

(A)

(O-2003-82)

ORDINANCE NUMBER O- 19133 (NEW SERIES)

ADOPTED ON DEC 09 2002

AN EMERGENCY ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO AMENDING CHAPTER 10, ARTICLE 3, DIVISION 9, OF THE SAN DIEGO MUNICIPAL CODE, BY AMENDING SECTIONS 103.0902, 103.0926, AND 103.0946, ALL RELATING TO BARRIO LOGAN PLANNED DISTRICT.

WHEREAS, the City of San Diego, under the police power delegated to it by the Constitution of the State of California, has the authority to act when the public health, safety and welfare of its citizens are jeopardized; and

WHEREAS, pursuant to Section 123.0110 of the Land Development Code, the City Council may adopt an interim emergency zoning ordinance to delay development that would be inconsistent with a proposed rezone until City Council makes a decision on the proposed rezone; and

WHEREAS, on September 18, 2002, the Committee on Land Use and Housing unanimously supported the recommendation to prepare an emergency ordinance to prohibit the location of new chrome plating establishments in Barrio Logan in conjunction with a Barrio Logan Planned District Ordinance amendment; and

WHEREAS, California Air Resources Board's monitoring of several chrome plating establishments within the Barrio Logan community has revealed exposure of the general public to unacceptable health risks; and

WHEREAS, the toxic effects of air contamination has been thoroughly documented in City Manager Report No. 02-289 and attachments thereto which are incorporated in this ordinance by this reference; and

WHEREAS, the City Council finds that any proposed chrome plating facility would be inconsistent with the proposed zoning ordinance specifically prohibiting such uses; and

WHEREAS, the City Council finds that chrome plating activities pose a significant threat to the public safety and welfare; and

WHEREAS, the City Council finds that with current chrome plating facilities closing in the Barrio Logan Planned District, establishment of new facilities could occur without opportunity for City review and proposed development appears imminent; and

WHEREAS, the City Council finds that the emergency necessitating this emergency zoning ordinance is adequately set forth above; NOW, THEREFORE,

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

Section 1. That Chapter 10, Article 3, Division 9, of the San Diego Municipal Code, is amended by amending Sections 103.0902, 103.0926, and 103.0946, to read as follows:

§103.0902 Definitions

(a) through (oo) [No change.]

(pp) Manufacturing: Establishments engaged in the manufacturing, fabricating, assembly, treatment, servicing, packaging, processing, and handling of finished products and product parts primarily from previously prepared materials. Manufacturing does not include

establishments engaged in chrome plating of materials.

- (qq) Maintenance Repair and Service Facilities: Establishments engaged in servicing or repairing industry machines and equipment, carpentry, welding and metal forming shops, print shops, laundry and dry cleaning plants, and other similar facilities. As a land use classification, this excludes vehicle dismantling, salvage and wrecking of automobiles and of other similar light vehicles, processing of scrap metals, junk yards and storage of salvaged materials, and similar uses. Maintenance Repair and Service Facilities does not include establishments engaged in chrome plating of materials.

(rr) through (ww) [No change.]

§103.0926 Subdistrict "B" Permitted Uses

[No change to first sentence.]

(a) through (c) [No change.]

- (d) Any nonresidential use permitted in the IH-2-1 zone (except establishments engaged in the chrome plating of materials) as set forth in Land Development Code Section 131.0622.

(e) through (g) [No change.]

§103.0946 Subdistrict "D"- Permitted Uses

In Subdistrict "D," no building or improvement or portion thereof shall be

erected, constructed, converted, established, altered, or enlarged, nor shall any lot or premises be used except for one or more of the uses permitted in the IH-2-1 zone as set forth in Land Development Code Section 131.0622 provided, however, that the following uses are prohibited:

(1) through (7) [No change.]

(8) Establishments engaged in the chrome plating of materials.

Section 5. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 6. As provided for in Section 123.0110 of the San Diego Municipal Code, this ordinance shall be in effect upon adoption by the Council of the City of San Diego and shall remain in effect for a period of 180 days unless it is extended by act of the City Council pursuant to subsection 123.0110(e) or is superseded by new legislation,

APPROVED: CASEY GWINN, City Attorney

By



for Prescilla Dugard
Deputy City Attorney

PD:cdk

11/19/02

Or.Dept:Dev.Srvcs.

O-2003-82

Aud. Cert: 2300622

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Underlined

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(1) through (7) [No change.]

(8) Establishments engaged in the chrome plating of materials.

PD:cdk
11/20/02
O-2003-82

The City of San Diego
CERTIFICATE OF CITY AUDITOR AND COMPTROLLER

CERTIFICATE OF UNALLOTTED BALANCE

AC 2300622

ORIGINALING DEPT. NO.: 1310

I HEREBY CERTIFY that the money required for the allotment of funds for the purpose set forth in the foregoing resolution is available in the Treasury, or is anticipated to come into the Treasury, and is otherwise unallotted.

Amount \$ 1,402.00 Fund 41300

Purpose Authorizing the expenditure of funds to implement a temporary emergency ordinance to prohibit new chrome plating establishments within the Barrio Logan Planned District.

Date 11/26/02

By: *Suffany E. Hernandez*
 AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENE/EQUIP	FACILITY	AMOUNT
1	0	41300	1316	1633	4222	001193				\$1,402.00
TOTAL AMOUNT										\$1,402.00

FUND OVERRIDE

CERTIFICATION OF UNENCUMBERED BALANCE

I HEREBY CERTIFY that the indebtedness and obligation to be incurred by the contract or agreement authorized by the hereto attached resolution, can be incurred without the violation of any of the provisions of the Charter of the City of San Diego; and I do hereby further certify, in conformity with the requirements of the Charter of the City of San Diego, that sufficient moneys have been appropriated for the purpose of said contract, that sufficient moneys to meet the obligations of said contract are actually in the Treasury, or are anticipated to come into the Treasury, to the credit of the appropriation from which the same are to be drawn, and that the said money now actually in the Treasury, together with the moneys anticipated to come into the Treasury, to the credit of said appropriation, are otherwise unencumbered.

Not to Exceed \$ _____

Vendor _____

Purpose _____

Date _____

By: _____

AUDITOR AND COMPTROLLER'S DEPARTMENT

ACCOUNTING DATA

ACCTG. LINE	CY PY	FUND	DEPT	ORG.	ACCOUNT	JOB ORDER	OPERATION ACCOUNT	BENE/EQUIP	FACILITY	AMOUNT
TOTAL AMOUNT										

FUND OVERRIDE