

CALIFORNIA COASTAL COMMISSION

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May 29, 2013

W16i

TO: COMMISSIONERS AND INTERESTED PERSONS

**FROM: SHERILYN SARB, DEPUTY DIRECTOR, SAN DIEGO COAST DISTRICT
DEBORAH LEE, DISTRICT MANAGER, SAN DIEGO COAST DISTRICT**

**SUBJECT: STAFF RECOMMENDATION ON CITY OF SAN DIEGO MAJOR LCP
AMENDMENT NO. SAN-MAJ-1-12 (Urban Agriculture) for Commission
Meeting of June 12-14, 2013**

SYNOPSIS

The subject LCP implementation plan amendment was submitted and filed as complete on April 19, 2012 and included only one element. The amendment involves the allowance for two new uses relating to urban agriculture and also includes some minor revisions to the City's Community Gardens regulations. Since the amendment involves changes to land use, it does not qualify for a minor LCP amendment. The Commission granted a one year time extension for the item at its June 2012 hearing. As such, the item must be heard and acted on by the Commission at the June 2013 hearing.

SUMMARY OF AMENDMENT REQUEST

The City of San Diego has submitted the subject implementation plan amendment in order to encourage and support more opportunities for urban agriculture; specifically, the amendment would create two new uses, farmers' markets and retail farms, and allow them as separately regulated uses in certain zones. In addition, the amendment includes two minor modifications to the City's regulations for community gardens which were reviewed and certified by the Commission last year.

Relative to Farmers' Markets, the proposed amendment would create it as a new use category in the City's Land Development Code (LDC) with two subcategories: Weekly Farmers' Markets and Daily Farmers' Market Stands. Both uses are proposed to be separately regulated uses and would be permitted as a "limited" use in most of the City's commercial zones and in one industrial zone (the IL-3-1 zone). Generally, Weekly Farmers' Markets are located on private property and occur one day a week at each location. Daily Farmers' Market Stands are on private or public property, may operate on a daily basis at the same location and are typically located adjacent to existing commercial uses. Weekly farmers' markets on public property are not regulated by the City's zoning code; they are regulated as a temporary use/special event and must get a Special Events Permit from the City.

The City's LDC does not currently permit farming within commercial zones; it is restricted to agricultural zones. The proposed retail farm amendment would allow a retail farm as a separately regulated use and they would be permitted as a "limited" use in most commercial zones, except for the Commercial Visitor and Commercial Parking zones, as well as the one industrial zone (IL-3-1 zone).

In addition to the above revisions for farmers' markets and retail farms, the City is proposing two clean-up modifications to the community gardens regulations. Community gardens are currently permitted with a Neighborhood Use Permit (NUP) in two Industrial Light zones (IL-1-1 and IL-3-1) but are prohibited in the IL-2-1 zone. The zones that allow a garden with an NUP permit light industrial, office and commercial uses. The IL-2-1 zone, which currently prohibits community gardens, allows the same general uses and the City now wishes to permit them in that zone as well. The second modification relates to the sale of produce in residential zones. As the regulations were adopted by the City and then certified by the Commission, produce sales were prohibited in residential zones. The current amendment would allow produce sales from community gardens in residential zones one day each week.

SUMMARY OF STAFF RECOMMENDATION

As presented by the City, the primary goal of the City's urban agriculture amendments is to accommodate new models of urban agriculture to increase access to healthy, local and sustainable food. The primary means to achieve that goal have been based in the proposed allowance for farmers' markets and retail farms to be permitted as limited uses in some of the City's Commercial and Industrial zones, along with minor revisions to the Community Garden regulations. In general, these uses and community gardens would be a land use supported under the Coastal Act as a community resource, pedestrian-oriented and activating uses, valuable open space and a form of passive recreation. Farmers' markets have become very popular; they provide opportunities to buy fresh produce, cut flowers and some of the larger markets also provide hand crafted merchandise and entertainment. They have evolved into community events for both local residents and visitors.

With regard to retail farms, farming is currently restricted to the City's agricultural zones. A result of this practice is that produce is grown on agriculturally zoned lands and then shipped to distribution centers (generally outside the city) and then shipped back to local grocers. By allowing some smaller scale traditional farming options, as well as some specific high produce yield operations, reductions in transportation-related impacts and packaging demands could be achieved. In terms of parking demand, no parking shall be required for either weekly or daily farmers' markets but handicapped parking areas must be preserved or temporarily relocated for weekly markets and daily markets cannot displace any otherwise required off-street parking. For retail farm proposals, parking is required pursuant to the LDC with some added provisions for the farm component or special retail operations. In summary, the urban agriculture elements will serve to expand commercial opportunities and visitor amenities that can be found consistent with

the certified land use plans and no adverse impacts to coastal access or resources are anticipated.

Lastly, the various land use plans certified in the City of San Diego include broad support for community gardens, pocket parks and open space. The City's current proposal to authorize community gardens with an NUP in another comparable industrial zone, as those where gardens are already permitted, is acceptable and the provision for produce sales one day each week in residential zones does not raise any Coastal Act concerns. Therefore, staff recommends the Commission approve the subject LCP amendment request as submitted.

The appropriate resolution and motion may be found on Page 5. The findings for approval of the plan amendment, as submitted, begin on Page 5

BACKGROUND

The City's first Implementation Plan (IP) was certified in 1988, and the City assumed permit authority shortly thereafter. The IP consisted of portions of the City's Municipal Code, along with a number of Planned District Ordinances (PDOs) and Council Policies. Late in 1999, the Commission effectively certified the City's Land Development Code (LDC) that includes Chapters 11 through 14 of the municipal code. It replaced the first IP in its entirety and went into effect in the coastal zone on January 1, 2000. The Commission has certified many IP amendments since 2000.

ADDITIONAL INFORMATION

Further information on the City of San Diego LCP Amendment No 1-12 may be obtained from Deborah Lee, District Manager, at (619) 767-2370.

PART I. OVERVIEW

A. LCP HISTORY

The City of San Diego has a long history of involvement with the community planning process; as a result, in 1977, the City requested that the Coastal Commission permit segmentation of its Land Use Plan (LUP) into twelve parts in order to have the LCP process conform, to the maximum extent feasible, with the City's various community plan boundaries. In the intervening years, the City has intermittently submitted all of its LUP segments, which are all presently certified, in whole or in part.

When the Commission approved segmentation of the LUP, it found that the implementation phase of the City's LCP would represent a single unifying element. This was achieved in January 1988, and the City of San Diego assumed permit authority on October 17, 1988 for the majority of its coastal zone. Several isolated areas of deferred certification remained at that time; some of these have been certified since through the LCP amendment process. Other areas of deferred certification remain today and are completing planning at a local level; they will be acted on by the Coastal Commission in the future.

Since effective certification of the City's LCP, there have been numerous major and minor amendments processed. These have included everything from land use revisions in several segments, to the rezoning of single properties, and to modifications of citywide ordinances. In November 1999, the Commission certified the City's Land Development Code (LDC), and associated documents, as the City's IP, replacing the original IP adopted in 1988. The LDC became effective in January, 2000.

B. STANDARD OF REVIEW

Pursuant to Section 30513 of the Coastal Act, the Commission may only reject zoning ordinances or other implementing actions, as well as their amendments, on the grounds that they do not conform with, or are inadequate to carry out, the provisions of the certified land use plan. The Commission shall take action by a majority vote of the Commissioners present.

C. PUBLIC PARTICIPATION

Section 30503 of the Coastal Act requires local governments to provide the public with maximum opportunities to participate in the development of the LCP amendment prior to its submittal to the Commission for review. The City has held Planning Commission and City Council meetings with regard to the subject amendment request. All of those local hearings were duly noticed to the public. Notice of the subject amendment has been distributed to all known interested parties.

PART II. LOCAL COASTAL PROGRAM SUBMITTAL - RESOLUTIONS

Following a public hearing, staff recommends the Commission adopt the following resolution and findings. The appropriate motion to introduce the resolution and a staff recommendation are provided just prior to each resolution.

- I. **MOTION I:** *I move that the Commission reject the Implementation Program Amendment No. 1-12 for the City of San Diego as submitted.*

STAFF RECOMMENDATION OF CERTIFICATION AS SUBMITTED:

Staff recommends a **NO** vote. Failure of this motion will result in certification of the Implementation Program Amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the Commissioners present.

RESOLUTION TO CERTIFY IMPLEMENTATION PROGRAM AMENDMENT AS SUBMITTED:

The Commission hereby certifies the Implementation Program Amendment for the City of San Diego as submitted and adopts the findings set forth below on grounds that the Implementation Program Amendment conforms with, and is adequate to carry out, the provisions of the certified Land Use Plan(s), and certification of the Implementation Program Amendment will meet the requirements of the California Environmental Quality Act, because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the Implementation Program on the environment, or 2) there are no further feasible alternatives or mitigation measures that would substantially lessen any significant adverse impacts on the environment that will result from certification of the Implementation Program.

PART III. FINDINGS FOR APPROVAL OF THE CITY OF SAN DIEGO IMPLEMENTATION PLAN AMENDMENT AS SUBMITTED

A. **AMENDMENT DESCRIPTION**

The City of San Diego has submitted the subject citywide implementation plan amendment in order to authorize expanded urban agricultural uses in some of the City's commercial and industrial zones, as well as make some minor modifications to the recently adopted regulations for community gardens. Specifically, through the adoption of Ordinance Numbers O-20140 and O-20141, on February 22, 2012, the City would be allowing two new uses, farmer's markets and retail farms, as separately regulated uses. The City's certified LDC provides a description of each use category and subcategory found in the Use Regulations Tables of each of the five base zones (open space; agriculture; residential; commercial and industrial) and signs. The descriptions are then

used to classify specific uses into use subcategories for the purpose of determining applicable use regulations. In addition, the code then also provides for separately regulated uses because they may be regulated differently in some or all of the zones. In the subject amendment, the City proposes to add farmers' markets and retail farms as separately regulated uses. Relative to Farmers Markets, the proposed amendment would create it as a new use category in the City's Land Development Code (LDC) with two subcategories: Weekly Farmers' Markets and Daily Farmers' Market Stands. Both uses would be permitted as a "limited" use in the City's commercial zones, except Daily Farmers' Market Stands would not be permitted in the Commercial Parking zone, and both uses would be allowed in one industrial zone (the IL-3-1 zone). Generally, Weekly Farmers' Markets are located on private property and occur one day a week at each location. Daily Farmers' Market Stands are on private or public property, may operate on a daily basis at the same location and are typically located adjacent to existing commercial uses. Weekly farmers' markets on public property are not regulated by the City's zoning code; they are regulated as a temporary use/special event and must get a Special Events Permit from the City.

The City's LDC does not currently permit farming within commercial zones; it is restricted to agricultural zones. The proposed retail farm amendment would allow a retail farm as a separately regulated use and they would be permitted as a "limited" use in most commercial zones, except for the Commercial Visitor and Commercial Parking zones, and also allowed within one industrial zone (IL-3-1 zone).

In addition to the above revisions for farmers' markets and retail farms, the City is proposing two clean-up modifications to the community gardens regulations. Community gardens are currently permitted with a Neighborhood Use Permit (NUP) in Industrial Light zones (IL-1-1 and IL-3-1) but are prohibited in the IL-2-1 zone. The zones that allow a garden with an NUP permit light industrial, office and commercial uses. The IL-2-1 zone, which currently prohibits community gardens, allows the same general uses and the City now wishes to permit them in that zone as well. The second modification relates to the sale of produce in residential zones. As the regulations were adopted by the City and then certified by the Commission, produce sales were prohibited in residential zones. The current amendment would allow produce sales from community gardens in residential zones one day each week.

B. SPECIFIC FINDINGS FOR REJECTION

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified LUP.

1) Purpose and Intent of the Ordinance.

The primary goal of the City's urban agriculture amendments and revisions to the community gardens regulations is to accommodate new models of urban agriculture that increase access to healthy, local and sustainable food sources and support the expansion of community gardens in the various neighborhoods of the City. Three areas were

identified as principal means to further this goal: creation of the new farmers' markets and retail farm provisions; reassessing animal husbandry restrictions on the keeping of chickens, goats and bees that are not addressed in the City's LCP and the minor revisions to the regulations for community gardens.

2) Major Provisions of the Ordinance.

The major provisions of the proposed ordinances was to revise the Use Regulations Tables for Commercial and Industrial zones to allow farmers' markets and retail farms as a limited use subject to separate regulations. Farmers' markets are defined in the ordinance as outdoor establishments where farmers and other vendors sell produce and other goods directly to consumers and where vendors selling farm produce comprise at least 50 percent of the vendors. A farmers' market may be either a weekly farmers' market or a daily farmers' market stand. Other provisions include the following:

Weekly farmers' markets

- Limited to one event per week per location; and
- No parking is required but handicapped parking must be maintained or temporarily relocated.

Daily farmers' market stands

- May operate seven days per week at a given location;
- No parking is required but no required parking for the primary use on-site can be displaced;
- Sales shall be limited to unprocessed, non-value added crops;
- Market stands shall not occupy an area greater than five feet in depth and sixteen in length (80 sf.) per commercial frontage; and
- Market stands located in the public right-of-way, between the curb and fronting property line, must maintain a minimum 4-foot wide clear pedestrian path; maintain access to adjacent uses at all times and they cannot be sited adjacent to loading areas or transit stops.

Retail farms are defined in the ordinance as establishments whose primary function is to produce and sell food and other related products on the same premises. Other provisions include the following:

- Maximum area inclusive of retail and farming areas shall not exceed four acres;
- Use of pesticides is limited to those permitted by the U.S. Department of Agriculture's National Organic Program;
- A minimum of 75% of the products sold must be grown or generated onsite;
- All storage, service and repair areas shall be enclosed, secured and located outside of all required setbacks; and
- Parking is required and must comply with City standards with allowance for the farm component to provide one parking space per employee working the farm during the largest shift and for "pick your own" retail operations, the retail

parking ratio shall assume 1,000 sf. of retail space per acre of land dedicated to farming.

Community gardens are defined in the LDC as premises that are used for crop cultivation by individuals or collectively, and may be divided into multiple plots. The proposed amendment would not modify any of the previously adopted provisions for community gardens but would authorize them as a permitted use, subject to a Neighborhood Use Permit, in an additional industrial zone, the IL-2-1 zone, and also allow on-site sales of produce one day a week in residential zones. The previously certified provisions for community gardens include:

- Allowance for on-site sales of unprocessed, non-value-added products grown on site in only commercial or industrial zones;
- Drainage provisions;
- Permanent signage, including contact information for a responsible party, at the property;
- Refuse storage and screening requirements;
- Safe storage of equipment, fertilizers and materials at the site;
- Composting and water conservation measures; and
- Compliance with the MHPA Land Use Adjacency Guidelines of the City's MSCP.

3) Adequacy of the Ordinance to Implement the Certified LUP Segments.

The standard of review for LCP implementation submittals or amendments is their consistency with and ability to carry out the provisions of the certified Land Use Plan(s). In the case of the City of San Diego, it has developed community planning areas based on its established neighborhoods and future urbanizing area. Predicated on those community planning areas, the City utilized the geographic segmentation provisions of the LCP regulations and developed its land use plan component covering twelve different communities (i.e., North City, La Jolla, Pacific Beach, Mission Beach, Ocean Beach, Peninsula, Otay-Mesa Nestor). Each community plan or LCP Land Use Plan contains policies that promote high priority, visitor uses and balanced commercial development that protects coastal resources and public access opportunities.

The proposed implementation plan amendments would allow farmers' markets, retail farms and community gardens in additional zones, provide separate regulations for the new uses and make some minor adjustments to the existing regulations for community gardens. In general, urban agriculture enterprises and community gardens are being promoted as one element of sustainable living and supporting local food sources. The City of San Diego General Plan establishes the following goals for urban agriculture: realize environmental, economic and public health benefits; increase access to fresh local food; reduce energy used for food transportation and distribution; encourage techniques that require reduced land and water use as compared to conventional methods of farming; support rooftop gardens and use of edible landscape materials. The City's General Plan further identifies community gardens as having the ability to "contribute to community

development, environmental awareness, positive social interaction, community education and general health.” As noted above, in general, farmers’ markets, retail farms and community gardens would be land uses supported under the Coastal Act.

Relative to the park and recreational opportunities and the maintenance of adequate open space, there are a number of certified land use plan provisions that are also applicable as follows:

La Jolla Community Plan (Community Facilities, Parks and Services)

- Provide adequate park and recreational facilities, libraries, schools, fire and police protection and parking to meet the needs of community residents and visitors, including children, families and the elderly.

Pacific Beach Community Plan (Parks and Open Space)

- Provide sufficient community park and recreational facilities to meet the needs of the existing and future resident population.
- Increased Recreational Opportunities: The Park and Recreation Department shall redevelop Farnum Elementary School as an “interim” community park until funding for construction of the new library is obtained. Consider relocating the Pacific Beach Community Gardens to the library site if the parcel and landscape design permit.

Ocean Beach Precise Plan (Public Facilities Element)

- Parks and Recreation – Develop additional active and passive recreational facilities in and adjacent to the Ocean Beach community.

Peninsula Community Plan (Parks and Recreation)

- Provide improved passive park amenities for the increasing middle aged and elderly population in Peninsula.
- Evaluate feasibility of developing park and recreation facilities on portions of school site no longer being used for educational purposes.
- Vacant lots should be inventoried in Roseville, Ocean Beach Highlands and Loma Portal to determine the feasibility of providing sites for mini-parks in these park-deficient neighborhoods.

Each of the respective land use plans also include provisions to reserve appropriate areas in each community for high priority, visitor-serving uses and those uses that are pedestrian-oriented and activate an area for both local residents and visitors. All of these provisions support expanded parks, recreational and visitor-serving commercial opportunities and protection of open space throughout the City; they further recognize the need to also utilize creative ways to meet the open space and recreational needs of each community, including pocket parks, community gardens and/or mini-parks. As proposed, the authorization for farmers’ markets and retail farms will provide additional opportunities for these commercial uses in a manner that still requires City review of proposed farmers’ markets and retail farms as they relate to consistency with applicable

policies of the LCP and associated impacts to coastal resources and thus, authorization of such uses should not adversely impact coastal access or resources if processed according to LCP permitting procedures. These uses will minimize energy consumption and vehicle miles traveled by curtailing transportation impacts associated with food production/distribution and encourage smart growth development. Adequate parking will be maintained and these uses should provide additional amenities for the community. As such, the Commission finds the amendment request can be found consistent with the certified land use plans and approved as submitted.

PART IV. CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Section 21080.5 of the California Environmental Quality Act (CEQA) exempts local government from the requirement of preparing an environmental impact report (EIR) in connection with its local coastal program. The Commission's LCP review and approval program has been found by the Resources Agency to be functionally equivalent to the EIR process. Thus, under CEQA Section 21080.5, the Commission is relieved of the responsibility to prepare an EIR for each LCP.

Nevertheless, the Commission is required in an LCP submittal or, as in this case, an LCP amendment submittal, to find that the LCP, or LCP, as amended, does conform with CEQA provisions. In adopting these ordinances, the City found that the action was exempt from CEQA pursuant to Guidelines sections 15301 (Existing Facilities), 15301 (e) (Minor Alterations of Land), 15332 (Infill Development) and 15061(b)(3) General Rule. Given the nature of urban agriculture and community gardens, along with the additional limitations placed on the uses and their operation, the Commission finds that no adverse impacts to coastal resources are anticipated. Therefore, the Commission finds that the subject LCP implementation plan, as amended, conforms with CEQA provisions.

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strike Out~~

NEW LANGUAGE: Underlined

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0222; AMENDING CHAPTER 13, ARTICLE 1, DIVISION 3 BY AMENDING SECTIONS 131.0322 AND 131.0323; 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; AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 5 BY ADDING NEW SECTION 141.0503, RENUMBERING CURRENT SECTION 141.0503 TO SECTION 141.0504, ADDING NEW SECTION 141.0505, AND RENUMBERING CURRENT SECTION 141.0504 TO SECTION 141.0506, ALL RELATING TO FARMERS' MARKETS AND RETAIL FARMS

§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 of Open Space Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones				
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾ OF ⁽¹¹⁾	
	3rd >>	1-	2-	1-	1-	1-
	4th >>	1	1	1	1	2
Open Space through Institutional [No change in text.]						
Retail Sales						
Building Supplies & Equipment		-	-	-	-	-
Food, Beverages and Groceries		-	-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	-	-

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Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones					
	1st & 2nd >>	OP-		OC-	OR ⁽¹⁾		OF ⁽¹¹⁾
	3rd >>	1-	2-	1-	1-	1-	
	4th >>	1	1	1	1	2	1
Pets & Pet Supplies		-	-	-	-	-	
Sundries, Pharmaceuticals, & Convenience Sales		-	-	-	-	-	
Wearing Apparel & Accessories		-	-	-	-	-	
Separately Regulated Retail Sales Uses:							
Agriculture Related Supplies & Equipment		-	-	-	-	-	
Alcoholic Beverage Outlets		-	-	-	-	-	
<u>Farmers' Markets</u>							
<u>Weekly Farmers' Markets</u>		=	=	=	=	=	
<u>Daily Farmers' Market Stands</u>		=	=	=	=	=	
Plant Nurseries		-	-	-	-	-	
<u>Retail Farms</u>		=	=	=	=	=	
Swap Meets & Other Large Outdoor Retail Facilities		-	-	-	-	-	C ⁽⁷⁾
Commercial Services through <i>Signs</i> [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 of Agricultural Zones**

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones			
	1st & 2nd >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
Open Space through Institutional [No change in text.]					
Retail Sales					
Building Supplies & Equipment		-	-	-	-
Food, Beverages and Groceries		-	-	-	-
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	-
Pets & Pet Supplies		-	-	-	-
Sundries, Pharmaceuticals, & Convenience Sales		-	-	-	-
Wearing Apparel & Accessories		-	-	-	-
Separately Regulated Retail Sales Uses					
Agriculture Related Supplies & Equipment		C		C	
Alcoholic Beverage Outlets		-	-	-	-
<u>Farmers' Markets</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 >>	AG		AR	
	3rd >>	1-		1-	
	4th >>	1	2	1	2
<u>Weekly Farmers' Markets</u>		=		=	
<u>Daily Farmers' Market Stands</u>		=		=	
Plant Nurseries		C		C	
<u>Retail Farms</u>		=		=	
Swap Meets & Other Large Outdoor Retail Facilities		-		C	
Commercial Services through Signs [No change in text.]					

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

§131.0323 Additional Use Regulations of Agricultural Zones

The uses in this section are permitted within the agricultural zones as indicated subject to the regulations listed.

- (a) [No change in text.]
- (b) Horticulture nurseries are permitted subject to the following:
 - (1) Only plants are permitted to be sold on the *premises*. The sale of nonplant items requires a Conditional Use Permit for a plant nursery in accordance with Section 141.05034;
 - (2) through (3) [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 of 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	
Open Space through Institutional [No change in text.]																										
Retail Sales																										
Building Supplies & Equipment																										
Food, Beverages and Groceries																										
Consumer Goods, Furniture, Appliances, Equipment																										
Pets & Pet Supplies																										
Sundries, Pharmaceuticals, & Convenience Sales																										
Wearing Apparel & Accessories																										
Separately Regulated Sales Uses																										
Agriculture Related Supplies & Equipment																										
Alcoholic Beverage Outlets																										
Farmers' Markets																										
Weekly Farmers' Markets																										
Daily Farmers' Market Stands																										
Plant Nurseries																										
Retail Farms																										
Swap Meets & Other Large Outdoor Retail Facilities																										
Commercial Services through Signs [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 Institutional [No change in text.]																	
Retail Sales																	
Building Supplies & Equipment																	
Food, Beverages and Groceries																	
Consumer Goods, Furniture, Appliances, Equipment																	
Pets & Pet Supplies																	
Sundries, Pharmaceuticals, & Convenience Sales																	
Wearing Apparel & Accessories																	
Separately Regulated Sales Uses																	

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones											
	1st & 2nd >>		RM-											
	3rd >>		1-			2-			3-			4-		5-
	4th >>		1	2	3	4	5	6	7	8	9	10	11	12
Agriculture Related Supplies & Equipment			-	-	-	-	-	-	-	-	-	-	-	
Alcoholic Beverage Outlets			-	-	-	-	-	-	-	-	-	-	-	
<u>Farmers' Markets</u>														
<u>Weekly Farmers' Markets</u>			-	-	-	-	-	-	-	-	-	-	-	
<u>Daily Farmers' Market Stands</u>			-	-	-	-	-	-	-	-	-	-	-	
Plant Nurseries			-	-	-	-	-	-	-	-	-	-	-	
<u>Retail Farms</u>			-	-	-	-	-	-	-	-	-	-	-	
Swap Meets & Other Large Outdoor Retail Facilities			-	-	-	-	-	-	-	-	-	-	-	
Commercial Services through <i>Signs</i> [No change in text.]														

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

§131.0522 Use Regulations Table of Commercial Zones

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

Legend for Table 131-05B [No change in text.]

Table 131-05B
Use Regulations Table for Commercial Zones

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator		Zones										
	1st & 2nd >>		CN ⁽¹⁾			CR-		CO-	CV-	CP-			
	3rd >>		1-			1-	2-	1-	1-	1-			
	4th >>		1	2	3	1	1	1	2	1	2	1	
Open Space through Institutional [No change in text.]													
Retail Sales													

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones									
	1st & 2nd >>	CN ⁽¹⁾ -			CR-		CO-		CV-		CP-
	3rd >>	1-			1-	2-	1-	1-	1-		
	4th >>	1	2	3	1	1	1	2	1	2	1
Building Supplies & Equipment		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-		
Food, Beverages and Groceries		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	-		
Consumer Goods, Furniture, Appliances, Equipment		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	P ^(3,11)	P ⁽¹³⁾	-		
Pets & Pet Supplies		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	-	-		
Sundries, Pharmaceutical, & Convenience Sales		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	-		
Wearing Apparel & Accessories		P ⁽¹¹⁾			P ⁽¹¹⁾	P ⁽¹¹⁾	-	P ⁽¹¹⁾	-		
Separately Regulated Retail Sales Uses											
Agriculture Related Supplies & Equipment		-			P	P	-	-	-		
Alcoholic Beverage Outlets		L			L	L	L	L	-		
<u>Farmers' Markets</u>											
<u>Weekly Farmers' Markets</u>		L			L	L	L	L	L		
<u>Daily Farmers' Market Stands</u>		L			L	L	L	L	L		
Plant Nurseries		P			P	P	-	-	-		
<u>Retail Farms</u>		L			L	L	L	L	L		
Swap Meets & Other Large Outdoor Retail Facilities		-			C	C	-	C ⁽¹⁰⁾	-		
Commercial Services through Signs [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	1	2	3	4	5	1	2	3	4
Open Space through Institutional [No change in text.]																		
Retail Sales																		
Building Supplies & Equipment		P ⁽¹¹⁾	P ⁽¹¹⁾	-	P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾							
Food, Beverages and Groceries		P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾							
Consumer Goods, Furniture, Appliances, Equipment		P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾							
Pets & Pet Supplies		P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾							
Sundries, Pharmaceutical, & Convenience Sales		P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾							
Wearing Apparel & Accessories		P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾	P ⁽¹¹⁾			P ⁽¹¹⁾			P ⁽¹¹⁾							
Separately Regulated Retail Sales Uses																		
Agriculture Related Supplies & Equipment		-	-	-	P			P										
Alcoholic Beverage Outlets		L	L	L	L			L										
<u>Farmers' Markets</u>																		
<u>Weekly Farmers' Markets</u>		L	L	L	L			L										
<u>Daily Farmers' Market Stands</u>		L	L	L	L			L										
Plant Nurseries		P	P	P	P			P										

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-			2-			3-			4-			5-					
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
<u>Retail Farms</u>		<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>			<u>L</u>		
Swap Meets & Other Large Outdoor Retail Facilities		-			-			-			-						C		
Commercial Services through <i>Signs</i> [No change in text.]																			

Footnotes to 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-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Open Space through Institutional [No change in text.]										
Retail Sales										
Building Supplies & Equipment		-	-	P ^(6,15)	P ⁽¹⁵⁾	P ⁽¹⁵⁾	-	P ^(6,15)	P ⁽¹⁵⁾	
Food, Beverages and Groceries		-	-	-	-	P ⁽¹⁵⁾	-	-	-	
Consumer Goods, Furniture, Appliances, Equipment		-	-	-	P ^(2,15)	P ⁽¹⁵⁾	-	-	P ^(3,15)	
Pets & Pet Supplies		-	-	-	-	P ⁽¹⁵⁾	-	-	-	
Sundries, Pharmaceuticals, & Convenience Sales		-	P ^(5,15)	P ^(5,15)	P ^(5,15)	P ⁽¹⁵⁾	P ^(5,15)	P ^(5,15)	P ^(4,15)	
Wearing Apparel & Accessories		-	-	-	P ^(3,15)	P ^(3,15)	-	-	P ^(3,15)	
Separately Regulated Retail Sales Uses										
Agriculture Related Supplies & Equipment		-	-	-	P	P	P	P	P	
Alcoholic Beverage Outlets		-	-	-	-	L	-	-	-	
Farmers' Markets										
<u>Weekly Farmers' Markets</u>		=	=	=	=	<u>L</u>	=	=	=	
<u>Daily Farmers' Market Stands</u>		=	=	=	=	<u>L</u>	=	=	=	
Plant Nurseries		-	-	-	-	P	-	P	P	
<u>Retail Farms</u>		=	=	=	=	<u>L</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-	
	3rd >>	1-	2-	1-	2-	3-	1-	2-	1-	
	4th >>	1	1	1	1	1	1	1	1	
Swap Meets & Other Large Outdoor Retail Facilities	-	-	C	C	C	C	C	C	C	
Commercial Services through <i>Signs</i> [No change in text.]										

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

§141.0503 Farmers' Markets

Farmers' markets are outdoor establishments where farmers and other vendors sell produce and other goods directly to consumers and where vendors selling farm produce comprise at least 50 percent of the vendors. A farmers' market may be either a weekly farmers' market or a daily farmers' market stand. Weekly farmers' markets conducted on public property are not subject to this section. Farmers' markets are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

- (a) Weekly farmers' markets on private property shall comply with the following:
- (1) Written permission of the property owner to conduct the weekly farmers' market shall be available to City of San Diego staff and officials upon request:
 - (2) A weekly farmers' market shall be limited to one event per week per location:

- (3) No parking shall be required; however, any parking reserved for handicapped access impacted by the farmers' market shall be temporarily relocated to a handicapped accessible location during the hours of the farmers market;
- (4) Access to all building entryways and all disabled access routes shall be maintained; and
- (5) One restroom per 250 persons shall be available.
- (b) Daily farmers' market stands shall comply with the following:

 - (1) Daily farmers' market stands may operate seven days per week at a given location;
 - (2) Outdoor display areas shall comply with Section 142.1130 (Outdoor Display Regulations for Commercial Zones);
 - (3) No parking shall be required;
 - (4) Sales shall be limited to the sale of unprocessed, non-value added crops;
 - (5) A daily farmers' market stand shall occupy an area no greater than five feet in depth and sixteen feet in length per commercial frontage; and
 - (6) No required parking shall be displaced.
- (c) Daily farmers' market stands on private property shall obtain written permission of the property owner to conduct the daily farmers' market and shall make such written permission available to City of San Diego staff

and officials upon request, in addition to the requirements of Sections 141.0503(b)(1) through 141.0503(b)(6).

(d) Daily farmers' market stands located in the public right-of-way, between the curb and fronting property line, shall comply with the following in addition to the requirements of Sections 141.0503(b)(1) through 141.0503(b)(6):

- (1) Written permission of the fronting property owner to conduct the daily farmers' market shall be available to City of San Diego staff and officials upon request;
- (2) A Certificate of Insurance for a Public Liability Insurance Policy of at least \$500,000 in a form acceptable to the City Engineer and naming the City as an additional insured shall be required to be maintained at all times; and
- (3) The location of the daily farmers' market stand shall comply with the following:
 - (A) A minimum 4-foot wide clear path of sidewalk shall be maintained within the public right-of-way at all times;
 - (B) Access to adjacent uses shall be maintained at all times;
 - (C) The daily farmers' market stand shall be located as close as feasible to the fronting property; and
 - (D) The daily farmers' market stand shall not be located parallel to loading areas, transit stops, taxi zones, or areas designated for pedestrian loading and unloading.

§141.05034 Plant Nurseries

[No change in text.]

§141.0505 Retail Farms

Retail farms are establishments whose primary function is to produce and sell food and other related products on the same premises. Retail farms are permitted as a limited use in the zones indicated with an "L" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations:

- (a) The maximum area inclusive of retail and farming areas shall not exceed 4 acres;
- (b) The use of pesticides is limited to those permitted by the U. S. Department of Agriculture's National Organic Program;
- (c) A minimum of seventy-five percent of the products sold must be grown or generated onsite;
- (d) The hours of operation for the farm component shall be limited to the hours between sunrise and sunset as set forth by the National Oceanic and Atmosphere Administration for the San Diego area;
- (e) All equipment shall be stored on the premises;
- (f) All storage, service, and repair areas shall be enclosed, secured and located outside of all required setbacks; and
- (g) Parking shall comply with Chapter 14, Division 2, Article 5 (Parking Regulations).

- (1) The retail component shall comply with the parking ratios for Retail Sales, Commercial Services, and Mixed use Development;
- (2) The farm component shall provide one parking space per employee working the farm during the largest shift; and
- (3) For a “pick your own” retail operation, the retail parking ratio shall assume 1,000 square feet of retail space per acre of land farm.

§141.05046 Swap Meets and Other Large Outdoor Retail Facilities

[No change in text.]

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STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Strike-Out~~
NEW LANGUAGE: Underlined

ORDINANCE NUMBER O- _____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0622, AND AMENDING CHAPTER 14, ARTICLE 1, DIVISION 2 BY AMENDING SECTION 141.0203, ALL RELATING TO COMMUNITY GARDENS

§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.]

Use Categories/Subcategories	Zone Designator	Zones							
		IP-		IL-			IH-		IS-
[See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	1st & 2nd >>	1-	2-	1-	2-	3-	1-	2-	1-
	3rd >>	1	1	1	1	1	1	1	1
	4th >>	1	1	1	1	1	1	1	1
Open Space [No change in text.]									
Agriculture									
Agricultural Processing through Raising, Maintaining & Keeping of Animals [No change in text.]									
Separately Regulated Agriculture Uses									
Agricultural Equipment Repair Shops		-	-	P	P	P	P	P	P
Commercial Stables		-	-	-	-	-	-	-	-
Community Gardens		-	-	N	<u>N</u>	N	N	N	N
Equestrian Show & Exhibition Facilities		-	-	-	-	-	-	-	-
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-	-	-	-	-	-	-	-
Residential through Signs [No change in text.]									

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

*SAN-MAJ-1-12
Community Gardens*

§141.0203 **Community Gardens**

Community gardens are *premises* that are used for crop cultivation by individuals or collectively, and may be divided into multiple plots. Community gardens are permitted as a limited use in the zones indicated with an “L” and may be permitted with a Neighborhood Use Permit in the zones indicated with an “N” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations.

(a) On-site sales are permitted as follows:

(1) On-site sales are permitted only in commercial and industrial zones, except that on-site sales may be permitted in residential zones one day a week.

(2) [No change in text.]

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