

(R-92-821 REV.1)

RESOLUTION NUMBER R- 279037

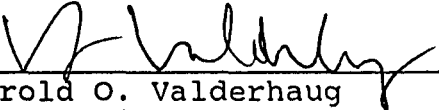
ADOPTED ON NOV 25 1991

BE IT RESOLVED, by the Council of The City of San Diego, that the attached draft ordinance amending San Diego Municipal Code Section 101.0580, relating to child care facilities, to delete certain restrictions regarding location of such facilities near businesses using hazardous substances, is hereby approved in concept and the Planning Commission is hereby directed to conduct a noticed public hearing to consider such amendment and to submit to the City Council, at the earliest feasible time, a recommendation as to whether or not to adopt such amendment.

BE IT FURTHER RESOLVED, that staff is hereby directed to prepare language to submit to the Planning Commission to eliminate Section A of the ordinance until they can provide Council with scientific evidence that there is a hazard, and refer the issue back to the Planning Commission with the Environmental Health Coalition letter to advise the City Council if there are any minimal rules commensurate with getting day care centers built that they would recommend to bring back to the City Council for modification of the revised ordinance.

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51 DEC 12 AM 9:22
SAN DIEGO, CALIF.

APPROVED: JOHN W. WITT, City Attorney

By 
Harold O. Valderhaug
Deputy City Attorney

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12/06/91 REV.1
Or.Dept:Prop.
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(O-92-DRAFT)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0580 RELATING TO
CHILD CARE FACILITIES.

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
amending Section 101.0580, to read as follows:

SEC. 101.0580 CHILD CARE FACILITIES

A. through D [No changes]

E. CHILD CARE CENTERS

Child care centers in all residential zones require a
conditional use permit pursuant to Section 101.0510,
subsection C.1.k., of the San Diego Municipal Code. Child
care centers are permitted in all commercial and industrial
zones, subject to the following requirements:

1. through 4. [No changes]

5. The applicant has the burden of proof in
demonstrating compliance with the following
requirements:

No portion of a child care facility may be located
within one thousand feet (1,000') of any known business
which has or is required to have a health permit from

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the County of San Diego Hazardous Materials Management Division, excluding underground fuel storage tanks, and which handles acutely hazardous material above the Threshold Planning Quantities (TPQ) as defined by Chapter 6.95 of the California Health and Safety Code or compressed flammable gases in excess of one thousand five hundred (1,500) pounds or flammable liquids in excess of ten thousand (10,000) gallons.

The applicant is required to submit an approved "Hazardous Materials Substance Approval Form" from the County of San Diego Hazardous Materials Management Division at the time of application.

Deviations from the hazardous materials separation requirements may be permitted only upon issuance of a conditional use permit pursuant to Section 101.0510, subsection C.1.k., of the San Diego Municipal Code. Issuance of the conditional use permit will be based in part on a Health Risk Assessment Study to be submitted by the applicant.

6. and 7. [No changes]

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 _____
Harold O. Valderhaug
Deputy City Attorney

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Or.Dept:Prop.
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OLD LANGUAGE STRUCK OUT

(0-92-DRAFT)

SEC. 101.0580 CHILD CARE FACILITIES

A. through D [No changes]

E. CHILD CARE CENTERS

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1. through 4. [No changes]

5. The applicant has the burden of proof in demonstrating compliance with the following requirements:

~~a. No portion of a child care facility may be located within one hundred fifty feet (150') of any known business which has or is required to have a health permit from the County of San Diego Hazardous Materials Management Division, including underground fuel storage tanks, or known sites contaminated with a hazardous substance, is emitting carcinogens or reproductive toxins into the air, as identified in the State's "Director's List" or referenced in or compiled pursuant to Section 25249.8 of the California Health and Safety Code, or any other storage area for explosive materials, compressed or flammable gases in excess of five hundred (500) pounds.~~

~~b7~~ No portion of a child care facility may be located within one thousand feet (1,000') of any known business which has or is required to have a health permit from the County of San Diego Hazardous Materials Management Division, excluding underground fuel storage tanks, and which handles acutely hazardous material above the Threshold Planning Quantities (TPQ) as defined by Chapter 6.95 of the California Health and Safety Code or compressed flammable gases in excess of one thousand five hundred (1,500) pounds or flammable liquids in excess of ten thousand (10,000) gallons.

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6. and 7. [No changes]

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Passed and adopted by the Council of The City of San Diego on **NOV 25 1991**,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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"/>
Bob Filner	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

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

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

By *Mary Cepeda* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **R-279037** Adopted **NOV 25 1991**