

ORDINANCE NUMBER O-16715 (NEW SERIES)

ADOPTED ON SEPTEMBER 23, 1986

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0515 RELATING TO ALCOHOLIC BEVERAGE ESTABLISHMENTS.

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

Section 1. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by adding Section 101.0515, to read as follows:

SEC. 101.0515 ALCOHOLIC BEVERAGE ESTABLISHMENTS

A. APPLICATION

Within the area shown on Map C-721, on file in the office of the City Clerk as Document No. OO-16715, no establishment shall offer for sale or other consideration, alcoholic beverages, including beer, wine and distilled spirits, without first obtaining a Conditional Use Permit under the procedures as set forth below.

B. PROCEDURE

1. The Zoning Administrator shall have the authority to approve, deny, or approve with conditions the use of a premise for the retail sale of alcoholic beverages.

2. The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals and the City Council, in accordance with the procedures outlined in Division 2 of this Chapter.

3. Hearings before the Zoning Administrator, the Board of Zoning Appeals and/or the City Council shall be duly noticed in accordance with the procedures outlined in Division 2 of this Chapter. All appeals shall undergo the complete hearing process as specified in Division 2 of this Chapter.

4. The applicant shall submit a processing fee, as specified in the Planning Department schedule of fees/deposits.

5. The use restrictions and property development regulations of the underlying zone shall be applicable. In the case where the property is under any discretionary permit, Section 101.0225 shall apply.

6. The issued permit shall be posted on the premises.

7. This section shall be reviewed by the Planning Commission one year after its adoption.

C. FINDINGS

The decision-making body shall make findings of fact, concerning the matters listed in this paragraph, in rendering a decision:

1. Whether the proposed use will adversely affect the health, safety and general welfare of neighborhood residents.

2. Whether the proposed use will result in an undue concentration of establishments dispensing alcoholic beverages as defined the State Alcoholic Beverage Control (ABC) Department (Rule 61.3), or as determined by the Zoning Administrator.

3. Whether the proposed use is located within 300 horizontal feet of a church, school, hospital, public park or recreational area, or a social welfare institution.

The decisionmaker shall also consider the report and recommendation of the San Diego Police Department regarding the proposed use and its proposed location, a copy of which shall be entered in the public record.

D. CONDITIONS

The decisionmaking body may impose conditions upon the permit which relate to one or more of the following elements of the operation:

1. The permitted hours for alcohol sales.
2. The quantity and size of the containers.
3. Any related entertainment uses.
4. The minimum square footage requirement of the premise and maximum square footage for alcoholic beverages sale and display.
5. The sign requirements and restrictions pertaining to or referencing alcoholic beverages.

E. EXEMPTIONS FROM CONDITIONAL USE PERMIT APPROVAL FOR SALES OF ALCOHOLIC BEVERAGES

The Zoning Administrator shall have the authority to grant an exemption to the requirements of obtaining a Conditional Use Permit for the sale of alcoholic beverages, if the applicant is proposing to operate an establishment meeting the following requirements:

1. Establishments which obtain an Alcoholic Beverage Control (ABC) License Type 41 or 47 (restaurants) having the following characteristics:

a. No dancing or live entertainment is permitted on the premises.

b. No alcoholic beverages are served in conjunction with any billiard or pool hall, bowling alley, or adult entertainment business.

2. Hotels, motels, or any other lodging establishment where the sale of alcoholic beverages is accessory or incidental to the primary operation of the establishment.

3. Stores greater than 10,000 square feet in floor area where the shelving allocated to alcoholic beverages does not exceed ten percent of the total shelving within the store.

4. Establishments which obtain an Alcoholic Beverage Control License Types 1 through 19 (manufacturing/wholesaling), 22 through 31 (shippers/growers), 37 and 39 (temporary), 43 through

46, 53 through 60, 62 through 64 (trains/boats), and 49 (seasonal).

F. EXISTING ESTABLISHMENTS

The use of a lot or premise for an establishment dispensing, offering for sale or other consideration, either on or off premises, alcoholic beverages, may not be continued or reestablished without a Conditional Use Permit granted in accordance with paragraph B. of this section, consistent with Section 101.0303 of this Code, if any of the following occur after the effective date of this section:

1. The establishment changes its type of liquor (ABC) license within a license classification;

2. The operation of the establishment is abandoned, discontinued or suspended for a continuous period of 12 months, as defined in Section 101.0303 of this Code;

3. Any modification occurs which results in increased square footage of the premises where the alcohol related business is conducted;

4. The establishment is found to be in violation of Section 101.0213.B. (nuisances) of this Code;

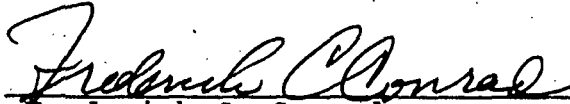
5. Pursuant to a hearing before the Department of Alcoholic Beverage Control, the ABC license is revoked or suspended for a period of more than 30 days; or

6. There is substantial change in the mode or character of operation of the establishment.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

BY



Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:ta:600

08/28/86

12/23/86 REV. 1

Or.Dept:Plan.

O-87-41

Form=o.none

SEP 23 1986

Passed and adopted by the Council of The City of San Diego on
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksmma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, 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

SEP 9 1986, and on SEP 23 1986

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

(Seal)

By *Ellen Board*, Deputy.

01087

Office of the City Clerk, San Diego, California

Ordinance Number 0-16715 Adopted SEP 23 1986

SEP 20 1961
FBI - MEMPHIS

01088

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET
12TH FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
5, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
101.0515 RELATING TO ALCOHOLIC BEVERAGE ESTABLISHMENTS

NO.

ORDINANCE NUMBER 0-16715 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0515 RELATING TO ALCOHOLIC BEVERAGE ESTABLISHMENTS.

The ordinance amends the Municipal Code by adding Section 101.0515, Alcoholic Beverage Establishments. The section authorizes the Zoning Administrator to issue a Conditional Use Permit for any establishment which proposes to sell alcoholic beverages for consumption on or off the premises. The ordinance is applicable to certain specified areas located within the southeast area of the City of San Diego. The ordinance authorizes the Zoning Administrator to impose conditions relating to specified aspects of the establishment. The decision of the Zoning Administrator is subject to an appeal to the Board of Zoning Appeals and the City Council. Exemptions for specified types of establishments are provided. The ordinance is applicable to all new applications to engage in the sale of alcoholic beverages and under specified circumstances may be applicable to existing establishments engaged in the sale of alcoholic beverages.

A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.

Introduced on September 9, 1986

Passed and adopted by the Council of The City of San Diego on September 23, 1986

AUTHENTICATED BY: MAUREEN O'CONNOR

Mayor of The City of San Diego, California

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California

By ELLEN BOVARD, Deputy

Pub. October 7

58952

I, THOMAS D. KELLEHER, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

ORDINANCE NUMBER 0-16715

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

OCTOBER 7, 1986.

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 7 day of OCT., 19 86.



(Signature)

01089

5 3/4" X B10-24 = B 58.88

RECEIVED
CITY CLERK'S OFFICE
1986 OCT 14 AM 11:56
SAN DIEGO, CALIF.

01090