	TZ
	25	50	300
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]		
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person] through 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 Lot Coverage <sup>11</sup>	N/A	50%	60%	70%	70%	N/A
Open Space through Industrial, Separately Regulated Industrial Uses [No change in text.]	[No change in text.]					
Cannabis Production Facilities [300 sq ft per person]	-	L/.48 <sup>8</sup>	L/.90 <sup>8</sup>	L.90 <sup>8</sup>	L/1.38 <sup>8</sup>	P
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [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 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> <sup>11</sup>	N/A	50%	60%	70%	70%	N/A
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person] through Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]					

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

Section 16. 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 Cannabis Outlets**

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

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

- (1) 1,000 feet from resource and population-based city parks, other *cannabis outlets*, churches, child care centers, playgrounds,

libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades one to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.

(2) [No change in text.]

- (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 *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 *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 7:00 a.m. and 9:00 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) [No change in text.]
- (i) A Conditional Use Permit for a *cannabis outlet* shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an *accessory use* only from *cannabis outlets* with a valid Conditional Use Permit unless otherwise allowed pursuant to state law.
- (k) The *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 *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) An extension of time for a Conditional Use Permit granted to a *cannabis outlet* shall comply with the requirements of Section 126.0111, with the following exceptions:

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

Section 17. That Chapter 14, Article 1, Division 10 of the San Diego Municipal Code is amended by amending section 141.1004, to read as follows:

**§141.1004 Cannabis Production Facilities**

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

- (a) *Cannabis production facilities* 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 (d) [No change in text.]
- (e) The name and emergency contact phone number of the designated responsible managing operator shall be posted outside the *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.

- (f) [No change in text.]
- (g) A Conditional Use Permit for a *cannabis production facility* shall expire no later than five years from the date of issuance.
- (h) An extension of time for a Conditional Use Permit granted to a *cannabis 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 years.
  - (2) through (4) [No change in text.]
- (i) The sale of *cannabis* and *cannabis* products shall only be conducted by a *cannabis outlet* in accordance with Section 141.0504. A *cannabis production facility* is prohibited from providing *cannabis* and *cannabis* products to any person other than another *cannabis production facility*, a testing lab, or a *cannabis outlet*.
- (j) The *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.
- (k) The *cannabis production facility* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

Section 18. 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 (8) [No change in text.]
  - (9) *Cannabis outlet* regulations contained in Section 141.0504 when the use is specifically allowed by the Planned District Ordinance.
  - (10) *Cannabis production facilities* regulations contained in Section 141.1004, when the use is specifically allowed by the Planned District Ordinance.
  - (11) through (12) [No change in text.]

Section 19. 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 (b) [No change in text.]
- (c) *Cannabis outlets* are permitted in accordance with Section 141.0504.
- (d) [No change in text.]
- (e) *Cannabis production facilities* are permitted in accordance with Section 141.1004.

Section 20. That Chapter 15, Article 3, Division 3 of the San Diego Municipal Code is amended by amending sections 153.0309 and 153.0310, to read as follows:

**§153.0309 Employment Center (EC)**

- (a) Permitted Uses

No building, improvement, or portion thereof shall be erected,  
constructed, converted, established, altered, or enlarged, nor shall any lot  
or premises be used except for one or more of the following purposes:

(1) through (10) [No change in text.]

(11) *Cannabis outlets* are permitted in accordance with Section  
141.0504.

(12) through (14) [No change in text.]

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

**§153.0310 Special Use Area (SP)**

(a) [No change in text.]

(b) Permitted Uses

The following uses are permitted in the Special Use Area:

(1) through (11) [No change in text.]

(12) *Cannabis outlets* are permitted in accordance with Section  
141.0504.

(13) [No change in text.]

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

Section 21. 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-( <sup>1</sup> )		2-			3-				
	4th >>	1	2	3	4	5	3( <sup>2</sup> )( <sup>12</sup> )	6	7	8	
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]									
<i>Cannabis Outlets</i>		-		-			-				
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]									
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses</b> [No change in text.]		[No change in text.]									
<i>Cannabis Production Facilities</i>		-		-			-				
<i>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</i> [No change in text.]		[No change in text.]									
Marine Related Uses Within the Coastal Overlay Zone [No change in text.]		[No change in text.]									
Mining and Extractive Industries		-		-			-				
Newspaper Publishing Plants through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]									

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

Section 22. That Chapter 15, Article 16, Division 1 of the San Diego Municipal Code is amended by amending sections 1516.0112, 1516.0117, and 1516.0122, to read as follows:

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones**

The uses allowed in the Old Town San Diego Residential zones are shown in

Table 1516-01B:



**Legend for Table 1516-01B**

[No change in text.]

**Table 1516-01B**  
**Use Regulations for Old Town 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 >>	OTRS-	OTRM-		
	3rd >>	1-	1-	2-	
	4th >>	1	1	1	2
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]			
Cannabis Outlets		-	-	-	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]			
Cannabis Production Facilities		-	-	-	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]			
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 1516-01B [No change in text.]

**§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones**

The uses allowed in the Old Town San Diego Commercial zones are shown in  
Table 1516-01D:

**Legend for Table 1516-01D**

[No change in text.]

**Table 1516-01D**  
**Use Regulations for Old Town San Diego 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 >> 3rd >> 4th >>	OTCC-						OTMCR-			
		1-	2-			3-		1			
		1	1	2	3	1	2	1	2	3	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
Cannabis Outlets		-	-			-		-			
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]									
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]									
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]									
Cannabis Production Facilities		-	-			-		-			
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]									
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 1516-01D [No change in text.]

**§1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones**

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

**Legend for Table 1516-01F**

[No change in text.]

**Table 1516-01F**  
**Use Regulations for Old Town San Diego Open Space-Park Zones**

Use Categories/ Subcategories [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones	
	1st & 2nd>>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]	
<i>Cannabis Outlets</i>		-	-
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]	
Plant Nurseries through <b>Commercial, Separately Regulated Commercial Services Uses</b> , Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]	
Mobile Food Trucks through <b>Industrial, Separately Regulated Industrial Uses</b> [No change in text.]		[No change in text.]	
<i>Cannabis Production Facilities</i>		-	-
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]	
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses</b> , Theater Marquees [No change in text.]		[No change in text.]	

Footnotes for Table 1516-01F [No change in text.]

Section 23. 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 24. 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 Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports (collectively, Airports), this Ordinance shall take effect and be in force on the thirtieth day from and after the finding of consistency, or on the thirtieth day from and after its final passage, whichever is later, 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 the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

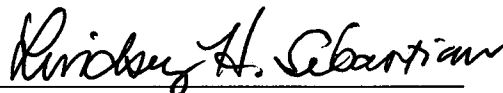
Section 25. That no permits shall be issued for development that is inconsistent with the provisions of this Ordinance unless complete applications for such permits are submitted to the City prior to the date on which the applicable provisions of this Ordinance become effective.

Section 26. That Ordinances O-21118, O-21114, O-21115, O-21116, O-21117 and O-2020-64 have been recently considered by the City Council; that Ordinances O-2020-60, O-2020-66, and O-2020-68 will be considered concurrently by the City Council; and that Ordinances O-2020-9, O-2020-3 will be considered by the City Council in the near future which

amend San Diego Municipal Code sections also amended by this Ordinance; therefore, the City Clerk, with the written approval and concurrence of the City Attorney, is authorized to reconcile the numbering of sections and placement of text within these sections upon the final passage of the Ordinances, without further action by the City Council, pursuant to San Diego Charter section 275.

Section 27. That the text in uncodified Section 21 of O-20859 passed by the City Council on October 17, 2017 is deleted in its entirety and replaced with the following language: That cannabis production facilities that have an approved Zoning Use Certificate and a Business Tax Certificate issued before January 31, 2017, and that received a Conditional Use Permit no later than the effective date of this Ordinance, shall have 24 months from October 17, 2019 in which to cease use or obtain all approvals required to operate in accordance with the approved Conditional Use Permit. This provision shall be retroactively applied to October 17, 2019.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Lindsey H. Sebastian  
Deputy City Attorney

LJS:als  
12/02/2019  
12/17/2019 Cor. Copy  
12/19/2019 Rev. Copy  
Or.Dept: Planning Dept.  
Doc. No.: 2191291\_4

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 07 2020.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 1/8/2020  
(date)

  
KEVIN L. FAULCONER, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
KEVIN L. FAULCONER, Mayor

**STRIKEOUT ORDINANCE**

**OLD LANGUAGE: ~~Struck Out~~**

**NEW LANGUAGE: Double Underline**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 2, DIVISION 4 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 22.4033; AMENDING CHAPTER 3, ARTICLE 4, DIVISION 1 BY AMENDING SECTION 34.0103; AMENDING CHAPTER 4, ARTICLE 2, DIVISION 13 BY AMENDING SECTIONS 42.1301, 42.1302, 42.1303, AND 42.1304; AMENDING CHAPTER 4, ARTICLE 2, DIVISION 15 BY AMENDING SECTIONS 42.1501, 42.1502, 42.1504, 42.1505, 42.1506, 42.1507, 42.1508, 42.1509, AND 42.1510; AMENDING CHAPTER 4, ARTICLE 3, DIVISION 10 BY AMENDING SECTION 43.1002; AMENDING CHAPTER 5, ARTICLE 2, DIVISION 33 BY AMENDING SECTION 52.3305; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 1 BY AMENDING SECTION 113.0103; AMENDING CHAPTER 11, ARTICLE 3, DIVISION 2 BY AMENDING SECTION 113.0225; AMENDING CHAPTER 12, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 126.0303; 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 AMENDING SECTION 141.1004; 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 3, DIVISION 3 BY AMENDING SECTIONS 153.0309 AND 153.0310; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0112, 1516.0117, AND 1516.0122, RELATING TO CANNABIS



REGULATIONS AS PART OF THE 12th UPDATE (PHASE TWO) OF THE LAND DEVELOPMENT CODE.

**§22.4033 Sales or Distribution of Goods in Special Event Venue**

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

**§34.0103 Definitions**

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

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

## Chapter 4: Health and Sanitation

### Article 2: Health Regulated Businesses and Activities

#### Division 13: ~~Marijuana~~ Cannabis Regulations

##### §42.1301 Purpose and Intent

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

(d) This Division shall be interpreted in a manner consistent with state law.

Nothing in this Division is intended to authorize the sale, distribution, possession, planting, cultivation, harvesting, drying, processing, manufacturing, compounding, converting, producing, deriving, or preparing of ~~marijuana~~ cannabis, or any other transaction, in violation of state law.

##### §42.1302 Definitions

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

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

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

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

*Primary caregiver* means the individual designated by the *qualified patient* who has consistently assumed responsibility for the housing, health, or safety of the

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

*Private residence* [No change in text.]

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

*Vaping through Volatile solvents* [No change in text.]

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

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

**§42.1304      Marijuana Cannabis Cultivation**

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

**Article 2: Health Regulated Businesses and Activities**

**Division 15: Marijuana Cannabis Outlets, Marijuana Cannabis Production Facilities,  
and Transportation of Marijuana Cannabis**

**§42.1501      Purpose and Intent**

It is the intent of this Division to promote and protect the public health, safety, and welfare of the citizens of San Diego by allowing but strictly regulating the retail sale of marijuana cannabis at marijuana cannabis outlets, and the raising,

harvesting, processing, wholesaling, distributing, storing, and producing of *marijuana cannabis* and *marijuana cannabis* products at *marijuana cannabis* *production facilities* in accordance with state law. It is further the intent of this Division to ensure that *marijuana cannabis* is not diverted for illegal purposes, and to limit its use to those persons authorized under state law. Nothing in this Division is intended to authorize the cultivation, sale, distribution, possession of *marijuana cannabis*, or other transaction, in violation of state law.

It is not the intent of this Division to supersede or conflict with state law, but to implement the Compassionate Use Act (California Health and Safety Code section 11362.5), the Medical Marijuana Program Act (California Health and Safety Code sections 11362.7-11362.83), the Medicinal and Adult-Use Cannabis Regulation and Safety Act, and the Adult Use of Marijuana Act.

**§42.1502      Definitions**

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

*Marijuana Cannabis* has the same meaning as in California Business and Professions Code section 26001.

*Marijuana Cannabis outlet* means a retail establishment operating with a Conditional Use Permit in accordance with section 141.0504, where *marijuana cannabis*, *marijuana cannabis* products, and *marijuana cannabis* accessories, as defined in California Health and Safety Code sections 11018, 11018.1, and 11018.2, respectively, are sold to the public in accordance with dispensary or retailer licensing requirements contained in the California Business and Professions Code sections governing *marijuana cannabis* and *medical medical*

~~*marijuana cannabis*~~. A ~~*marijuana 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.

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

~~*Primary caregiver*~~ means the individual designated by the ~~*qualified patient*~~ who has consistently assumed responsibility for the housing, health, or safety of the ~~*qualified patient*~~, in accordance with state law, including California Health and Safety Code section 11362.5. As explained in *People v. Menteh*, 45 Cal. 4th 274 (2008), a ~~*primary caregiver*~~ is a person who consistently provides caregiving to a ~~*qualified patient*~~, independent of any assistance in taking medical ~~*marijuana*~~, at or before the time he or she assumed responsibility for assisting with medical ~~*marijuana*~~ has the same meaning as in San Diego Municipal Code section 42.1302.

~~*Qualified patient*~~ means a California resident having the right to obtain and use ~~*marijuana*~~ for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of ~~*marijuana*~~ in the treatment of cancer,

~~anorexia, AIDS, chronic pain, spasticity, glaucoma, arthritis, migraine, or any other illness for which *marijuana* provides relief, in accordance with state law, including California Health and Safety Code section 11362.5 has the same meaning as in San Diego Municipal Code section 42.1302.~~

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

*State identification card through Violent felony* [No change in text.]

**§42.1504 ~~Marijuana~~ Cannabis Outlets and ~~Marijuana~~ Cannabis Production Facilities—Permit Required**

- (a) It is unlawful for any person to operate any ~~*marijuana*~~ *cannabis* ~~*outlet*~~ without a ~~*Marijuana Cannabis*~~ *Cannabis* ~~*Outlet*~~ Permit or a ~~*marijuana cannabis*~~ *cannabis* ~~*production facility*~~ without a ~~*Marijuana Cannabis*~~ *Cannabis* ~~*Production Facility*~~ Permit issued pursuant to this Division.
- (b) ~~*Marijuana Cannabis*~~ *Cannabis* ~~*outlets*~~ and ~~*marijuana cannabis*~~ *cannabis* ~~*production facilities*~~ shall designate one officer or manager to act as a responsible managing officer. The responsible managing officer may complete and sign the permit application on behalf of the ~~*marijuana cannabis*~~ *cannabis* ~~*outlet*~~ or a ~~*marijuana cannabis*~~ *cannabis* ~~*production facility*~~.

- (c) The issuance of a *Marijuana Cannabis Outlet* Permit or *Marijuana Cannabis Production Facility* Permit pursuant to this Division does not relieve any person from ~~obtaining~~ the obligation to obtain any other permit, license, certificate, or other similar approval that may be required by the City, the County of San Diego, or state or federal law.
- (d) [No change in text.]
- (e) Applications for *Marijuana Cannabis Outlet* Permits and *Marijuana Cannabis Production Facility* Permits shall be filed with the City Manager.
- (f) [No change in text.]
- (g) *Marijuana Cannabis Outlet* Permits and *Marijuana Cannabis Production Facility* Permits issued pursuant to this Division shall be valid for one year from the date of issuance.
- (h) An application for a *Marijuana Cannabis Outlet* Permit or a *Marijuana Cannabis Production Facility* Permit shall be denied if the applicant has had any permit issued pursuant to this Division revoked by the City Manager within the past twelve months preceding ~~of~~ the date of application.

**§42.1505 Exemptions**

- (a) This Division does not apply to the cultivation of *marijuana cannabis* by a *qualified patient* at that patient's home, so long as the *patient* qualified patient is only growing the cannabis for his or her own personal medical needs in a manner consistent with state law.



- (b) This Division does not apply to the cultivation of six or fewer *marijuana cannabis* plants within a private residence or an accessory structure to that residence that is fully enclosed and secure. For the purposes of this section, a private residence means a house, apartment unit, mobile home, or other similar dwelling.

**§42.1506     ~~Marijuana Cannabis~~ Outlets and ~~Marijuana Cannabis~~ Production Facilities—Cost Recovery Fees**

Notwithstanding any other provision of this Code, the City may recover its costs in the form of a permit fee for the costs of permitting and regulating *marijuana cannabis outlets* and *marijuana cannabis production facilities*.

**§42.1507     ~~Marijuana Cannabis~~ Outlets and ~~Marijuana Cannabis~~ Production Facilities—Background Checks and Reporting Convictions**

- (a) Prior to acting as a *responsible person* in a *marijuana cannabis outlet* or a *marijuana cannabis production facility*, all persons shall undergo fingerprinting. The fingerprints shall be provided to and kept on file with the City.
- (b) The City shall conduct a background check of all *responsible persons*. Any person who has been convicted of a *violent felony* or a crime of moral turpitude within the past seven years, cannot act as a *responsible person* for a *marijuana cannabis outlet* or a *marijuana cannabis production facility*.
- A conviction is complete upon entry of judgment upon a finding of guilty, or upon entry of a plea of guilty, or upon entry of a plea of nolo contendere or “no contest,” regardless of the pendency of any appeal, or

expungement pursuant to California Penal Code sections 1203.4, 1203.4a, or 1203.41.

- (c) It is unlawful for any *responsible person* to act as a *responsible person* for a ~~*marijuana*~~ *cannabis* outlet or a ~~*marijuana*~~ *cannabis* production facility if he or she:

- (1) fails to provide their fingerprints to the City; ~~or,~~
- (2) ~~has been convicted of a violent felony or crime of moral turpitude within the past seven years.~~

- (d) through (e) [No change in text.]

**§42.1508 ~~Marijuana~~ Cannabis Outlets and ~~Marijuana~~ Cannabis Production Facilities—Operational Requirements**

- (a) ~~Verification and Documentation~~

The responsible person for ~~A~~ a ~~marijuana~~ *cannabis* outlet and a *marijuana* *cannabis* production facility shall maintain and provide, upon request by the City, a current list of all *responsible persons*.

- (b) Age Limitations

- (1) No person under the age of ~~twenty-one~~ 21 is allowed at or in any ~~*marijuana*~~ *cannabis* outlet or ~~*marijuana*~~ *cannabis* production facility unless the person is a *qualified patient* or *state identification card* holder, and if under the age of ~~eighteen~~ 18, is accompanied by a parent, legal guardian, or a *primary caregiver* who is over the age of ~~eighteen~~ 18.
- (2) No person under the age of ~~twenty-one~~ 21 may be employed by or act as a *responsible person* on behalf of a ~~*marijuana*~~ *cannabis* outlet or a ~~*marijuana*~~ *cannabis* production facility.

**§42.1509      Marijuana Cannabis Outlets and Marijuana Cannabis Production Facilities—Regulatory Actions on Permit**

- (a) In addition to any penalties and remedies provided by law, and any other bases for regulatory action provided by law, a Marijuana Cannabis Outlet Permit and a Marijuana Cannabis Production Facility Permit are subject to regulatory actions for the following reasons:
  - (1) through (5) [No change in text.]
- (b) Regulatory action includes the following:
  - (1) through (4) [No change in text.]
  - (5) Suspension of the Marijuana Cannabis Outlet Permit or the Marijuana Cannabis Production Facility Permit; or
  - (6) Revocation of the Marijuana Cannabis Outlet Permit or the Marijuana Cannabis Production Facility Permit.
- (c) through (i) [No change in text.]
- (j) The regulatory action shall be suspended while an appeal is pending, or until the time for filing such an appeal has expired, except for regulatory action taken when the City Manager determines there is a need to take immediate action to protect the public from injury or harm or when the Marijuana Cannabis Outlet Permit or the Marijuana Cannabis Production Facility Permit was based on material misrepresentations in the application and the permit would not have been issued but for the material misrepresentations.

**§42.1510      Transportation**

The transportation of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products between facilities licensed by the State of California pursuant to Business and Professions Code, Division 10, is permitted.

**§43.1002      Prohibitions**

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

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

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

**§52.3305      Evidentiary Factors**

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

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

(5)      Similarity to Illicit Street Drugs: The product resembles the form or consistency of an illicit street drug (such as cocaine, or methamphetamine, ~~or marijuana~~);

(6) through (11) [No change in text.]

Disclaiming a *Federal Schedule I Drug*, a *Novel Synthetic Drug*, or a *Novel Psychoactive Drug* as “not safe for human consumption” will not avoid the application of this Division.

**§113.0103 Definitions**

*Abutting property* through *Business day* [No change in text.]

*Cannabis outlet* has the same meaning as in San Diego Municipal Code section 42.1502.

*Cannabis production facility* has the same meaning as in San Diego Municipal Code section 42.1502.

*Capital improvement program project* through *Map, tentative* (See *tentative map*)  
[No change in text.]

~~*Marijuana outlet* means a retail establishment operating with a Conditional Use Permit in accordance with section 141.0504, where *marijuana*, *marijuana* products, and *marijuana* 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 *marijuana* and *medical marijuana*. A *marijuana outlet* shall not include clinics licensed by the State of California pursuant to California Health and Safety Code Division 2, Chapters 1, 2, 3.01, 3.2, or 8.~~

*Market value* through *Yard* [No change in text.]

**§113.0225 Measuring Distance Between Uses**

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

**Diagram 113-02E**

**Distance Between Uses**

[No change in text.]

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

- (c) When measuring distance for separation requirements for ~~marijuana~~ cannabis outlets or ~~marijuana production facilities~~ cannabis production facilities, the measurement of distance between the uses shall take into account natural topographical barriers and constructed barriers such as *freeways or flood* control channels that would impede direct physical access between the uses. In such cases, the separation distance shall be measured as the most direct 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  
Agriculture-related supplies and equipment sales  
Alcoholic beverage outlets (under circumstances described in Section 141.0502)  
Assembly and entertainment uses, including places of religious assembly (under circumstances described in Section 141.0602)  
Automobile service stations  
Bed and breakfast establishments (under circumstances described in Section 141.0603)  
Cannabis outlets  
Cannabis production facilities  
Child Care Centers  
Commercial stables  
Continuing care retirement communities  
Educational facilities  
Employee housing  
Energy generation and distribution stations  
Equestrian show and exhibition facilities

Fraternalities, sororities, and student dormitories  
*Historical buildings* used for purposes not otherwise allowed in the zone  
Impound storage yards  
Major transmission, relay, or communication switching station  
~~*Marijuana outlets*~~  
~~*Marijuana production facilities*~~  
Museums  
Newspaper publishing plants  
Outdoor storage and display of new, unregistered motor vehicles as a  
*primary use*  
Parking facilities as a *primary use*  
Plant nurseries  
Private clubs, lodges, and fraternal organizations  
Processing and packaging of plant products and animal by-products grown  
off-premises  
Recycling facilities (under circumstances described in Section 141.0620)  
Residential care facilities for 7 to 12 persons  
Swap meets and other large outdoor retail facilities  
*Wireless communication facilities* (under circumstances described in  
Section 141.0420)

(b) through (c) [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 <sup>(1)</sup> -	OF <sup>(11)</sup> -
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1 2	1
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]				
<u>Cannabis Outlets</u>		=	=	=	=	=
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]				
<del>Marijuana Outlets</del>		-	-	-	-	-
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer</b> [No change in text.]		[No change in text.]				
<u>Cannabis Production Facilities</u>		=	=	=	=	=
<del>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</del> [No change in text.]		[No change in text.]				
<del>Marijuana Production Facilities</del>		-	-	-	-	-
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]				

Footnotes for Table 131-02B [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
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]			
<u>Cannabis Outlets</u>		=		=	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
<u>Marijuana Outlets</u>		-		-	
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer</b> [No change in text.]		[No change in text.]			
<u>Cannabis Production Facilities</u>		=		=	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]			
Marijuana Production Facilities		-		-	
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]																								
<u>Cannabis Outlets</u>	=	=														=		=								
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																								
<u>Marijuana Outlets</u>	-	-														-		-								
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses, Artisan Food and Beverage Producer</b> [No change in text.]		[No change in text.]																								
<u>Cannabis Production Facilities</u>	=	=														=		=								
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]		[No change in text.]																								
<del>Marijuana Production Facilities</del>	-	-														-		-								
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [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 Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]											
<u>Cannabis Outlets</u>		=			=			=			=		=
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]											
<u>Marijuana Outlets</u>		-			-			-			-		-
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses,</b> Artisan Food and Beverage Producer [No change in text.]		[No change in text.]											
<u>Cannabis Production Facilities</u>		=			=			=			=		=
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]											
Marijuana Production Facilities		-			-			-			-		-
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses,</b> Theater <i>Marquees</i> [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 <sup>(1)</sup> -						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
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets</b> [No change in text.]		[No change in text.]																	
<u>Cannabis Outlets</u>		=						=	C	=	C		=	=	=	=	=	=	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																	
<u>Marijuana Outlets</u>		-						-	E	-	E		-	-	-	-	-	-	
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses</b> , Artisan Food and Beverage Producer [No change in text.]		[No change in text.]																	
<u>Cannabis Production Facilities</u>		=						=	=	=	=	=	=	=	=	=	=	=	
<u>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</u> [No change in text.]		[No change in text.]																	
<u>Marijuana Production Facilities</u>		-						-	-	-	-	-	-	-	-	-	-	-	
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses</b> , 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				
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]																													
Cannabis Outlets		=			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	1	2	3	4	5	6	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]																																
<del>Marijuana Outlets</del>		-			€					-						-																	-	
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses</b> , Artisan Food and Beverage Producer [No change in text.]		[No change in text.]																																
<u>Cannabis Production Facilities</u>		=			=					=						=					=												=	
<del>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</del> [No change in text.]		[No change in text.]																																
<del>Marijuana Production Facilities</del>		-			-					-						-					-												-	
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [No change in text.]		[No change in text.]																																

Footnotes for Table 131-05B [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 <b>Retail Sales, Separately Regulated Retail Sales Uses</b> , Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
<u>Cannabis Outlets</u>		=	=	=	=	=	<u>C</u>	=	=	<u>C</u>	<u>C</u>

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
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]	[No change in text.]										
<u>Marijuana Outlets</u>	-	-	-	-	-	-	€	-	-	€	€
Plant Nurseries through <b>Industrial, Separately Regulated Industrial Uses</b> , Artisan Food and Beverage Producer [No change in text.]	[No change in text.]										
<u>Cannabis Production Facilities</u>	=	=	=	€	€	€	€	€	€	=	=
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]	[No change in text.]										
<u>Marijuana Production Facilities</u>	-	-	-	€	€	€	€	€	€	-	-
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses</b> , Theater <i>Marquees</i> [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 (f) [No change in text.]

**Legend for Table 132-15D**

[No change in text.]

**Table 132-15D**

**Noise Compatibility Criteria**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
<b>Open Space through Industrial, Separately Regulated Industrial Uses</b> [No change in text.]	[No change in text.]			
<u><i>Cannabis Production Facilities</i></u>	<u>P</u>	<u>P</u>	<u>P<sup>1</sup></u>	=
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]			
<del>Marijuana Production Facilities</del>	P	P	P <sup>1</sup>	-
Marine Related Uses Within the Coastal Overlay Zone through 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 (f) [No change in text.]

**Legend for Table 132-15F**

[No change in text.]

**Table 132-15F**

**Safety Compatibility Criteria for MCAS Miramar**

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	<b>APZ I</b>	<b>APZ II</b>	<b>TZ</b>
Maximum People Per Acre	25	50	300
<b>Open Space through Industrial, Separately Regulated Industrial Uses</b> [No change in text.]	[No change in text.]		
<u><i>Cannabis Production Facilities</i></u> [490 sq ft per person]	<u>L/.28<sup>8</sup></u>	<u>L/.56<sup>8</sup></u>	<u>P</u>
<i>Hazardous Waste</i> Research Facility through <i>Hazardous Waste</i> Treatment Facility [No change in text.]	[No change in text.]		
<del>Marijuana Production Facilities</del> [490 sq ft per person]	<del>L/.28<sup>8</sup></del>	<del>L/.56<sup>8</sup></del>	<del>P</del>
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person] through 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> <sup>11</sup>	N/A	50%	60%	70%	70%	N/A
<b>Open Space through Industrial, Separately Regulated Industrial Uses</b> [No change in text.]	[No change in text.]					
<u>Cannabis Production Facilities</u> [300 sq ft per person]	=	<u>L/.48<sup>8</sup></u>	<u>L/.90<sup>8</sup></u>	<u>L.90<sup>8</sup></u>	<u>L/1.38<sup>8</sup></u>	<u>P</u>
<i>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</i> [No change in text.]	[No change in text.]					
<del>Marijuana Production Facilities</del> [300 sq ft per person]	-	<del>L/.48<sup>8</sup></del>	<del>L/.90<sup>8</sup></del>	<del>L.90<sup>8</sup></del>	<del>L/1.38<sup>8</sup></del>	<del>P</del>
Marine Related Uses Within the Coastal Overlay Zone [300 sq ft per person] through 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~~ Cannabis Outlets**

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

cannabis outlets are permitted in each City Council District. Marijuana Cannabis outlets are subject to the following regulations.

- (a) Marijuana Cannabis outlets shall maintain the following minimum separation between uses, as measured between *property lines*, in accordance with Section 113.0225:
  - (1) 1,000 feet from resource and population-based city parks, other marijuana cannabis outlets, churches, child care centers, playgrounds, libraries owned and operated by the City of San Diego, *minor-oriented facilities*, residential care facilities, and schools. For purposes of this section, school means any public or private institution of learning providing instruction in kindergarten or grades one to 12, inclusive, but does not include any private school in which education is primarily conducted in private homes.
  - (2) [No change in text.]
- (b) Lighting shall be provided to illuminate the interior, facade, and the immediate surrounding area of the marijuana cannabis outlet, including any *accessory uses*, parking lots, and adjoining sidewalks. Lighting shall be hooded or oriented to deflect light away from adjacent properties.
- (c) Security shall be provided at the marijuana cannabis outlet which shall include operable cameras, alarms, and a security guard. The security guard shall be licensed by the State of California and be present on the *premises* during business hours. The security guard shall only be engaged in activities related to providing security for the facility, except on an incidental basis.

- (d) Primary *signs* shall be posted on the outside of the *marijuana cannabis* outlet and shall only contain the name of the business, which shall contain only alphabetic characters, and shall be limited to two colors. Secondary signs 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 ~~an operator or manager~~ the designated responsible managing operator shall be posted in a location visible from outside the *marijuana cannabis* outlet in character size at least two inches in height.
- (f) The *marijuana cannabis* outlet shall operate only between the hours of 7:00 a.m. and 9:00 p.m., seven days a week.
- (g) The use of vending machines which allow access to *marijuana cannabis* and *marijuana cannabis* products except by a responsible person, as defined in San Diego Municipal Code Section 42.1502, is prohibited. For purposes of this Section, a vending machine is any device which allows access to *marijuana cannabis* and *marijuana cannabis* products without a human intermediary.
- (h) [No change in text.]
- (i) A Conditional Use Permit for a *marijuana cannabis* outlet shall expire no later than five years from the date of issuance.
- (j) Deliveries shall be permitted as an *accessory use* only from *marijuana cannabis* outlets with a valid Conditional Use Permit unless otherwise allowed pursuant to ~~the Compassionate Use Act of 1996~~ state law.

- (k) The *marijuana cannabis outlet*, adjacent public sidewalks, and areas under the control of the *marijuana cannabis outlet*, shall be maintained free of litter and graffiti at all times.
- (l) The *marijuana cannabis outlet* shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.
- (m) Consultations by medical professionals shall not be a permitted *accessory use* at a *marijuana cannabis outlet*.
- (n) An extension of time for a Conditional Use Permit granted to a *marijuana cannabis outlet* shall comply with the requirements of Section 126.0111, with the following exceptions:
  - (1) through (4) [No change in text.]

**§141.1004 Marijuana Cannabis Production Facilities**

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

~~production facilities~~ Cannabis production facilities are subject to the following regulations.

- (a) ~~Marijuana production facilities~~ Cannabis production facilities 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 (d) [No change in text.]
- (e) The name and emergency contact phone number of ~~an operator or manager~~ the designated responsible managing operator shall be posted outside the ~~marijuana production facility~~ cannabis production facility in a location visible to the public from the *public right-of-way* in character size at least two inches in height. The permittee shall provide this contact information to the San Diego Police Department. The ~~operator or manager~~ 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 ~~marijuana production facility~~ cannabis production facility shall limit signage on the exterior of the property visible from the *public right-of-way* to the address.
- (f) [No change in text.]
- (g) A Conditional Use Permit for a ~~marijuana production facility~~ cannabis production facility shall expire no later than five ~~(5)~~ years from the date of issuance.

- (h) An extension of time for a Conditional Use Permit granted to a ~~marijuana production facility~~ cannabis 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) through (4) [No change in text.]
- (i) The sale of ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products shall only be conducted by a ~~marijuana~~ cannabis outlet in accordance with Section 141.0504. A ~~marijuana production facility~~ cannabis production facility is prohibited from providing ~~marijuana~~ cannabis and ~~marijuana~~ cannabis products to any person other than another ~~marijuana production facility~~ cannabis production facility, a testing lab, or a ~~marijuana~~ cannabis outlet.
- (j) The ~~marijuana production facility~~ cannabis production facility, adjacent public sidewalks, and areas under the control of the ~~marijuana production facility~~ cannabis production facility shall be maintained free of litter and graffiti at all times.
- (k) The ~~marijuana production facility~~ cannabis production facility shall provide daily removal of trash, litter, and debris. Graffiti shall be removed from the premises within 24 hours.

**§151.0103 Applicable Regulations**

- (a) [No change in text.]
- (b) The following regulations apply in all planned districts:
  - (1) through (8) [No change in text.]

(9) ~~Marijuana~~ Cannabis outlet regulations contained in Section 141.0504 when the use is specifically allowed by the Planned District Ordinance.

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

(11) through (12) [No change in text.]

**§152.0312 Subdistrict D Permitted Uses**

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

(c) ~~Marijuana outlets~~ Cannabis outlets are permitted in accordance with Section 141.0504.

(d) [No change in text.]

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

**§153.0309 Employment Center (EC)**

(a) Permitted Uses

No building, improvement, or portion thereof shall be erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the following purposes:

(1) through (10) [No change in text.]

(11) ~~Marijuana outlets~~ Cannabis outlets are permitted in accordance with Section 141.0504.

(12) through (14) [No change in text.]

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

**§153.0310 Special Use Area (SP)**

(a) [No change in text.]

(b) Permitted Uses

The following uses are permitted in the Special Use Area:

(1) through (11) [No change in text.]

(12) ~~Marijuana outlets~~ Cannabis outlets are permitted in accordance  
with Section 141.0504.

(13) [No change in text.]

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

**§155.0238 Use Regulations Table of CU Zones**

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

**Legend for Table 155-02C**

[No change in text.]

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

Use Categories/Subcategories [See Land 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 <sup>(2)(12)</sup>	6	7	8	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
<u>Cannabis Outlets</u>		=		=			=				
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]									
<del>Marijuana Outlets</del>		-		-			-				
Plant Nurseries through Industrial, Separately Regulated Industrial Uses		[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 <sup>-(1)</sup>		2-			3-				
	4th >>	1	2	3	4	5	3 <sup>(2)(12)</sup>	6	7	8	
[No change in text.]											
<del>Mining and Extractive Industries</del>		-		-			-				
<u>Cannabis Production Facilities</u>		=		=			=				
<del>Hazardous Waste Research Facility through Hazardous Waste Treatment Facility</del> [No change in text.]		[No change in text.]									
<del>Marijuana Production Facilities</del>		-		-			-				
Marine Related Uses Within the Coastal Overlay Zone [No change in text.]		[No change in text.]									
Mining and Extractive Industries		-		-			-				
Newspaper Publishing Plants 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.]

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones**The uses allowed in the Old Town San Diego Residential zones are shown inTable 1516-01B:**Legend for Table 1516-01B**

[No change in text.]

**Table 1516-01B**  
**Use Regulations for Old Town 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 >>  3rd >>  4th >>	OTRS-	OTRM-		
		1-	1-	2-	
		1	1	1	2
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]			
<u>Cannabis Outlets</u>		=	=	=	
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]			
<del>Marijuana Outlets</del>		-	-	-	
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]			
<del>Medical Marijuana Consumer Cooperatives</del>		-	-	-	
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]			
<u>Cannabis Production Facilities</u>		=	=	=	
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]			
<del>Marijuana Production Facilities</del>		-	-	-	
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 1516-01B [No change in text.]

**§1516.0117 Use Regulations Table for Old Town San Diego Commercial Zones**

The uses allowed in the Old Town San Diego Commercial zones are shown in

Table 1516-01D:

**Legend for Table 1516-01D**

[No change in text.]

**Table 1516-01D**  
**Use Regulations for Old Town San Diego 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 >>	OTCC-						OTMCR-			
	3rd >>	1-	2-			3-		1			
	4th >>	1	1	2	3	1	2	1	2	3	
Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]		[No change in text.]									
<u>Cannabis Outlets</u>		=	=			=		=			
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]									
Marijuana Outlets		-	-			-		-			
Plant Nurseries through Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]		[No change in text.]									
Medical Marijuana Consumer Cooperatives		-	-			-					
Mobile Food Trucks through Industrial, Separately Regulated Industrial Uses [No change in text.]		[No change in text.]									
<u>Cannabis Production Facilities</u>		=	=			=		=			
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]									
Marijuana Production Facilities		-	-			-		-			
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 1516-01D [No change in text.]

**§1516.0122 Use Regulations Table for Old Town San Diego Open Space-Park Zones**

The uses allowed in the Old Town San Diego Open Space-Park zones are shown in Table 1516-01F:

**Legend for Table 1516-01F**

[No change in text.]

**Table 1516-01F**  
**Use Regulations for Old Town San Diego Open Space-Park Zones**

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	<b>Zone Designator</b>	<b>Zones</b>	
	1st & 2nd >>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
<b>Open Space through Retail Sales, Separately Regulated Retail Sales Uses, Alcoholic Beverage Outlets [No change in text.]</b>		[No change in text.]	
<u><b>Cannabis Outlets</b></u>		=	=
Farmers' Markets through Daily Farmers' Market Stands [No change in text.]		[No change in text.]	
<b>Marijuana Outlets</b>		-	-
Plant Nurseries through <b>Commercial, Separately Regulated Commercial Services Uses, Massage Establishments, Specialized Practice [No change in text.]</b>		[No change in text.]	
<b>Medical Marijuana Consumer Cooperatives</b>		-	-
Mobile Food Trucks through <b>Industrial, Separately Regulated Industrial Uses [No change in text.]</b>		[No change in text.]	
<u><b>Cannabis Production Facilities</b></u>		=	=

<b>Use Categories/ Subcategories</b> [See Section 131.0112 for Use Categories, Subcategories, and Separately Regulated Uses]	<b>Zone Designator</b>	<b>Zones</b>	
	1st & 2nd>>	OTOP-	
	3rd >>	1-	2-
	4th >>	1	1
Hazardous Waste Research Facility through Hazardous Waste Treatment Facility [No change in text.]		[No change in text.]	
<del>Marijuana Production Facilities</del>		-	-
Marine Related Uses Within the Coastal Overlay Zone through <b>Signs, Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]		[No change in text.]	

Footnotes for Table 1516-01F [No change in text.]

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Or.Dept: Planning Dept.

Doc. No.: 2188125\_4

Passed by the Council of The City of San Diego on JAN 07 2020, 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"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JAN 08 2020.

AUTHENTICATED BY:

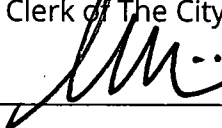
(Seal)

KEVIN L. FAULCONER

Mayor of The City of San Diego, California.

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

I HEREBY 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

DEC 17 2019

JAN 08 2020

, and on \_\_\_\_\_.

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 , Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21163