

(O-89-204)

ORDINANCE NUMBER O- 17318 (NEW SERIES)

ADOPTED ON JUL 10 1989

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 101.0101.96 RELATING TO RESIDENTIAL CARE FACILITIES; AND AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, BY AMENDING SECTION 101.0510 AND BY ADDING SECTION 101.0581 RELATING TO CONDITIONAL USE PERMITS FOR RESIDENTIAL CARE FACILITIES.

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

Section 1. That Chapter X, Article 1, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding Section 101.0101.96, to read as follows:

SEC. 101.0101.96 RESIDENTIAL CARE FACILITIES

A residential care facility is any building, or place which is maintained and operated to provide sleeping accommodations, with or without food service(s) and/or kitchen facilities, for mentally disordered or otherwise disabled persons or dependent persons, or persons in rehabilitation or recovery programs, including but not limited to alcohol or substance abuse treatment; residential and community care facilities as defined by the state or county; programs for wards of the court, county or state, including but not limited to work furlough programs or any other probationary residential arrangements;

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facilities providing counseling services; and facilities receiving any form of government funding or subsidy; excluding housing for the elderly, nursing and convalescent homes.

Section 2. That Chapter X, Article 1, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 101.0510 and by adding Section 101.0581, to read as follows:

SEC. 101.0510 CONDITIONAL USE PERMIT

A. through B. [No change.]

C. USES WHICH MAY BE CONSIDERED

1. Zoning Administrator as Decisionmaker.

The Zoning Administrator shall have the authority under conditions herein provided to permit by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided below:

a. through n. [No change.]

o. Residential care facilities, as defined in Section 101.0101.96, for not more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581, except in A-1 zoned areas of the Coastal Zone subject to the FPF (Floodplain Fringe) overlay zone.

p. through u. [No change.]

2. [No change.]

3. Planning Commission as Decisionmaker.

The Planning Commission shall have the authority under conditions herein provided to authorize by Conditional Use Permit the following uses in any zone, including interim zones, except as otherwise provided below:

a. through l. [No change.]

m. Residential care facilities, as defined in Section 101.0101.96 for more than twelve persons in any zone which otherwise permits residential use, subject to the development standards and locational criteria of Section 101.0581.

n. through q. [No change.]

4. through 6. [No change.]

D. through Q. [No change.]

**SEC. 101.0581 CONDITIONAL USE PERMIT DEVELOPMENT
STANDARDS AND LOCATIONAL CRITERIA FOR
RESIDENTIAL CARE FACILITIES**

A. PURPOSE AND INTENT

As residential care and similar facilities for dependent and independent living have located throughout the City, the need to address the impacts they have on neighborhood character and balance is necessary. While such facilities provide an important and essential community service, they can have adverse impacts if not located and operated with sensitivity to the surrounding neighborhood. The following locational criteria and development standards are intended to

assist in evaluating future applications for residential care facilities.

B. ADMINISTRATION

A Conditional Use Permit is required for residential care facilities for seven or more beds. Conditional Use Permit regulations and procedures are set forth in Chapter X, Article 1, Division 5, Section 101.0510 of the City of San Diego Municipal Code. In addition, any increase in the number of beds approved in the original Conditional Use Permit shall require an amendment to the permit and a noticed public hearing.

C. APPLICATION - FORM AND CONTENT

In addition to the requirements for a Conditional Use Permit the application shall include fully dimensioned plans and specifications indicating sleeping room sizes, storage, other areas and uses, lot area, floor area, floor area ratio, landscaping, surfaced or paved areas, existing on site parking, proposed parking and landscaping.

D. DEVELOPMENT STANDARDS AND LOCATIONAL CRITERIA

The following development standards and locational criteria are intended as minimum requirements for residential care facilities. Since the Conditional Use Permit process is discretionary each application will be considered on its own merit. Additional requirements may be imposed in order to meet community plan objectives and recommendations or to address

special circumstances of the proposal including but not limited to State and County licensing requirements.

The following shall be used to assess the impacts the location and concentration of residential care facilities have on the surrounding neighborhood. A permit shall be issued if it is concluded that:

1. The proposed use complies with all the property development regulations of the underlying zone, including but not limited to setbacks, yards, floor area ratio, height and parking, unless a variance to the above standards is granted in conjunction with the Conditional Use Permit.

2. The proposed use is consistent with the goals and recommendations of the adopted Community Plan and General Plan of the City.

3. Sleeping areas meet the following criteria:

- a. A minimum of 70 square feet of sleeping area per resident, exclusive of closet or storage space;

- b. No room commonly used for other purposes shall be used as a sleeping area. Such rooms shall include but shall not be limited to living rooms, dining rooms, family rooms, dens, recreation rooms, hallways, stairways, unfinished attics, basements, garages, storage areas, sheds or similar attached or detached buildings;

c. No sleeping area shall be used as a public or general passageway to another room, bath or toilet;

d. A minimum of eight square feet of storage (closet or drawers) area shall be provided for each bed.

4. The facility shall provide one full bathroom (toilet, sink, shower and/or bathtub) per seven beds.

5. The facility shall not cause a reduction in required on site parking or conversion of a garage.

6. The facility shall be required to provide one parking space per employee and one parking space for every seven beds, unless the Planning Director determines that additional parking spaces are required.

7. Only one residential care facility shall be permitted per lot or premise and shall be separated by a straight line radius of no less than one-quarter mile to any other type of residential care facility measured from property line to property line.

8. The facility shall comply with the citywide landscaping requirements for the underlying zone.

9. The facility shall be required to provide five square feet of living area per bed, exclusive of the sleeping, dining and kitchen areas.

10. Existing and new facilities shall comply with all requirements of the Building Inspection and Fire Departments.

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 be null and void within the Coastal Zone.

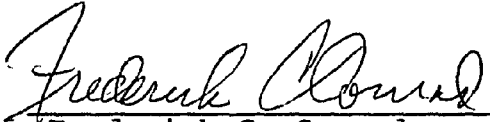
Section 3. In areas of the City of San Diego other than the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to the date of adoption of this ordinance.

Section 4. Within the Coastal Zone no permits for development inconsistent with the provisions of this ordinance shall be issued unless application therefore was made prior to

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the date the California Coastal Commission unconditionally certified this ordinance as a local coastal program amendment.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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JUL 10 1989

Passed and adopted by the Council of The City of San Diego on
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"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<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.

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

(Seal)

By *Ellen Board*, 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

JUN 27 1989, and on JUL 10 1989

~~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 *Ellen Board*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17318 Adopted JUL 16 1989

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO
202 C STREET, SECOND FLOOR
SAN DIEGO, CA 92101

IN THE MATTER OF
AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION
1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION
101.0101.96 RELATING TO RESIDENTIAL CARE FACILITIES;
AND AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, BY AMENDING
SECTION 101.0510 AND BY ADDING SECTION 101.0581 RELATING
TO RESIDENTIAL CARE FACILITIES.

NO.

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ADOPTED ON JUL 10 1989
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The proposed development standards and locational criteria will amend Chapter X, Article 1, Division 1, Section 101.0101 to define residential care facilities; and Chapter X, Article 1, Division 5, Sections 101.0510 and 101.0581, to amend the Conditional Use Permit process for residential care facilities to include development standards and locational criteria.
A complete copy of the ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd floor, City Administration Building, 202 "C" Street, San Diego, CA 92101.
Introduced on June 27, 1989
Passed and adopted by the Council of The City of San Diego on July 10, 1989
AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By ELLEN BOVARD, Deputy
Pub. July 25 148884

I, THOMAS D. KELLEHER, 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

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ADOPTED ON JUL 10 1989

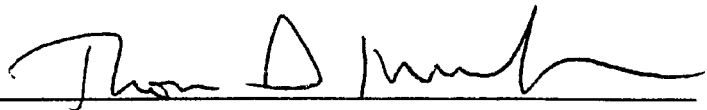
is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

JULY 25

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

Dated at San Diego, California this 25 day of JULY, 1989.

$2 \frac{5}{8} \times 2 \times 29.74 = \59.74


(Signature)