

**ORDINANCE NO. 10767 (NEW SERIES)**

**AN AMENDMENT TO THE SAN DIEGO COUNTY ZONING ORDINANCE RELATED TO APPLICABILITY OF THE ZONING ORDINANCE, DEFINITIONS, EMERGENCY SHELTER CLASSIFICATION, AND GENERAL REGULATIONS (POD-20-008)**

**The Board of Supervisors of the County of San Diego ordains as follows:**

**Section 1.** The Board of Supervisors finds and determines that the Zoning Ordinance should be updated by amending or adding various sections regarding Basic Provisions, Definitions, Use Regulations, Residential Use Regulations, and Commercial Use Regulations. The Board finds that these amendments are reasonable and necessary for the public health, safety, convenience, and welfare.

**Section 2.** Section 1006 APPLICABILITY OF THE ZONING ORDINANCE is amended to read as follows:

**SEC. 1006 APPLICABILITY OF THE ZONING ORDINANCE**

- a. [NO CHANGE]
- b. The Zoning Ordinance shall not apply to the development, use, or improvement of new or existing County-owned or operated facilities and facilities that are financed in whole or in part by the County, leased or contracted by a third party to provide a public purpose, including but not limited to County Parks (including public active or passive parks), County Libraries, or other County facilities such as Fire Stations or Sheriff Stations, or facilities for public services and health services such as Transitional and Supportive Housing.
- c. [NO CHANGE].
- d. [NO CHANGE]
- e. [NO CHANGE]
- f. [NO CHANGE]
- g. The Zoning Ordinance shall not apply to the development, use or improvement of new or existing Emergency Shelters, as classified in Section 1334, located on or to be located on properties owned or leased by the County or operated by the County directly or through a third party, or on federally-owned or state-owned public lands within the County of San Diego. Section 1006, subsection (g), applies only to Emergency Shelters located in areas to address homelessness and related public health, safety, and welfare issues.

**Section 3.** Section 1110 DEFINITIONS S of the Zoning Ordinance is amended to read as follows:

- 1. Supportive Housing (Permanent): Shall have the meaning prescribed in Health and Safety Code 50490 (l), The design of the structures determines Family Residential or Group Residential Use Type.

**Section 5.** Section 1334 EMERGENCY SHELTERS of the Zoning Ordinance is amended to read as follows:

**SEC. 1334. EMERGENCY SHELTERS**

The Emergency Shelters Use Type refers to housing or shelter, including non-congregate shelter, for persons experiencing homelessness. The following are non-exhaustive Emergency Shelters use types:

- a. Emergency Shelter as defined by subdivision (e) of Section 50801 of the Health and Safety Code.
- b. Emergency Shelter: Day Shelter Facilities. Facilities where food and/or social services are made available to persons experiencing homelessness and overnight sleeping is prohibited.
- c. Emergency Shelter: Emergency Bridge Housing Community. Shall have the meaning prescribed in the Government Code Section 8698(e).
- d. Emergency Shelter: Homeless Shelters as defined by subdivision (a) of Section 8698.4 of the Government Code.
- e. Emergency Shelter: Safe Camping Facilities. Shall mean a tent, or a relocatable hard-sided shelter, that is receiving direct financial assistance from the County of San Diego, State of California or the Federal Government, designed to be used within a location on or to be located on properties owned, operated by the County directly or through a third party, financed, leased, or on property owned or leased by the County of San Diego, or on federally-owned or state-owned public lands, and are within the County of San Diego. A relocatable hard-sided shelter may contain plumbing, an electrical system and electrical space conditioning equipment complying with the electrical and mechanical regulations and supplied by the lot service equipment.
- f. Emergency Shelter: Safe Parking Facilities. Shall include a location within or to be located on properties owned, operated by the County directly or through a third party, financed, leased, or on property owned or leased by the County of San Diego, or on federally-owned or state-owned public lands within the County of San Diego and specifically be identified as allowed for over-night parking by persons experiencing homelessness. Safe Parking Facilities shall include small structures including but not limited to restrooms, security posts, or offices for social service providers. Safe Parking Facilities will not be located at an RV park or a mobilehome park.
- g. Emergency Shelter: Safe Storage Facilities. Shall include containers or buildings that are located on property owned, or leased by the County, State, or Federal Government, or incidental to any other Emergency Shelter.

**Section 10.** Sections 6911 GENERAL REGULATIONS FOR EMERGENCY SHELTERS of the Zoning Ordinance are amended to read as follows:

**SEC. 6911 EMERGENCY SHELTERS**

Emergency Shelters (See Section 1334) shall comply with the following provisions, in addition to all other applicable County codes, except when subsection (g) Section 1006 applies, and any requirements imposed by the State Department of Housing and Community Development:

- a. The maximum number of clients permitted to be served (eating, showering or sleeping) nightly shall not exceed 1 per 125 sq. ft. of floor area. There shall be one bed provided for each client.

- b. Off street parking shall be provided as follows: one parking space per employee on site at the same time and one additional space for every 6 client beds or portion thereof.
- c. The client waiting and/or intake areas shall be as follows:
  - 1. The interior waiting/intake area for a facility with 14 or fewer beds shall be no less than 125 sq. ft. and for a facility with 15 or more beds shall be no less than 200 sq. ft. in area.
  - 2. The exterior waiting/intake area shall be no less than 450 sq. ft. for facilities with 14 beds or fewer. The exterior waiting/intake area shall be no less than 900 sq. ft. for facilities with 15 beds or more. Exterior waiting/intake areas shall be screened from view from surrounding properties by solid fencing of not less than 6 feet in height. Fencing shall conform to the requirements of Section 6700 et. seq.
- d. An individual or individuals who do not utilize the homeless beds and/or services and who maintain their own residence off site may be eligible as on site manager(s). Each facility shall have manager(s) present onsite 24 hours per day, 7 days per week. At a minimum, one on site manager and one supporting staff member of the same sex shall be provided in each segregated sleeping area being used.
- e. Segregated sleeping, lavatory and bathing areas shall be provided if the Emergency Shelter accommodates both men and women in the same building. Reasonable accommodation shall be made to provide segregated sleeping, lavatory and bathing areas for families.
- f. No Emergency Shelter shall be located within 300 feet of another Emergency Shelter.
- g. No client shall be allowed to stay more than 180 consecutive days or 300 overall days within any 12 month period of time.
- h. Lighting shall be provided in all parking areas, exterior intake and/or waiting areas and outside common areas. Outdoor lighting shall conform to all provisions of Section 6324 of this Zoning Ordinance and Section 51.201 and following of the San Diego County Code.
- i. Adequate security shall be provided on site during all hours of operation.
- j. For purposes of this section, "client" is defined as a person who utilizes the Emergency Shelter facilities to eat, shower or sleep but is not a staff member.

This Ordinance shall take effect immediately after its passage, and before the expiration of fifteen (15) days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Transcript, a newspaper of general circulation published in the County of San Diego.

Meeting Date: 01/26/2022 (04)

APPROVED AS TO FORM AND LEGALITY  
COUNTY COUNSEL

By: Justin Crumley, Senior Deputy County Counsel

PASSED, APPROVED, AND ADOPTED by the Board of Supervisors of the County of San Diego this 26<sup>th</sup> day of January 2022.



NATHAN FLETCHER  
Chair, Board of Supervisors  
County of San Diego, State of California

The above Ordinance was adopted by the following vote:

AYES: Vargas, Anderson, Lawson-Remer, Fletcher, Desmond

ATTEST my hand and the seal of the Board of Supervisors this 26<sup>th</sup> day of January 2022.

ANDREW POTTER  
Clerk of the Board of Supervisors

By   
Nancy Vizcarra, Deputy



Ordinance No.: 10767 (N.S.)  
Meeting Date: 01/26/2022 (05)