

(O-99-37)

ORDINANCE NUMBER O- 18588 (NEW SERIES)

ADOPTED ON SEP 29 1998

AN ORDINANCE AMENDING CHAPTER X, ARTICLE 1, DIVISIONS 1 AND 5, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 101.0101.96, 101.0510, AND 101.0581, ALL RELATING TO THE IMPLEMENTATION OF REGULATORY CHANGES FOR HOMELESS FACILITIES.

WHEREAS, on March 21, 1995, The City of San Diego, in accordance with Government Code section 65583, adopted a Housing Element of its Progress Guide and General Plan; and

WHEREAS, the Fourth District Court of Appeal, in the case of *Hoffmaster et al. v. City of San Diego*, found that the City's Residential Care Facilities ordinance "substantially constrains siting homeless facilities for emergency shelter and meaningful transitional housing in any location within the City"; and

WHEREAS, on November 25, 1997, The City of San Diego amended its Housing Element to comply with the findings of the court; and

WHEREAS, the City now wishes to amend its Residential Care Facility ordinance to ameliorate the constraining effects found by the Court; NOW, THEREFORE,

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

Section 1. That Chapter X, Article 1, Divisions 1 and 5, of the San Diego Municipal Code are amended by amending Sections 101.0101.96, 101.0510, and 101.0581, to read as follows:

Sec. 101.0101.96 Residential Care Facilities

1. A "residential care facility" means any building or place which is maintained and operated to provide sleeping accommodations, with or without

food service(s) 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, facilities providing counseling services, emergency shelters and transitional housing for the homeless, and facilities receiving any form of government funding or subsidy, but excluding housing for the elderly, nursing or convalescent homes.

2. An emergency shelter is any facility that provides sleeping accommodations and restroom facilities to homeless persons on a day-to-day basis for periods of thirty days or less.

3. Transitional housing is a facility that offers residential accommodations for a specified period of time, counseling services, and other support services to prepare families and individuals for independent living.

Sec. 101.0510 Conditional Use Permit

A. and B. [No change.]

C. USES WHICH MAY BE CONSIDERED

1. "Hearing Officer" as Decisionmaker With Appeal to either the "Board of Zoning Appeals" or the "Planning Commission."

[No change in text of first paragraph.]

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 or in the Future Urbanizing area. This provision shall not apply to applications involving residential care facilities for emergency shelter or transitional housing.

p. through u. [No change.]

2. [No change.]

3. Planning Commission as Decisionmaker with appeal to the City Council.

[No change in text of first paragraph.]

a. through d. [No change.]

e. 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, except in the Future Urbanizing area. This provision shall not apply to applications involving residential care facilities for emergency shelter or transitional housing.

f. through p. [No change.]

4. City Council as Decisionmaker.

[No change in text of first paragraph.]

a. through f. [No change.]

g. Residential care facilities for emergency shelters or transitional housing , as defined in Section 101.0101.96. The provisions of Section 111.0510(b), requiring a recommendation from the Planning Commission, shall not apply to applications for residential care facilities for emergency shelters or transitional housing.

5. and 6. [No change.]

D. through M. [No changes.]

Sec. 101.0581 Conditional Use Permit Development Standards and Locational Criteria for Residential Care Facilities

A. through C. [No change.]

D. Development Standards and Locational Criteria

[No changes to the first two paragraphs.]

1. through 6. [No changes.]

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. The one-quarter mile separation provision shall not apply to applications for residential care facilities for emergency shelters or transitional housing.

8. through 10. [No changes.]

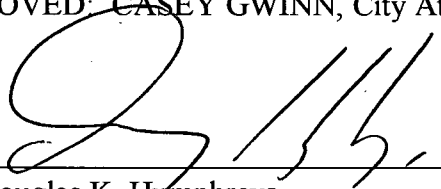
Section 2. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 3. That City departments are instructed not to issue any permit for development that is inconsistent with this ordinance unless application for such permit was submitted and deemed complete by the City Manager prior to the date this ordinance becomes effective.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage and stay in effect until Sections 101.0101.96, 101.0510, and 101.0581 are repealed pursuant to Section 5 of Ordinance No. O-18451, adopted December 9, 1997. However, this ordinance will not apply 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 by the California Coastal Commission, or is certified with suggested modifications, this ordinance shall be void within the Coastal Zone.

APPROVED: CASEY GWINN, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

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Or.Dept.Comm.&Eco.Dev.
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