

ORDINANCE NUMBER O- 17833 (NEW SERIES)

ADOPTED ON SEP 29 1992

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 change.]

**E. CHILD CARE CENTERS**

Child care centers are permitted in residential and nonresidential zones. Child care centers located in residential zones shall be approved under a conditional use permit granted by the Zoning Administrator after a notice and public hearing, pursuant to Municipal Code section 101.0510(C)(1)(k). Child care centers in nonresidential zones do not require a notice and public hearing but are subject to the following requirements:

1. through 4. [No change.]

5. Buffer Requirement. No portion of a child care center may be located within one thousand feet (1,000') of any known business that:

(a) 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 handles acutely hazardous material above the Threshold Planning Quantities (TPQ) as defined by Division 20, Chapter 6.95, Section 25500 et seq., of the California Health and Safety Code; or

(b) Handles compressed flammable gases in excess of one thousand five hundred (1,500) pounds; or

(c) Handles flammable liquids in excess of ten thousand (10,000) gallons.

The applicant is required to submit a "Hazardous Materials Substance Approval Form" executed by the County of San Diego Hazardous Materials Management Division at the time of application.

Deviations from the hazardous materials separation requirement may be permitted only upon issuance of a conditional use permit granted by the Zoning Administrator after a notice and public hearing, pursuant to Municipal Code section 101.0510(C)(1)(k). Issuance of a conditional use permit will be based in part on a Health Risk Assessment Study to be submitted by the applicant.

The buffer shall be measured from the adjacent property line of the proposed child care facility to the use, storage, or handling areas for the hazardous material. Businesses may satisfy the above buffer requirement on-site.

The applicant has the burden of proof in demonstrating compliance with the buffer requirement.

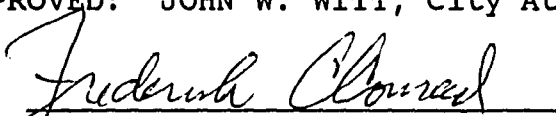
6. and 7. [No change.]

F. [No change.]

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage, however, the provisions of this ordinance shall not be applicable within the Coastal Zone until the thirtieth day following the date the California Coastal Commission unconditionally certifies this ordinance as a local coastal program amendment. If this ordinance is not certified, or is certified with suggested modifications by the California Coastal Commission, the provisions of this ordinance shall not be applicable within the Coastal Zone pending further action of the City Council.

APPROVED: JOHN W. WITT, City Attorney

By

  
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:lc  
09/03/92  
Or.Dept:Plan.  
O-93-32  
Form=o+t

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-out~~

NEW LANGUAGE: ~~Shaded~~

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DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE  
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1. through 4. [No change.]

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, excluding hospitals, medical clinics and offices, biotechnology research and production facilities, service stations and similar auto maintenance facilities, businesses with~~

~~underground storage tanks, and businesses handling hazardous materials or wastes in quantities less than fifty-five (55) gallons or five hundred (500) pounds, welding gases in quantities less than six hundred (600) cubic feet, or non-fuel oils, greases and lubricants.~~

~~(b) Buffer Requirement.~~ No portion of a child care center may be located within one thousand feet (1,000') feet of any known business that:

~~(1) (a)~~ 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 handles acutely hazardous material above the Threshold Planning Quantities (TPQ) as defined by Division 20, Chapter 6.95, Section 25500 et seq., of the California Health and Safety Code; or

~~(2) (b)~~ Handles compressed flammable gases in excess of one thousand five hundred (1,500) pounds; or

~~(3) (c)~~ Handles flammable liquids in excess of ten thousand (10,000) gallons.

The applicant is required to submit a "Hazardous Materials Substance Approval Form" executed by 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 granted by the Zoning Administrator after a notice and public hearing, pursuant to Municipal Code section 101.0510(C)(1)(k). Issuance of a conditional

use permit will be based in part on a Health Risk Assessment Study to be submitted by the applicant.

~~(e) Buffers should~~ The buffer shall be measured from the adjacent property line of the proposed child care facility to the use, storage, or handling areas for the hazardous material. Businesses may satisfy the above buffer requirements on-site.

~~(d) Section 101.0580(E)(5)(1) will be reviewed in six (6) months (August, 1992) and shall be of no further force and effect after February 23, 1993, unless continued by resolution adopted by the City Council.~~

The applicant has the burden of proof in demonstrating compliance with the buffer requirement.

6. and 7. [No change.]

F. [No change.]

FCC:lc  
09/03/92  
Or.Dept:Plan.  
SO-93-32  
Form=o+t

by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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  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 14 1992

SEP 29 1992

, and on .....

~~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  Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17833 Adopted SEP 29 1992

Passed and adopted by the Council of The City of San Diego on SEP 29 1992  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 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 *Samuel Olin* 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 14 1992**

**SEP 29 1992**

, and on

~~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 *Samuel Olin* Deputy.

Office of the City Clerk, San Diego, California

Ordinance **0-17833**

**SEP 29 1992**

Number ..... Adopted .....



CERTIFICATE OF PUBLICATION

RECEIVED  
OCT 14 AM 9:40  
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
CITY ADMINISTRATION BUILDING  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

CHILD CARE FACILITIES

I, Corey Donahue, 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 O-17833 (NEW SERIES)**

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.

This ordinance amends San Diego Municipal Code section 101.0580 by deleting the provisions of the section which limits the use of property for a child care facility if the site is within 150 feet of a site or facility which is required to have a County of San Diego hazardous materials health permit. This limitation on the use of property for a child care facility was to expire on February 23, 1993.

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

INTRODUCED ON September 14, 1992

Passed and Adopted by the Council of the City of San Diego on September 29, 1992.

AUTHENTICATED BY:

MAUREEN O'CONNOR  
Mayor of The City of San Diego, CA  
CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, CA

(SEAL)

By Suzanne Oliva, Deputy

Pub. Oct. 13

257868

ORDINANCE NUMBER O-17833 (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:

OCTOBER 13

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

Dated at San Diego, California this 13th day of OCT., 1992.

*Corey Donahue*  
(Signature)

4 1/2" = 64.00