

ORDINANCE NUMBER O- 17760 (NEW SERIES)

ADOPTED ON MAY 04 1992

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1,
DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 101.0510 AND BY ADDING
SECTION 101.0582, ALL RELATING TO TEMPORARY
WORKERS CAMPS.

WHEREAS, a significant population of day laborers and temporary farm workers over the past 15 years has occupied the hills and canyons throughout the City of San Diego in make-shift encampments and shelters; and

WHEREAS, there are no water, sewer or electrical connections within these encampments and the farm workers and day laborers use plastic bags, plywood and rags to piece together shelters; and

WHEREAS, improper sanitation and disposal facilities have resulted in trash, garbage and human waste being found scattered close to the area where the farm workers sleep and prepare meals; and

WHEREAS, the City Council has determined that these existing camps and shelters pose a threat to the health and safety of the occupants and general public caused by lack of proper sanitation, water, electricity, disposal facilities and safe shelters; and

WHEREAS, Councilmember Wolfsheimer in the fall of 1989 formerly established a task force comprised of various City departments, state and local agencies and nonprofit groups to

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study this problem and research and evaluate possible short and long terms solutions; and

WHEREAS, a multi-jurisdictional Farmworker/Day Laborer Housing Crisis Conference was convened on February 21, 1991, and subsequently issued a written report with the Conference results; and

WHEREAS, the City Council has determined that this proposed amendment to the Conditional Use Permit process is an interim step necessary to address the imminent health and safety hazards present in the existing encampments; NOW, THEREFORE,

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

Section 1. 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 101.0582, to read as follows:

SEC. 101.0510 Conditional Use Permit

A. and B. [No change.]

C. USES WHICH MAY BE CONSIDERED

1. and 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 o. [No change.]

p. Temporary Workers Camps subject to requirements contained within Municipal Code section 101.0582 in the A-1 (agricultural) zones of the Future Urbanizing Area as designated in the City of San Diego Progress Guide and General Plan, provided such camps are not located within the Coastal Zone, the adopted Hillside Review, Floodway and Floodplain Fringe Overlay Zones, within Miramar Naval Air Station or land within the San Pasqual Valley and that portion of the San Dieguito River Basin located within the San Pasqual Valley as shown on the map entitled Phased Development Areas, dated December 1987, located at page 36 of the Progress Guide and General Plan of The City of San Diego.

4. through 6. [No change.]

D. through Q. [No change.]

SEC. 101.0582 Temporary Workers Camps

A. PURPOSE AND INTENT

It is the purpose of these regulations to permit development of temporary housing for farm workers and day laborers who presently congregate under unsafe and unsanitary conditions in the hills and canyons of the City.

This conditional use permit would allow temporary workers camps in the A-1 (agricultural) zones of the

Future Urbanizing Area as designated in the City of San Diego Progress Guide and General Plan, provided such camps are not located within the Coastal Zone, the adopted Hillside Review, Floodway and Floodplain Fringe Overlay Zones, within Miramar Naval Air Station or land within the San Pasqual Valley and that portion of the San Dieguito River Basin located within the San Pasqual Valley as shown on the map entitled Phased Development Areas, dated December 1987, located at page 36 of the Progress Guide and General Plan of The City of San Diego.

B. DEFINITIONS

1. For the purpose of this section, "Temporary Workers Camp" shall mean a tract of land on which are located single story demountable structures capable of providing for the day-to-day housing needs of wage-earning agriculture workers and day laborers.

2. For the purpose of this section, "Demountable Structure" shall mean either: preassembled self-contained or modular structures which are readily moveable and transported to the site of use; or, structures to be assembled on-site from pre-constructed standardized panels. These structures would be readily removable from any foundation or utility hook-up.

3. For the purpose of this section, "Operator" shall mean the entity in charge of the

day-to-day operation of the temporary workers camp. The Operator may be the entity to which the Conditional Use Permit is issued.

C. ADMINISTRATION

A Conditional Use Permit ("CUP") shall be required for all Temporary Workers Camps. The CUP may be granted or denied by the Planning Commission. The decision of the Planning Commission may be appealed to the City Council pursuant to Municipal Code section 101.0510(H).

1. Duration: The permit shall be for an initial period not to exceed five (5) years with options thereafter for only two (2) renewals not to exceed three (3) years each. This establishes a maximum duration of eleven (11) years per site or location.

2. Renewals and Amendments: The Planning Director may grant a renewal if the Planning Director makes the following findings: (a) Operation of the camp was and is consistent with the terms and conditions of the existing permit; and (b) Conditions continue to exist that create a need for this type of interim shelter; and (c) Circumstances of the surrounding area remain relatively unchanged. The Planning Director's decision may be appealed pursuant to Section 101.0510(H). Any changes to the conditions approved in the original CUP shall

require an amendment to the permit and a noticed public hearing before the Planning Commission.

3. Expiration: If the CUP expires or is not renewed, or, if the site's designation changes from Future Urbanizing to Planned Urbanizing, as defined in the City of San Diego Progress Guide and General Plan, the use of the property for the camp shall cease at the end of the then effective permit term and the camp shall be removed within one hundred twenty (120) days.

4. Operator: Each camp shall have an approved Operator for the term of the CUP. A document identifying the proposed Operator, and a management plan outlining administrative and operational procedures for the camp, shall be submitted by the applicant to and approved by the San Diego Housing Commission. If the Operator resigns before the permit expires, the camp shall close within thirty (30) days of the Operator's effective resignation date unless a new Operator can be found within twenty (20) days of such effective date. In the event a new Operator is not designated by the permittee within the specified period, the CUP shall automatically expire, and the camp shall be removed within one hundred twenty (120) days.

5. Camp Removals: In all cases of camp closures and removals, the Planning Director may

grant time extensions. In this and all cases of camp removal, the property shall be restored, rehabilitated or revitalized as provided for by this ordinance. Removal of the camp and restoration, rehabilitation or revitalization of the property shall be the joint and several responsibility of the permittee, Operator and the property owner.

6. Other Regulations and Procedures: CUP regulations and procedures, as set forth in Municipal Code section 101.0510 shall also apply. When there is a conflict between the provisions of this section and any other provision of the Municipal Code the provisions of this section shall apply.

D. APPLICATION - FORM AND CONTENT

Application for a CUP for temporary workers camps shall be made by the property owner, designated representative or lessee, and the Operator of the camp. The application shall be filed with the Planning Department upon the forms provided. The application shall state fully the circumstances and conditions relied upon as grounds for the application. The application shall be accompanied by a legal description of the property involved; complete plans illustrating proposed access, site layout, grading, landscape, irrigation and construction; a detailed description of the proposed uses, living quarters, water supply,

toilet and bathing facilities, solid waste disposal, garbage collection and removal, lighting, insect and rodent control, safety and first aid measures; and a plan outlining how the site will be restored, rehabilitated or revitalized after the camp is removed.

E. DEVELOPMENT REQUIREMENTS

Development requirements shall conform to the "Development Requirements for Temporary Workers Camps," available at the Planning Department and on file in the office of the City Clerk as Document No. RR-279667, and to all other applicable governmental laws, ordinances, codes and regulations.

F. ENFORCEMENT

1. The provisions of this section shall be enforced by the Planning Director of The City of San Diego or designated representative, and other applicable governmental agencies as permitted by law.

2. It shall be unlawful for any property owner, designated representative or lessee, operator of the camp or any other responsible person to violate the provisions of this ordinance, including but not limited to failing to remove the camp or restore, rehabilitate or revitalize the property as required by the Planning Director, or to violate any of the other conditions imposed as a part of a conditional use permit issued pursuant to this section. Such

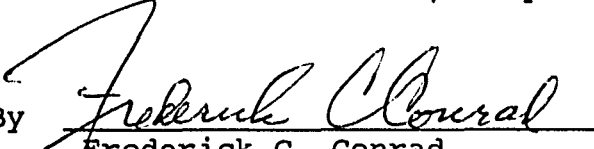
violations may be enforced by appropriate judicial and administrative action as provided for in Chapter I of this Code.

3. Restoration, rehabilitation or revitalization shall include:

- a. Removal of all improvements, foundations, structures and debris;
- b. Disconnection of all utilities;
- c. Stabilizing and replanting with native vegetation disturbed soils, to the satisfaction of the Planning Director or his designee;
- d. Any other actions required by the Planning Director or other applicable governmental agencies as permitted by law, to adequately restore, rehabilitate or revitalize the property.

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

FCC:lc:pev
03/20/92
04/02/92 COR.COPY
04/15/92 COR.COPY
04/17/92 COR.COPY
05/07/92 COR.COPY
Or.Dept:Plan.
O-92-124

Passed and adopted by the Council of The City of San Diego on MAY 04 1992,
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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By Blonde R. Barnes, 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 APR 20 1992, and on MAY 04 1992.

~~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 Blonde R. Barnes, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-17760</u>	Adopted <u>MAY 04 1992</u>

CERTIFICATE OF PUBLICATION

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OFFICE OF THE CITY CLERK, 2nd FLOOR
CITY ADMINISTRATION BUILDING
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING

ORDINANCE NUMBER O-17760 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISION 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 101.0510 AND BY ADDING SECTION 101.0582, ALL RELATING TO TEMPORARY WORKERS CAMPS.

This ordinance amends San Diego Municipal Code section 101.0510 to establish procedures for allowing temporary workers camps under a conditional use permit.

The ordinance further adds Section 101.0582 to the Municipal Code to regulate temporary workers camps by establishing eligibility, administration and development criteria and regulations for such uses within the A-1 (Agricultural) zones of San Diego.

Temporary workers camps may be authorized for a period not to exceed five years, with two renewal extensions not to exceed three years each pursuant to a conditional use permit. Provisions are established for the removal of a temporary workers camp if the site designation changes from Future Urbanizing to Planned Urbanizing, as defined in the Progress Guide and General Plan.

A complete text of the ordinance is on file in the office of the City Clerk. 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 APR 20 1992 Passed and Adopted by the Council of The City of San Diego on MAY 04 1992

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City
of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City
of San Diego, CA
By RHONDA R. BARNES,
Deputy

Pub. May 19

247458

I, Corey Donahue, 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

ORDINANCE NUMBER O-17760 (NEW SERIES)

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:

MAY 19

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

Dated at San Diego, California this 19th day of MAY, 1992.

Corey Donahue

(Signature)

63/8" = 84.70