

R. 76-2290

RESOLUTION No. 216384

Adopted on JUL 7 1976

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

That this Council hereby requests the State Legislature to initiate legislation to amend Section 5116 of the California Welfare and Institutions Code as set forth as Exhibit A attached hereto and made a part hereof. The purpose of this amendment is to permit The City of San Diego to limit the number of care homes within a residential neighborhood, as defined, where it determines the home's presence will be contrary to the policy stated in Welfare and Institutions Code Section 5115.

APPROVED: JOHN W. WITT, City Attorney

By Robert W. MacCartee
Robert W. MacCartee
Deputy City Attorney

RWM:lc:630
4/29/76
Or.Dept.:Atty.

AN ACT TO AMEND SECTION 5116 OF
THE WELFARE AND INSTITUTIONS
CODE, RELATING TO PROPERTY USED
AS CARE HOMES AS RESIDENTIAL
USE FOR ZONING PURPOSES.

Legislative Counsel's Digest

Existing law, under the conditions specified, makes certain care homes a residential use of property for the purposes of zoning and provides that such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Current law permits any city or county to require a conditional use permit in order to maintain any care home provided that no conditions are imposed on such homes which are more restrictive than those imposed on other similar dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents.

This bill would define the term "residential neighborhood" and permit any city or county to limit the number of care homes within residential neighborhoods having an existing or proposed care home by denying a conditional use permit for the additional care home where it determines that the presence of such home will be contrary to the policy stated in Welfare and Institutions Code Section 5115.

The people of the State of California do enact as follows:

216384
EXHIBIT A

SECTION 1. Section 5116 of the Welfare and Institutions Code is amended to read:

5116.

Pursuant to the policy stated in Section 5115, a state-authorized, certified, or licensed family care home, foster home, or group home serving six or fewer mentally disordered or otherwise handicapped persons or dependent and neglected children, shall be considered a residential use of property for the purpose of zoning if such homes provide care on a 24-hour-a-day basis.

Such homes shall be a permitted use in all residential zones, including, but not limited to, residential zones for single-family dwellings. Nothing in this paragraph shall be construed to prohibit any city or county from requiring a conditional use permit in order to maintain any home pursuant to the provisions of this paragraph. In granting any conditional use permit, no conditions shall be imposed on such homes which are more restrictive than those imposed on other similar dwellings in the same zones unless such additional conditions are necessary to protect the health and safety of the residents. In any residential neighborhood having an existing or proposed care

home, where any city or county determines that the presence of an additional care home will be contrary to the policy stated in Section 5115, it may, by denying a conditional use permit, limit the number of care homes within that particular neighborhood. For the purpose of this paragraph, a residential neighborhood shall be defined as that area within residential zones that is within a 300-foot radius of an existing or proposed care home.

Passed and adopted by the Council of The City of San Diego on JUL 7 1976,
 by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON
 Mayor of The City of San Diego, California.

EDWARD NIELSEN
 City Clerk of The City of San Diego, California.

By Kathleen Martinez, Deputy.

(Seal)

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