

(O-89-237)

ORDINANCE NUMBER O- 17319 (NEW SERIES)

ADOPTED ON JUL 10 1989

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 2, OF
THE SAN DIEGO MUNICIPAL CODE BY ADDING
DIVISION 8, SECTIONS 102.0801 THROUGH 102.0809
RELATING TO THE MERGER OF PARCELS OF LAND.

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

Section 1. That Chapter X, Article 2, of the San Diego
Municipal Code is hereby amended by adding Division 8, Sections
102.0801 through 102.0809, read as follows:

DIVISION 8

MERGER OF PARCELS OF LAND

SEC. 102.0801 PURPOSE AND INTENT

It is the purpose and intent of this division to
implement the provisions of California Government Code,
Title 7, Division 2, Chapter 3, Article 1.5, commencing
at Section 66451.10.

SEC. 102.0802 MERGER OF PARCELS

Any parcel or unit of land shall merge with a
contiguous parcel or unit held by the same owner if any
one of the contiguous parcels or units held by the same
owner does not conform to standards for minimum parcel
size under the applicable zoning ordinance of The City
of San Diego and if all of the following requirements
are satisfied:

A. At least one of the affected parcels or units of land is undeveloped by any structure for which a building permit was issued or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on a contiguous parcel or unit.

B. With respect to any affected parcel or unit of land, one or more of the following conditions exist:

1. Comprises less than 5,000 square feet in area at the time of the determination of merger.

2. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation.

3. Does not meet current standards for sewage disposal and domestic water supply.

4. Does not meet slope stability standards.

5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability.

6. Its development would create health or safety hazards.

7. Is inconsistent with the applicable general or community plan and any applicable specific plan, other than minimum lot size or density standards.

Subdivision B shall not apply to those situations included with California Government Code Section 66451.11(b)(A) through (E).

For purposes of determining whether contiguous parcels are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded.

From and after the recordation of notice of merger, the merged parcels, units or lots shall constitute a single parcel for all regulatory purposes and no component parcel, unit or lot of the merged parcel shall thereafter be separately conveyed.

SEC. 102.0803 RECORDATION OF NOTICE

A merger of parcels becomes effective when a notice of merger specifying the names of the record owners and particularly describing the real property is recorded with the County Recorder of San Diego County.

SEC. 102.0804 NOTICE OF INTENTION TO DETERMINE STATUS

A notice of intention to determine status shall be mailed by certified mail to each owner of affected property notifying the owner that the affected property may be merged pursuant to the standards contained in Section 102.0802.

The notice shall inform the owner that the owner may request a hearing on the determination of status and may present evidence at the hearing that the property does not meet the criteria for merger.

The notice of intention to determine status shall be filed for record with the County Recorder on the date that the notice is mailed.

SEC. 102.0805 REQUEST FOR HEARING ON DETERMINATION OF STATUS

At any time within thirty (30) days after recording of the notice of intention to determine status, the owner of the affected property may file with the Planning Department of The City of San Diego a request for a hearing on determination of status.

SEC. 102.0806 HEARING, TIME, DATE AND PLACE

Upon receiving a request for a hearing, the Planning Department shall fix a time, date and place for a hearing to be conducted by the Planning Director or designated hearing officer, and shall notify the property owner by certified mail. The hearing shall be conducted not more than sixty (60) days following receipt of the property owner's request for hearing, but may be continued or postponed with the mutual consent of the Planning Department and the property owner.

SEC. 102.0807 HEARING; EVIDENCE; DETERMINATION OF STATUS

At the hearing, the property owner may present any evidence that the affected property does not meet the standards specified in Section 102.0802.

At the conclusion of the hearing, the Planning Director or designated hearing officer shall make a determination that the affected parcels are merged or are not merged and shall so notify the owner of its determination.

A determination of merger shall be recorded within thirty (30) days after conclusion of the hearing.

No appeal may be taken from the determination of the Planning Director or designated hearing officer.

SEC. 102.0808 FAILURE TO REQUEST HEARING; DETERMINATION OF MERGER

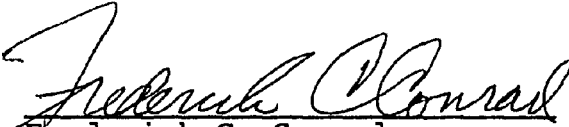
If within the thirty (30) day period specified in Section 102.0805, the owner does not file a request for a hearing, the Planning Director or designated hearing officer may, at any time thereafter, make a determination that the affected parcels are merged or are not merged. A determination of merger shall be recorded no later than ninety (90) days following the mailing of notice required by Section 102.0804.

SEC. 102.0809 DETERMINATION NOT TO MERGE; RELEASE OF NOTICE OF INTENT TO DETERMINE STATUS; RECORDATION; CLEARANCE LETTER

If the Planning Director or designated hearing officer determines that the property is not merged, a release of the notice of intention to determine status shall be recorded and a letter of clearance shall be mailed to the then current property owner.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: John W. Witt, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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06/08/89
Or.Dept:Plan.
O-89-237
Form=o.none

0-17319

89 JUN 16 PM 3:14

CITY CLERK
SAN JOSE, CA

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CITY CLERK
SAN JOSE, CA

Passed and adopted by the Council of The City of San Diego on JUL 10 1989,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input 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 Bovard, 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 26 1989

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 Bovard, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-17319 Adopted JUL 10 1989

89 JUN 14 PM 3:45

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SAN FRANCISCO, CA

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CITY OF SAN FRANCISCO
JUN 14 1989

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JUN 14 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.

ORDINANCE NUMBER O-17319 (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 RESIDENTIAL CARE FACILITIES.

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 28, 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

148863

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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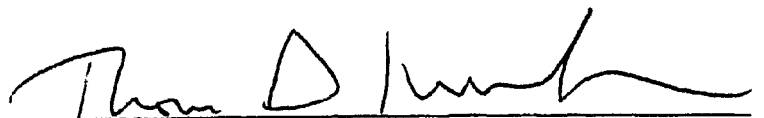
ADOPTED ON JUL 10 1989

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.


(Signature)

$2\frac{3}{4} \times 2 \times 31.16 = \59.74