

## **CALIFORNIA COASTAL COMMISSION**

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# **W14c**

**LCP-6-SAN-22-0065-3 (Pushcart Repeal)**

**April 2023**

**EXHIBITS**

### **Table of Contents**

**EXHIBIT 1: Strikeout/Underline Primary Legislation**

**EXHIBIT 2: Strikeout/Underline Public Access Legislation**

**STRIKEOUT ORDINANCE**

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

**NEW LANGUAGE:** Double Underline

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

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

AN ORDINANCE AMENDING CHAPTER 12, ARTICLE 6, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 126.0203; AMENDING CHAPTER 12, ARTICLE 9, DIVISION 7 BY AMENDING SECTION 129.0710; 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 6 BY AMENDING SECTION 141.0619; AMENDING CHAPTER 15, ARTICLE 5, DIVISION 2 BY AMENDING SECTION 155.0238; AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 BY AMENDING SECTION 156.0308; AMENDING CHAPTER 15, ARTICLE 7, DIVISION 3 BY AMENDING SECTION 157.0304; AND AMENDING CHAPTER 15, ARTICLE 16, DIVISION 1 BY AMENDING SECTIONS 1516.0112, 1516.0117, AND 1516.0122, ALL RELATING TO PUSHCARTS.

**§126.0203 When a Neighborhood Use Permit Is Required**

- (a) An application for the following uses in certain zones may require a Neighborhood Use Permit. To determine whether a Neighborhood Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13.

Artisan Food and Beverage Producer through Parking facilities as a primary use [No change in text.]

**Pushearts**

Recycling facilities (under circumstances described in Section 141.0620) through *Wireless communication facilities* (under certain circumstances described in Section 141.0420) [No change in text.]

(b) [No change in text.]

**§129.0710 How to Apply for a Public Right-of-Way Permit**

An application for a Public Right-of-Way Permit shall be submitted in accordance with Sections 112.0102 and 129.0105. The submittal requirements for Public Right-of-Way Permits are listed in the Land Development Manual. A *development permit* is required prior to issuance of a Public Right-of-Way Permit for the following:

(a) If the proposed *encroachment* involves construction of a privately-owned *structure* or facility into the *public right-of-way* dedicated for a *street* or an *alley*, and where the *applicant* is the *record owner* of the underlying fee title, a Neighborhood Development Permit is required in accordance with Section 126.0402(j) except for the following, which are subject to approval by the City Engineer in accordance with Process One:

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

~~(4) The encroachment is permitted under Section 141.0619(b) (Pushearts).~~

~~(54) through (109)~~ [No change in text.]

(b) through (d) [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-	1-	
		4th >>	1	1	1	1	2	1	
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(3)</sup> [No change in text.]		[No change in text.]							
<del>Pushcarts:</del>									
Pushcarts on Private Property [No change in text.]		[No change in text.]							
<del>Pushcarts in Public Right of Way</del>		N	-	-	-	-	-	-	
Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]							

Footnotes for Table 131-02B [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 Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size<sup>(5)</sup></b> [No change in text.]		[No change in text.]			
<b>Pushcarts</b>					
<b>Pushcarts on Private Property</b> [No change in text.]		[No change in text.]			
<b><i>Pushcarts in public right of way</i></b>		-		-	
<b>Recycling Facilities through <i>Signs</i>, Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i></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 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 Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size <sup>(4)</sup> [No change in text.]		[No change in text.]																							
Pushcarts:																									
Pushcarts on Private Property [No change in text.]		[No change in text.]																							
<del>Pushcarts in Public Right-of-Way</del>		-	-														-		-						
Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]																							

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones											
	1st & 2nd >>	RM-											
	3rd >>	1-			2-			3-			4-		5-
	4th >>	1	2	3	4	5	6	7	8	9	10	11	12
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(4)</sup> [No change in text.]		[No change in text.]											
Pushcarts:													
Pushcarts on Private Property [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
Pushcarts in Public Right of Way		-			-			-			-		-
Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]											

Footnotes for Table 131-04B [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 >>  3rd >>  4th >>	CN <sup>(1)</sup> -						CR-		CO-						CV-		CP-	
		1-						1-	2-	1-	2-	3-	1-	1-					
		1	2	3	4	5	6	1	1	1	2	1	2	1	2	3	1	2	1
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size <sup>(9)</sup> [No change in text.]		[No change in text.]																	
Pushcarts:																			
Pushcarts on Private Property [No change in text.]		[No change in text.]																	
Pushcarts in Public Right of Way		N		N		N	N	N	N	N	N	N	N	N	N	N	N	-	
Recycling Facilities 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	Zone																			
	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		
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size <sup>(9)</sup> [No change in text.]		[No change in text.]																			
<del>Pushcarts:</del>																					
Pushcarts on Private Property [No change in text.]		[No change in text.]																			
<del>Pushcarts in Public Right of Way</del>		N			N			N		N					N						
Recycling Facilities 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.]

**§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 Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(13)</sup> [No change in text.]		[No change in text.]									
<del>Pushcarts:</del>											
Pushcarts on Private Property [No change in text.]		[No change in text.]									
<del>Pushcarts in Public Right of Way</del>		N	N	N	N	N	N	N	N	N	N



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
Recycling Facilities through <i>Signs</i> , Separately Regulated <i>Signs</i> Uses, Theater <i>Marquees</i> [No change in text.]		[No change in text.]									

Footnotes for Table 131-06B [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 for MCAS Miramar, Brown Field Municipal Airport, Montgomery-Gibbs Executive Airport, and NOLF Imperial Beach Airport Influence Areas**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Aircraft Noise Exposure (dB CNEL)			
	60-65	65-70	70-75	75-80
Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(4)</sup> [No change in text.]	[No change in text.]			
<b>Pushcarts:</b>				
Pushcarts on Private Property	P	P	P	-
Pushcarts in <i>Public Right-of-Way</i>	P	P	P	-
Recycling Facilities through Industrial, Separately Regulated Industrial Uses, Wrecking & Dismantling of Motor Vehicles [No change in text.]	[No change in text.]			

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

**Legend for Table 132-15E**

[No change in text.]

**Table 132-15E**  
**Noise Compatibility Criteria for San Diego International Airport**

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 Separately Regulated Commercial Services Uses,</b> Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size <sup>(4)</sup> [No change in text.]	[No change in text.]			
<b>Pushcarts:</b>				
Pushcarts on Private Property	P	P	P	P
<del>Pushcarts in Public Right of Way</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Recycling Facilities through <b>Signs,</b> <b>Allowable Signs,</b> Theater <b>Marquees</b> [No change in text.]	[No change in text.]			

Footnotes to Table 132-15E [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 132-15G**

[No change in text.]

**Table 132-15G**  
**Safety Compatibility Criteria for MCAS Miramar and NOLF Imperial Beach**

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 Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.]	[No change in text.]		
<del>Pushcarts:</del>			
Pushcarts on Private Property	P <sup>15</sup>	P <sup>15</sup>	P
<del>Pushcarts in Public Right of Way</del>	<del>P<sup>15</sup></del>	<del>P<sup>15</sup></del>	<del>P</del>
<b>Recycling Facilities through Separately Regulated Signs Uses, Theater Marquees</b> [No change in text.]	[No change in text.]		

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

(g) [No change in text.]

**Legend for Table 132-15H**

[No change in text.]

**Table 132-15H**  
**Safety Compatibility Criteria for Brown Field Municipal Airport and Montgomery-Gibbs Executive Airport**

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	84	156	156	240	No limit
Maximum Lot Coverage <sup>11, 18</sup>	N/A	50%	60%	70%	70%	N/A
<b>Open Space through Service Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</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 1	Zone 2	Zone 3	Zone 4	Zone 5	Zone 6
Maximum People Per Acre	N/A	84	156	156	240	No limit
Maximum Lot Coverage <sup>11, 18</sup>	N/A	50%	60%	70%	70%	N/A
<b>Pushcarts:</b>						
Pushcarts on Private Property	-	P	P	P	P	P
<del>Pushcarts in Public Right of Way</del>	-	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>
Recycling Facilities through Separately Regulated Signs Uses, Theater Marquees [No change in text.]	[No change in text.]					

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

(h) [No change in text.]

**Legend for Table 132-15I**

[No change in text.]

**Table 132-15I**  
**Safety Compatibility Criteria for San Diego International Airport – Uptown, Balboa Park and Centre City Neighborhoods**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Uptown		Balboa Park		Centre City								
					Cortez			East Village		Little Italy			
<b>Safety Zones</b>	2E	3NE	3SE	2E	4E	2E	3SE	4E	4E	1	2E	3E	5S
Maximum Dwelling Unit Per Acre	58	62	164	-	-	-	210	240	-	-	40	154	-
Maximum People Per Acre	272	278	674	96	240	96	842	240	240		255	732	180
Person per Household Multiplier for Mixed-Use Development	1.51	1.48	1.57	-	-	-	1.57	1.52	-	-	1.51	1.57	-
Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size [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]	Uptown			Balboa Park		Centre City							
						Cortez			East Vill- age	Little Italy			
Safety Zones	2E	3NE	3SE	2E	4E	2E	3SE	4E	4E	1	2E	3E	5S
Maximum Dwelling Unit Per Acre	58	62	164	-	-	-	210	240	-	-	40	154	-
Maximum People Per Acre	272	278	674	96	240	96	842	240	240	-	255	732	180
Person per Household Multiplier for Mixed-Use Development	1.51	1.48	1.57	-	-	-	1.57	1.52	-	-	1.51	1.57	-
<del>Pushcarts</del>													
Pushcarts on Private Property	P	P	P	P	P	P	P	P	P	-	P	P	P
<del>Pushcarts in Public Right-of-Way</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>P</del>	<del>-</del>	<del>P</del>	<del>P</del>	<del>P</del>
Recycling Facilities through Signs, Allowable Signs, Theater Marquees [No change in text.]	[No change in text.]												

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

**Legend for Table 132-15J**

[No change in text.]

**Table 132-15J****Safety Compatibility Criteria for San Diego International Airport – Ocean Beach, Peninsula, Midway-Pacific Highway Neighborhoods**

Use Categories/ Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Ocean Beach	Peninsula												
		Naval Training Center				Other Neighborhoods				Midway-Pacific Highway				
Safety Zones	4W	1	2W	3NW	3S W	2W	3N W	3S W	4W	1	2E	3NE	3NW	5N
Maximum Dwelling Unit Per Acre	31	-	-	-	-	20	10	9	36	-	46	-	44	-
Maximum People Per Acre	240	-	127	180	235	96	180	180	240	-	191	180	198	180
Person per Household Multiplier for Mixed-Use Development	2.14	-	2.35	2.27	2.23	2.35	2.27	2.23	2.14	-	1.51	1.48	2.27	-
Open Space through Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over	[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]	Ocean Beach	Peninsula												
		Naval Training Center				Other Neighborhoods								
Safety Zones	4W	1	2W	3NW	3S W	2W	3N W	3S W	4W	1	2E	3NE	3NW	5N
Maximum Dwelling Unit Per Acre	31	-	-	-	-	20	10	9	36	-	46	-	44	-
Maximum People Per Acre	240	-	127	180	235	96	180	180	240	-	191	180	198	180
Person per Household Multiplier for Mixed-Use Development	2.14	-	2.35	2.27	2.23	2.35	2.27	2.23	2.14	-	1.51	1.48	2.27	-
40,000 square feet in size [No change in text.]														
Pushcarts:														
Pushcarts on Private Property	P	-	P	P	P	P	P	P	P	-	P	P	P	P
Pushcarts in Public Right of Way	P	-	P	P	P	P	P	P	P	-	P	P	P	P
Recycling Facilities through Signs, Allowable Signs, Theater Marquees [No change in text.]	[No change in text.]													

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

#### §141.0619 Pushcarts on Private Property

This Section regulates pushcarts on private property and ~~pushcarts in the public right of way~~. Pushcarts are moveable, wheeled, non-motorized vehicles used by vendors for the sale of food or beverage products, fresh-cut flowers, or live plants in pots. Pushcarts are a health-regulated business subject to Section 42.0102.

##### (a) ~~Pushcarts on Private Property~~

Pushcarts are permitted on private property 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.

- (~~1~~) Pushcarts are not permitted in required yards, required landscape areas, or required parking areas.

(2b) Pushcarts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.

(3c) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.

(4d) The price of items sold shall be posted on the pushcart and shall be clearly legible.

(b) ~~Pushcarts in the *Public Right of Way*~~

~~Pushcarts may be permitted in the *public right of way* 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:~~

(1) ~~The decision maker will evaluate the following to determine whether a pusheart is a suitable use for the proposed location and will not infringe on the use of the *public right of way* by pedestrians:~~

(A) ~~The width of the sidewalk;~~

(B) ~~The proximity and location of building entrances;~~

(C) ~~Existing obstructions to pedestrian use of the sidewalk including light standards, trees, parking meters, trash receptacles, traffic signals, *signs*, benches, phone booths, newspaper stands, and bus stops;~~

- (D) ~~Vehicle activity areas in the adjacent roadway including bus stops, truck loading zones, taxi stands or hotel zones, and passenger loading areas; and~~
- (E) ~~The amount of pedestrian use and the impact of the pusheart's location on pedestrian activity.~~
- (2) ~~The decision maker will consider the appropriateness of the pusheart design and color scheme, signs, and graphics for the products for sale and the proposed location.~~
- (3) ~~The applicant shall obtain and submit with the permit application a Certificate of Insurance for a public liability insurance policy of at least \$500,000. The liability insurance shall be provided in a form and an amount acceptable to the City Engineer. The policy shall name the City as an additional insured and shall be maintained at all times.~~
- (4) ~~The applicant shall obtain and submit with the permit application a notarized authorization from the owner or proprietor of the adjacent street level business for the applicant to install and operate the pusheart.~~
- (5) ~~Pushearts shall not exceed 4 feet in width, not including wheels; 8 feet in length, including handles; and 6 feet in height, not including canopies, umbrellas, and transparent enclosures.~~



- (6) ~~A clear path, free of all obstructions to the flow of pedestrian traffic, shall be provided in the *public right-of-way* and shall be maintained at all times. Obstructions include traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects. The clear path shall be a paved sidewalk that is at least 8 feet wide. The clear path shall be measured in the following manner:~~
- (A) ~~For pushcarts located at the curb, the clear path shall be measured from the pushcart to the nearest obstruction within the flow of pedestrian traffic. The pushcart shall not hang over the curb;~~
  - (B) ~~For pushcarts not located at the curb, the clear path shall be measured from the pushcart to the curb or to the nearest obstruction within the flow of pedestrian traffic;~~
  - (C) ~~For pushcarts located at *street* intersections, the clear path shall include the area formed by extending the *property line* to each curb line;~~
  - (D) ~~Recesses in the *building facade* shall not be used to satisfy the clear path requirement; and~~

- (E) The decision maker may grant an exception to the minimum clear path width if pedestrian volumes and existing ~~street~~ conditions are such that no congestion would result.
- (7) ~~Pushcarts shall not touch or be attached to any structure or any obstruction within the flow of pedestrian traffic, including traffic signals or signs, light standards, parking meters, phone booths, newspaper stands, bus stops, trash receptacles, benches, trees, and similar objects.~~
- (8) ~~Pushcarts shall not obstruct access to parked vehicles, impede the delivery of materials to adjoining property, nor preclude any existing curb space use.~~
- (9) ~~Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.~~
- (10) ~~The price of items sold shall be posted on the pushcart and shall be clearly legible.~~
- (11) ~~During hours of operation, pushcarts shall remain in the location specified in the permit.~~
- (12) ~~Pushcarts shall not be left unattended, nor shall they remain in the public right of way between 12:00 midnight and 6:00 a.m. except for special events as provided in Chapter 2, Article 2, Division 40 (Special Events).~~

- (13) ~~An applicant that has received a Neighborhood Use Permit for a pusheart shall have an operating cart on the specified site within 60 calendar days of approval or the permit will be void.~~
- (14) ~~The permit is valid only when used at the location designated on the permit. The permit shall be displayed in a prominent and visible place on the pusheart.~~
- (15) ~~A Neighborhood Use Permit for a pusheart may not be transferred, but there may be more than one applicant for a single permit.~~
- (16) ~~A Neighborhood Use Permit for a pusheart can be revoked or modified in accordance with Sections 121.0313 through 123.0316.~~

#### §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	
<b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 Square Feet in Size<sup>(6)</sup> [No change in text.]</b>	[No change in text.]										
<b>Pushearts:</b>											

Pushcarts on Private Property [No change in text.]	[No change in text.]		
<del>Pushcarts in public right-of-way</del>	-	N	N
Recycling Facilities 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.]

**156.0308 Base District Use Regulations**

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

Table 156-0308-A: CENTRE CITY PLANNED DISTRICT USE REGULATIONS														
<b>LEGEND:</b> P = Permitted by Right; C = Conditional Use Permit Required; -- = Use Not Permitted; L = Limited Use; N = Neighborhood Use Permit Required; S = Site Development Permit Required; MS = Main Street; CS= Commercial Street; E= Employment Overlay														
Use Categories/ Subcategories	C	NC	ER	BP	WM <sup>7</sup>	MC	RE	I <sup>7</sup>	T <sup>7</sup>	PC	OS	CC <sup>7</sup>	Additional Regulations	MS/CS & E Overlays
Public Park/ Plaza/Open Space through Commercial Services, Separately Regulated Commercial Service Uses, Private Clubs, Lodges and Fraternal Organizations [No change in text.]	[No change in text.]													
<u>Pushcarts on private property</u>	LAN	LAN	LAN	LAN	LAN	LAN	--	--	LAN	LAN	LAN	LAN	LAN	\$141.0619
Recycling Facilities through Signs, Separately Regulated Signs Uses, Other Use Requirements, Temporary Uses and Structures [No change in text.]	[No change in text.]													

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

**§157.0304 Permitted Uses**

Notwithstanding the uses allowed in Chapter 15, Article 1, Divisions 1 and 4, no building or improvement or portion thereof shall be used except as permitted by this Division. Permitted ground floor uses in the Gaslamp Quarter Planned District are limited to active commercial uses such as restaurants and retail of consumer goods and services. No single user or business shall occupy more than 10,000 square feet on the ground floor of a building except as provided in Section 157.0305(d).

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

**(d) Prohibited Uses**

The following uses shall be prohibited in the entire District as both *primary* and *accessory* uses:

- (1) card rooms, defined as any establishment open to the public wherein games of any kind are played with cards for any consideration;
- (2) correctional placement facilities pursuant to Section 141.0406;
- (3) drive-through businesses; and
- (4) mobile food trucks as described in Section 141.0612; and
- (5) ~~pushearts in the public right-of-way.~~

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

**§1516.0112 Use Regulations for Old Town San Diego Residential Zones****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 Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size [No change in text.]		[No change in text.]			
Pushcarts:					
Pushcarts on Private Property [No change in text.]		[No change in text.]			
Pushcarts in Public Right of Way		-	-	-	
Recycling Facilities 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****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

<b>Open Space through Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities Over 40,000 Square Feet in Size</b> [No change in text.]	[No change in text.]			
<del>Pushcarts:</del>				
Pushcarts on Private Property [No change in text.]	[No change in text.]			
<del>Pushcarts in Public Right of Way</del>	-	-	-	-
<b>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees</b> [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****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 Commercial Services, Separately Regulated Commercial Services Uses, Privately Operated, Outdoor Recreation Facilities over 40,000 square feet in size</b> [No change in text.]	[No change in text.]		
<del>Pushcarts:</del>			
Pushcarts on Private Property [No change in text.]	[No change in text.]		
<del>Pushcarts in Public Right of Way</del>	-	-	-

<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>Recycling Facilities through Signs, Separately Regulated Signs Uses, Theater Marquees [No change in text.]</b>		[No change in text.]	

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

KRS:nja:jdf:cm

01/26/2022

06/14/2022 REV.

Or. Dept: Council District - 2

Doc. No. 2854299\_2



Passed by the Council of The City of San Diego on MAY 17 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<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"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage MAY 23 2022

AUTHENTICATED BY:

TODD GLORIA  
Mayor of The City of San Diego, California.

(Seal)

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

By [Signature], 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

MAR 01 2022, and on MAY 23 2022

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 [Signature], Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21458

**STRIKEOUT ORDINANCE**

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

**NEW LANGUAGE: Double Underline**

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

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

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1,  
DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY  
AMENDING SECTION 141.0619 RELATING TO PUSHCARTS  
AND SIDEWALK VENDORS.

**§141.0619     Pushcarts on Private Property and Sidewalk Vendors**

This Section regulates pushcarts on private property and Sidewalk Vendors.

Pushcarts are moveable, wheeled, non-motorized vehicles used by vendors for the  
sale of food or beverage products, fresh-cut flowers, or live plants in pots.

Pushcarts are a health-regulated business subject to Section 42.0102. For purposes  
of this section, Sidewalk Vendor has the same meaning as in San Diego  
Municipal Code Section 36.0102

**(a)     Pushcarts on Private Property**

Pushcarts are permitted on private property 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.

**(a1)**     Pushcarts are not permitted in required *yards*, required landscape  
areas, or required parking areas.

**(b2)**     Pushcarts shall not exceed 4 feet in width, not including wheels;  
8 feet in length, including handles; and 6 feet in height, not  
including canopies, umbrellas, and transparent enclosures.



- (e3) Pushcart operators shall not verbally solicit business from pedestrians or persons in vehicles and shall not sell to persons in vehicles.
- (d4) The price of items sold shall be posted on the pushcart and shall be clearly legible.

(b) Sidewalk Vendors

Sidewalk Vendors shall not interfere with public access to the shoreline, as identified in *land use plans* that are part of the certified *Local Coastal Program*.

KRS:cm  
August 31, 2022  
Or. Dept: Council District - 2  
Doc. No. 3079849