

(O-99-38)

ORDINANCE NUMBER O-18589 (NEW SERIES)

ADOPTED ON SEP 29 1998

AN ORDINANCE AMENDING CHAPTER 14, ARTICLE 1, DIVISIONS 3 AND 4, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 141.0313 AND 141.0412 RELATING TO 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 has adopted a new Land Development Code to regulate all land use and development in the City; and

WHEREAS, the City now wishes to amend its Land Development Code 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 14, Article 1, Divisions 3 and 4, of the San Diego Municipal Code are amended by amending Sections 141.0313 and 141.0412, to read as follows:

Sec. 141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

Transitional housing may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to transitional housing facilities.

- (a) and (b) [No change.]
- (c) [No change in text to this subdivision.]
- (d) [No change in text to this subdivision.]
- (e) [No change in text to this subdivision.]
- (f) [No change in text to this subdivision.]
- (g) [No change in text to this subdivision.]
- (h) The facility shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds.
Additional parking may be required by the decision maker.
- (i) [No change in text to this subdivision.]

Sec. 141.0412 Homeless Facilities

- (a) This section regulates the following homeless facilities.
 - (1) [No change.]

0- 18589

(2) Emergency shelters: 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) [No change.]

(b) [No change.]

(c) Emergency Shelters

Emergency shelters may be permitted with a Conditional Use Permit decided in accordance with Process Five in the zones indicated with a "C" in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to emergency shelters.

(1) [No change.]

(2) [No change in text to this subdivision.]

(3) [No change in text to this subdivision.]

(4) [No change in text to this subdivision.]

(5) [No change in text to this subdivision.]

(6) [No change in text to this subdivision.]

(7) [No change in text to this subdivision.]

(8) [No change in text to this subdivision.]

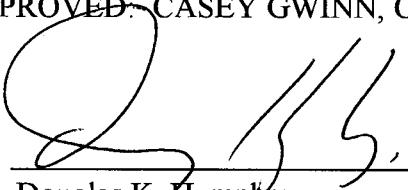
(9) [No change in text to this subdivision.]

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 not take effect and be in force until Ordinance No. O-18451, adopted December 9, 1997, goes into effect, or on the thirtieth day following the date the California Coastal Commission unconditionally certifies the provisions of this ordinance which are subject to California Coastal Commission jurisdiction as a local coastal program amendment, whichever is later.

APPROVED: CASEY GWINN, City Attorney

By 

Douglas K. Humphreys
Deputy City Attorney

DKH:lc
09/01/98
Or. Dept: Comm. & Eco. Dev.
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