

ORDINANCE NUMBER O- 20351 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 26 2014

AN ORDINANCE AMENDING CHAPTER 15, ARTICLE 6, DIVISION 3 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 156.0302 AND 156.0307 AND FIGURE C, RELATING TO THE ESTABLISHMENT OF AN INDUSTRIAL BUFFER OVERLAY DISTRICT IN THE CENTRE CITY PLANNED DISTRICT.

WHEREAS, on December 7, 2012, Solar Turbines submitted an application for an amendment to the Centre City Planned District Ordinance (CCPDO) to establish an industrial buffer zone around the Solar Turbines site; and

WHEREAS, on March 28, 2013, the Planning Commission voted 5-0 to initiate an amendment to the CCPDO; and

WHEREAS, an industrial buffer zone prohibiting incompatible land uses would reduce potential land use conflicts with the existing industrial uses on the Solar Turbines site, encourage economic development and employment opportunities within the industrial buffer zone, and provide certainty for future development within the industrial buffer zone; and

WHEREAS, establishment of an industrial buffer zone would be consistent with policies identified in the General Plan and the Downtown Community Plan, including General Plan Policy EP-A.1, which provides for the protection of base sector uses that provide quality job opportunities, and Policy LU-I.14, which provides for the creation of appropriate buffer zones to help alleviate or minimize potential hazards of certain types of land uses; and

WHEREAS, sensitive receptors, defined as residential, educational facilities for kindergarten to grade 12, child care facilities, hospitals, intermediate care facilities, and nursing

facilities land uses, are especially sensitive to exposure to hazardous substances due to the age or mobility of the occupants and the potential length of exposure; and

WHEREAS, the proximity of industrial operations to sensitive receptors can result in increased regulation for the industrial use that can adversely affect the base sector industrial use and result in land use incompatibilities; and

WHEREAS, a 635-foot buffer would maintain operational flexibility for the base sector industrial use on the Solar Turbines site while allowing the remaining northern portion of the Little Italy neighborhood to develop with a wide variety of land uses; NOW, THEREFORE,

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

Section 1. That Chapter 15, Article 6, Division 3 of the San Diego Municipal Code is amended by amending sections 156.0302 and 156.0307, and Figure C to read as follows:

**§156.0302 Definitions**

The following definitions apply to this Article. Where not otherwise specified, the definitions found in Chapter 11, Article 3, Division 1 of the Land Development Code shall apply. Each word or phrase that is defined in this Division or in Chapter 11, Article 3, Division 1 of the Land Development Code appears in the text in italicized letters.

*Active commercial uses* through *Senior housing* or *senior unit* [No change in text.]

*Sensitive receptor* means any of the following land uses: residential, educational facilities for kindergarten to grade 12, *child care facilities*, hospitals, intermediate care facilities, and nursing facilities.

*Setback* through *Urban open space* [No change in text.]

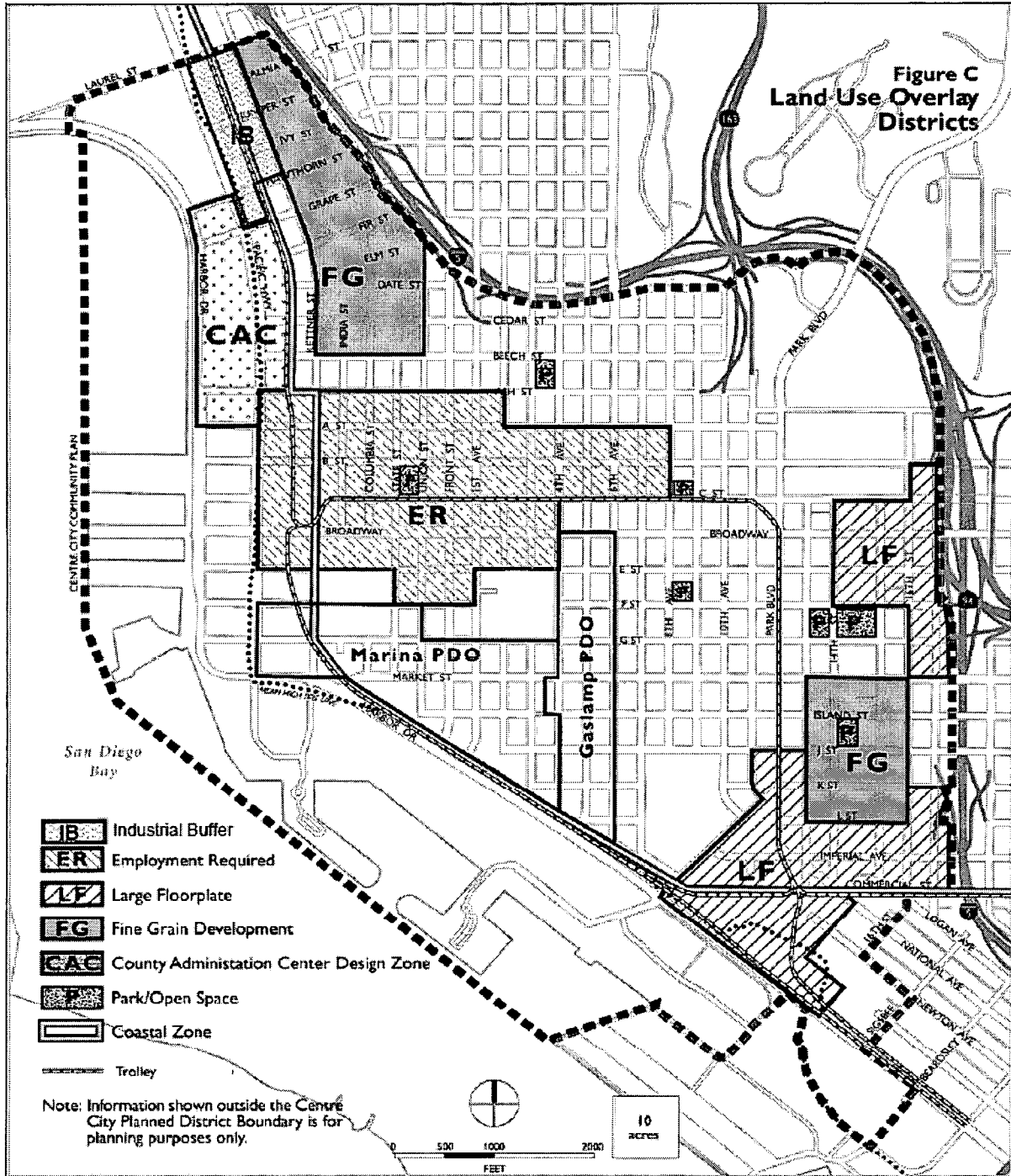
**§156.0307 Land Use Districts**

Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts, shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308-A. Specific requirements for minimum and maximum percentages of *active commercial uses* on the ground-floor along *street frontages* are provided.

- (a) [No change in text.]
- (b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

- (1) through (12) [No change in text.]
- (13) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to protect industrial lands by minimizing potential land use incompatibilities that could result from proximity to *sensitive receptors*. *Sensitive receptors* are prohibited within the IB Overlay District.



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. 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 Plan (ALUCP) for San Diego International Airport (Airport), 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.

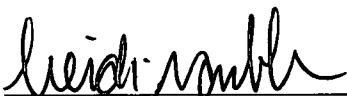
If the SDCRAA determines that this ordinance is inconsistent or conditionally consistent, subject to proposed modifications with the ALUCP, the ordinance shall be submitted to the City Council for reconsideration.

If the SDCRAA determines that this ordinance is conditionally consistent with the ALUCP, 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 ALUCP, 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 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 any 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.

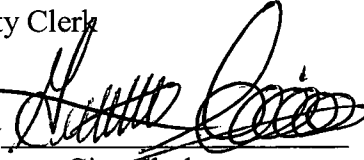
APPROVED: JAN I. GOLDSMITH, City Attorney

By   
Heidi K. Vonblum  
Deputy City Attorney

HKV:nja  
12/12/13  
Or.Dept: Civic San Diego  
Doc. No. 687786

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 10 2014

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved pursuant to Charter section 265(i):

\_\_\_\_\_  
(date)

\_\_\_\_\_  
TODD GLORIA, Council President

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~  
NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

DATE OF FINAL PASSAGE \_\_\_\_\_

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**§156.0302 Definitions**

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*Active commercial uses through Senior housing or senior unit* [No change in text.]

*Sensitive receptor* means any of the following land uses: residential, educational facilities for kindergarten to grade 12, *child care facilities*, hospitals, intermediate care facilities, and nursing facilities.

*Setback through Urban open space* [No change in text.]

**§156.0307 Land Use Districts**

Twelve land use districts, shown in Figure B, define geographic areas that are subject to specific land use classifications. In addition, twelve overlay districts,



shown in Figures C, D, and F, establish areas where additional requirements apply. Permitted land use classifications within each land use district are shown on Table 156-0308-A. Specific requirements for minimum and maximum percentages of *active commercial uses* on the ground-floor along *street frontages* are provided.

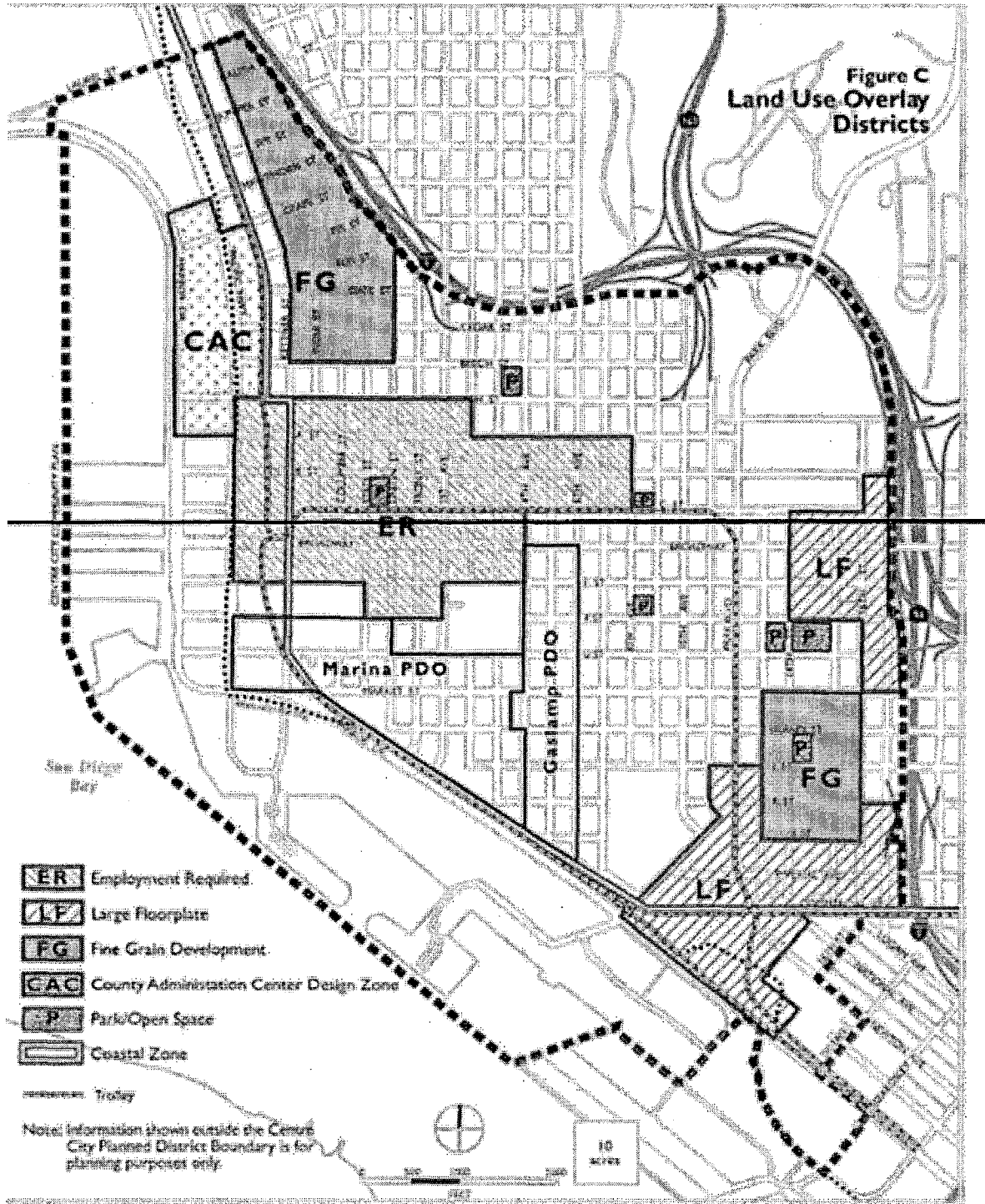
(a) [No change in text.]

(b) Overlay Districts

The following Overlay Districts apply as illustrated in Figures C, D, and F:

(1) through (12) [No change in text.]

(13) Industrial Buffer Overlay (IB). This overlay district establishes a buffer zone to protect industrial lands by minimizing potential land use incompatibilities that could result from proximity to sensitive receptors. Sensitive receptors are prohibited within the IB Overlay District.





Passed by the Council of The City of San Diego on FEB 10 2014, 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 type="checkbox"/>            | <input type="checkbox"/> | <input checked="" 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 FEB 26 2014

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT  
as interim Mayor of The City of San Diego, California.

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

By [Signature], 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 JAN 28 2014, and on FEB 26 2014.

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.  
By [Signature], Deputy

Office of the City Clerk, San Diego, California  
Ordinance Number O- 20351