

ORDINANCE NUMBER O- 16743 (NEW SERIES)

ADOPTED ON OCT 28 1986

AN EMERGENCY ORDINANCE ESTABLISHING A
CONDITIONAL USE PERMIT PROCESS FOR HAZARDOUS
WASTE TREATMENT RESEARCH, DEVELOPMENT AND
DEMONSTRATION FACILITIES.

WHEREAS, the City Council has initiated an amendment to the Municipal Code which would provide for a Conditional Use Permit for hazardous waste treatment facilities; and

WHEREAS, the provisions of Municipal Code Section 101.0205.2 authorize the City Council to adopt an ordinance providing that no development inconsistent with the provisions of an amendment to the Municipal Code which is under consideration by the City if the City Council finds that such development would be detrimental to the public health, safety, general welfare and good zoning practice and that such development appears imminent; and

WHEREAS, an application has been made to the Environmental Protection Agency (EPA) for a Research, Development and Demonstration Permit for Hazardous Waste Treatment; and

WHEREAS, the City Council finds that;

(1) The requested permit may be issued as early as mid-November 1986;

(2) The City of San Diego has not been provided an opportunity to evaluate the impacts on the environment and the surrounding community associated with the proposed incineration of large quantities of toxic material;

(3) The requested permit would authorize the on-site storage of up to 400 55-gallon drums of unidentified toxic wastes without local consideration of the safety of such storage;

(4) The potential impacts on the surrounding community associated with the transportation into and out of the community of large quantities of unidentified toxic waste represents a potential major danger to public health and safety;

(5) The City of San Diego has not been provided an assessment of the risks to human and plant life associated with the proposed project and no such assessment appears to be required by the Environmental Protection Agency (EPA) permit process; and

(6) The conduct of the program without evaluation of the community-wide land use impacts and ramifications may be detrimental to public health, safety, general welfare and good zoning practices which impacts and ramifications can only be evaluated through the thoughtful and deliberate consideration provided by the conditional use permit process;

NOW, THEREFORE,

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

Section 1. Conditional Use Permit granted by the City Council:

A. USES WHICH MAY BE CONSIDERED

The City Council shall have the authority, under conditions herein provided, to permit by Conditional Use Permit the following use in the SR Zone:

Any facility, activity or use of property which is required by federal law to obtain a Research, Development and Demonstration Permit for Hazardous Waste Treatment from the Environmental Protection Agency or any other agency of the U. S. Government pursuant to the Federal Resource Conservation and Recovery Act.

B. APPLICATION - FORM AND CONTENTS

Application to permit any conditional use referred to in this section may be made by the owner of the property affected, or it may be initiated by the City Council. Application shall be filed with the Planning Department upon forms provided by it and shall state fully the circumstances and conditions relied upon as grounds for the application and shall be accompanied by adequate plans, a legal description of the property involved and a detailed description of the proposed use.

C. RECOMMENDATION OF THE PLANNING COMMISSION

1. The Planning Commission shall hold a public hearing which has been noticed in accordance with the provisions of Municipal Code Section 101.0220. After the public hearing, the Planning Commission may, by resolution, recommend the granting of a Conditional Use Permit, if after considering the facts presented on the application and at the hearing, it is concluded that:

a. The proposed use will not adversely affect the neighborhood, the General Plan or the Community Plan and will not be detrimental to the health, safety or general welfare of persons residing or working in the area; and

b. The proposed use will comply with all the relevant regulations in the Municipal Code.

2. If the Commission, after considering the facts presented on the application and at the hearing, is unable to reach the two conclusions set forth in paragraph C.1. of this ordinance, it shall be recommended by resolution that the permit be denied.

3. In recommending the granting of a conditional use permit, the Planning Commission may recommend the attachment of such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the property is situated, including but not limited to: signs, fences, walls, maximum building height, density, minimum yards, maximum building coverage, and off-street parking, may be increased or decreased.

4. In recommending the granting or denying of a conditional use permit, the Planning Commission shall make a written finding which shall specify the facts relied upon by the Commission in making its decision and in recommending conditions. This finding of facts shall be incorporated in the resolution referred to in this ordinance. A copy of the resolution shall be mailed to the applicant.

D. HEARING SET BEFORE CITY COUNCIL

A copy of the resolution setting forth the recommendations of the Planning Commission and the finding of facts shall be filed

with the City Clerk as soon as possible after the public hearing or continuance thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council giving notice of the time, place and purpose of such hearing in accordance with Municipal Code Section 101.0220.

E. DECISION OF THE CITY COUNCIL

1. The City Council shall consider the Conditional Use Permit application at the public hearing on the date set for said hearing or on the date to which such hearing may be continued from time to time by the City Council.

2. Upon the conclusion of the hearing, the City Council may, by resolution, grant or deny the permit. The resolution shall contain a finding of facts showing wherein the conditional use shall fulfill or fail to fulfill the requirements as set forth in paragraph C.1. of this ordinance. The resolution shall be filed with the City Clerk, the Planning Director, the Zoning Administrator, the Director of Building Inspection and the County Recorder of San Diego County and a copy shall be mailed to the applicant. The resolution shall not be filed with the County Recorder if the resolution is a denial of the Conditional Use Permit.

3. In granting a Conditional Use Permit, the City Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which property is situated, including, but not limited to, signs, fences, walls, maximum building heights, density, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

F. AMENDMENT TO PERMIT

1. The City Council may, by resolution, grant an amendment to a valid Conditional Use Permit which it has granted, if after considering the facts presented on the application and at the hearing, it can reach conclusion set forth in paragraph C.1. of this ordinance.

2. The procedure for making application for an amendment to a valid Conditional Use Permit and for hearing before the Planning Commission and City Council shall be as set forth in paragraphs B. and C. of this ordinance.

3. In recommending the granting or denying of an amendment to a valid Conditional Use Permit, the Planning Commission shall make a written finding of facts which shall specify the facts relied upon by the Commission in making its decision and in recommending conditions. Such finding of facts shall be incorporated in a resolution and a copy of the resolution shall be filed with the City Clerk as soon as possible after the public hearing or continuation thereof. The City Clerk shall thereupon set the matter for public hearing before the City Council.

4. Upon the conclusion of the hearing, the City Council may by resolution grant or deny the amendment. The resolution shall contain a finding of facts showing wherein the amendment fulfills or fails to fulfill the requirements as set forth in paragraph C.1. of this ordinance. A copy of the resolution shall be filed with the Planning Director, the Zoning Administrator, the Director of Building Inspection and the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

5. In granting an amendment to a valid Conditional Use Permit, the City Council may impose such conditions as it deems necessary and desirable to protect the public health, safety and general welfare. Any regulations of the zone in which the

property is situated, including, but not limited to, signs, fences, walls, maximum building heights, minimum yards, maximum building coverage and off-street parking may be increased or decreased.

G. EXTENSION OF TIME

1. The City Council may, by resolution, grant an extension of time to a valid Conditional Use Permit which it has granted if it finds that there has been no material change of circumstances since the granting of the permit.

2. Application for an extension of time shall be in writing and shall be filed by the owner of the property covered by the permit. Application shall be filed with the City Clerk. The City Council may require a public hearing on such application if it determines that such a hearing is in the public interest. In the event a hearing is ordered by the City Council, the procedure for noticing shall be as set forth in accordance with Municipal Code Section 101.0220.

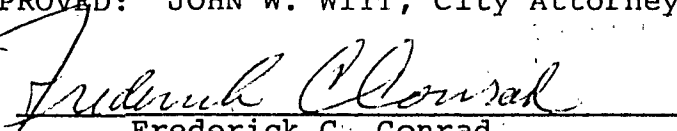
3. A copy of the resolution granting or denying the extension of time shall be filed with the Planning Director, the Zoning Administrator, the Director of Building Inspection, and the County Recorder of San Diego County, and a copy shall be mailed to the applicant.

Section 2. This ordinance shall, for the reasons set forth in the preamble hereto, constitute an emergency interim

ordinance and shall become effective immediately upon its introduction and adoption by the City Council, and shall remain in effect for ninety days.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:cc:600
10/22/86
Or.Dept:Plan.
O-87-96
Form=o.none

OCT 28 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

(Seal)

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

By *Barbara Baxter*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
OCT 28 1986, said ordinance being of the kind and character
authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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)

CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.
By *Barbara Baxter*, Deputy.

Office of the City Clerk, San Diego, California

01309

CERTIFICATE OF PUBLICATION

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

IN THE MATTER OF

NO.

AN EMERGENCY ORDINANCE ESTABLISHING A CONDITIONAL
USE PERMIT PROCESS FOR HAZARDOUS WASTE TREATMENT
RESEARCH, DEVELOPMENT AND DEMONSTRATION FACILITIES.

ORDINANCE NUMBER 0-16743 (NEW SERIES)

**AN EMERGENCY ORDINANCE ESTABLISHING A CONDI-
TIONAL USE PERMIT PROCESS FOR HAZARDOUS WASTE
TREATMENT RESEARCH, DEVELOPMENT AND DEMON-
STRATION FACILITIES.**

The ordinance enacts, as an emergency measure, a provision which requires that any facility which operates under a Research, Development and Demonstration Permit for Hazardous Waste Treatment, issued by the Environmental Protection Agency of the federal government, shall first obtain a conditional use permit from the City Council.

The ordinance establishes the permit application procedure which includes noticed public hearings before the Planning Commission and City Council.

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.

Passed and adopted by the Council of The City of San Diego on 10-28-86 by the following vote:

YEAS: Wolfshelmer, Cleator, McCall, Jones, Gotch, McCarty, Martinez, O'Connor.

NAYS: None.

NOT PRESENT: Struikema.

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California

(Seal)
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By BARBARA BAXTER, Deputy

File November 10 04762

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 0-16743
(NEW SERIES)

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:

NOVEMBER 10, 1986.

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

Dated at San Diego, California this 10 day of NOV., 19 86.

Thomas D. Kelleher
(Signature)

01310

5 3/4" x \$10.24 = \$58.88