

ORDINANCE NUMBER O- 20262 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 05 2013

AN ORDINANCE AMENDING CHAPTER 13, ARTICLE 1, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 131.0623, RELATING TO ADDITIONAL USE REGULATIONS OF INDUSTRIAL ZONES.

WHEREAS, microbreweries are classified as a light manufacturing use, and are permitted in most industrial zones, including the light industrial, heavy industrial, small lot industrial, and some industrial park zones; and

WHEREAS, restaurants are currently limited in most industrial zones to a maximum of 3,000 square feet in gross floor area; and

WHEREAS, larger craft beer manufacturers are adding full-service restaurants to new or expanded breweries in order to introduce more customers to their products; and

WHEREAS, the current limitations on restaurant square footage in these zones could inhibit the growth of the industry; and

WHEREAS, the proposed amendments to Municipal Code section 131.0623 will allow for manufactures of malt beverages or distilled spirits to develop an accessory restaurant or tasting room up to a maximum of 25 percent of the total gross floor area;

NOW, THEREFORE,

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

Section 1. That Chapter 13, Article 1, Division 6 of the San Diego Municipal Coded is amended by amending section 131.0623 to read as follows:

§131.0623 Additional Use Regulations of Industrial Zones

The uses in this Section are permitted in the industrial zones where indicated in Table 131-06B, subject to the following regulations.

- (a) [No change in text.]
- (b) Eating and drinking establishments are permitted subject to the following:
 - (1) Individual establishments are limited to 3,000 square feet of *gross floor area*, except where provided in accordance with Section 131.0623(i);
 - (2) [No change in text.]
 - (3) [No change in text.]
- (c) through (g) [No change in text.]
- (h) Convenience stores and eating and drinking establishments are permitted subject to the following:
 - (1) An individual establishment shall not exceed 1,000 square feet of *gross floor area*; except where provided in accordance with Section 131.0623(i);
and
 - (2) [No change in text.]
 - (i) Industrial *development* greater than 12,000 square feet of *gross floor area* that is primarily engaged in the manufacturing of malt beverages or distilled spirits in sealed cans, bottles, or kegs, may include an eating and drinking establishment as an *accessory use*, subject to applicable state and

local regulations, if the eating and drinking establishment does not exceed 25 percent of the *gross floor area* of the *structures* on the *premises*.

Section 2. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 3. That prior to becoming effective, this ordinance shall be submitted to the San Diego County Regional Airport Authority (SDCRAA) for a consistency determination.

If the SDCRAA finds this ordinance consistent with the Airport Land Use Compatibility Plans (ALUCP) for San Diego International Airport, Marine Corps Air Station (MCAS) Miramar, Gillespie Field, Montgomery Field, and Brown Field Airports, this ordinance shall take effect and be in force as of the date of the finding of consistency by the SDCRAA Board, provided that and not until at least 30 days have passed from the date of final passage, except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

If the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications with the ALUCPs for San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, the ordinance shall be submitted to the City Council for reconsideration.

If the SDCRAA determines that this ordinance is conditionally consistent with the ALUCPs for San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery

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

If the SDCRAA determines this ordinance is inconsistent with the ALUCPs for San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports, a proposed decision by the City Council to overrule a determination of inconsistency or to reject the proposed modifications for a finding of conditional consistency shall include the findings required pursuant to Public Utilities Code section 21670 and require a two-thirds vote; the proposed decision and findings shall be forwarded to the SDCRAA, California Department of Transportation, Division of Aeronautics, and the airport operators for the San Diego International Airport, MCAS Miramar, Gillespie Field, Montgomery Field, or Brown Field Airports; and the City Council shall hold a second hearing not less than 45 days from the date the proposed decision and findings were provided, at which hearing any comments submitted by the public agencies shall be considered and a final decision to overrule a determination of inconsistency shall require a two-thirds vote. Then, this ordinance shall take effect and be in force thirty days from the date of the final decision to overrule the determination of inconsistency except that the provisions of this ordinance inside the Coastal Overlay Zone, which are subject to California Coastal Commission jurisdiction as a City of San Diego Local

Coastal Program amendment, shall not take effect until the date the California Coastal Commission unconditionally certifies those provisions as a local coastal program amendment.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Corrine L. Neuffer
Deputy City Attorney

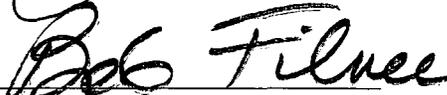
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03/20/2013
Or.Dept: DSD
O-2013-69
Doc. No. 544176

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of 6/4/13.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/5/13
(date)


BOB FILNER, Mayor

Vetoed: _____
(date)

BOB FILNER, Mayor

Passed by the Council of The City of San Diego on JUN 04 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 05 2013

AUTHENTICATED BY: BOB FILNER
Mayor of The City of San Diego, California.

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

By *Henrietta J. Dantes*, 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

MAY 14 2013, and on JUN 05 2013

~~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.

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

By *Henrietta J. Dantes*, Deputy

Office of the City Clerk, San Diego, California

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