

(R-2003-775)

RESOLUTION NUMBER R-297363

ADOPTED ON NOVEMBER 19, 2002

WHEREAS, THE San Diego Rescue Mission, Owner/Permittee, filed an application with the City of San Diego for a conditional use permit to rehabilitate an existing 6-story building and operation of a Transitional Housing Program, Residential Care Facility, Homeless Facilities, including a Congregate Meal Facility and Emergency Shelter known as the San Diego Rescue Mission project on a 1.38 site, located at 120 Elm Street and 1840 Firs Avenue, and legally described as Lots D through L of Block 224 and Lots I through K of Block 223 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling, on file in the Office of the County Recorder of San Diego County, in the Mid-City Communities Planned District in the Uptown Community Plan area, in the NP-3 zone; and

WHEREAS, the matter was set for public hearing on November 19, 2002, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit [CUP] No. 8673:

**CONDITIONAL USE PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE
[SDMC] SECTION 126.0305:**

1. The proposed development will not adversely affect the applicable land use plan. The NP-3 zone permits a mix of office, professional and residential uses. There are no specific

references to Conditional Use Permits in the Mid-City Communities Planned District Ordinance [PDO]. However, the General Provisions for Planned Districts (Land Development Code [LDC] §§ 103.0105(e)(7), (15) and (18)) permit Transitional Housing, Residential Care Facilities and Homeless Facilities with a Conditional Use Permit in any zone that permits residential use, subject to the Separately Regulated Uses regulations where incorporated by reference in the PDO.

The Uptown Community Plan designates the subject site for office and medium density residential development at fifteen to twenty-nine dwelling units per acre. This designation is applied to areas adjacent to commercial uses and major streets. Surrounding development consists primarily of commercial and office uses. The project site is also located along First Avenue which is classified as a major street in the Plan.

Recommendations embodied in the Plan encourage higher density uses south of Fir Street to create a transition area between Centre City and Uptown. The Plan further recommends development of adequate housing for those with special needs, including low income, handicapped and homeless persons. The adaptive re-use of the existing six-story structure that will contain Transitional Housing and Residential Care Facilities for the homeless implements the goals and objectives found in the Uptown Community Plan.

Further, the proposed project implements recommendations found in the Progress Guide and General Plan by providing decent, safe and sanitary shelter for homeless people and emergency shelter services for women and children. Therefore, the proposed development will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The San Diego Rescue Mission serves the San Diego homeless population by providing shelter, meals, clothing, medical attention, educational opportunities, job skills and training, transitional living, and spiritual and legal aid. This public service is provided without any cost to the taxpayers. The San Diego Rescue Mission accepts no government funding and program participants are required to relinquish all government support to achieve their goal of independent living.

The Permit contains sufficient conditions to address potential public health and safety concerns. Those conditions include a Litter and Loiter Control Plan which makes the applicant responsible for keeping the site and a one-block area surrounding the site free of graffiti, litter, trash and other nuisances. The applicant will establish and enforce policies to discourage littering and loitering in and around the property. All persons waiting for services will be required to wait indoors or in outdoor waiting areas screened from public view. There will be no lines outside the facility. Lighting will be provided to illuminate all entrances and passage ways to provide surveillance opportunities of the neighborhood by the public, employees, residents and visitors.

In addition, the applicant has contracted with a security company to provide a security system for the interior of the building to prevent commingling of the different program populations. Interior and exterior surveillance cameras will be installed to provide 24-hour monitoring. The applicant, at its own expense, will contract with the Downtown Partnership's Clean and Safe program to

perform regular security patrol for the area surrounding the site. The applicant has also signed an agency letter with the San Diego Police Department granting them permission to enter the property as necessary to enforce laws.

To ensure compliance with the permit conditions, the applicant has agreed to the formation of a Neighborhood Advisory Committee [Committee], and has been included as a condition of the Permit. The Committee will be composed of representatives from the neighborhood, various community groups, the Balboa Park Committee, and the San Diego Rescue Mission. It will meet regularly to assess the impacts, recommend solutions to enhance collaboration, and provide a vehicle for accountability of the San Diego Rescue Mission.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The NP-3 zone permits a mix of office, professional and residential uses. There are no specific references to Conditional Use Permits in the Mid-City Communities Planned District Ordinance. However, the General Provisions for Planned Districts (LDC §§ 103.0105(e)(7), (15) and (18)) permit Transitional Housing, Residential Care Facilities and Homeless Facilities with a CUP in any zone that permits residential use, subject to the Separately Regulated Uses regulations where incorporated by reference in the PDO.

The project complies with the Separately Regulated Use regulations for Transitional Housing (LDC § 141.0313(a) through (i)) with respect to square footage for sleeping, living and storage space for each resident, bathroom facilities and parking. The project complies with the Separately Regulated Use regulations for Residential Care Facilities (LDC § 141.0312 (a) through (j)) with respect to square footage for sleeping, living and storage space for each resident, distance between similar facilities, bathroom facilities and parking.

The project complies with the Separately Regulated Use regulations for Congregate Meal Facilities (LDC § 141.0412(b) (1) through (10)) and Emergency Shelters (LDC § 141.0412(c)(1) through (9)), including required distance between similar facilities, square footage requirements, hours of operation and parking. In addition, the regulations require a specific plan for communicating with the neighbors and resolving community and neighborhood issues and a plan to minimize littering and loitering in the area. The applicant has submitted and agreed to those plans which are conditions of permit approval.

4. The proposed use is appropriate at the proposed location. The proposed project would rehabilitate an existing 6-story hospital building for Transitional Housing and Residential Care Facilities. These facilities could accommodate up to 416 persons and would also include an Emergency Shelter for sixty women and children. The Uptown Community Plan recommends development of adequate housing for those with special needs, including low income, handicapped and homeless persons. The adaptive re-use of the existing 6-story structure implements the goals and objectives found in the Uptown Community Plan, and provides for a higher density use, as encouraged within the Plan, to create a transition area between Centre City and Uptown.

The proposed project implements recommendations found in the Progress Guide and General Plan by providing decent, safe and sanitary shelter for homeless people and emergency shelter services for women and children. The site is located near a transit corridor making it accessible to the residents and clients of the San Diego Rescue Mission, most of whom walk or use public transit. The proposed Transitional Housing and Residential Care Facilities are permitted within the zone with a CUP. The project complies with the development regulations within the LDC, therefore, the proposed use is appropriate at the proposed location.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

BE IT FURTHER RESOLVED, that the following conditions, are added to the Permit:

1. Initially, the hours of operation for the breakfast meal service shall be from 5:00 a.m. until 7:00 a.m. Breakfast shall be served no more than three days in any week and no more than two days in a row.
2. The number of persons served in the initial breakfast meal service shall be limited to fifty per day.
3. Clothing distribution and personal hygiene services will be provided no more than three days per week from 9:30 a.m. to 11:30 a.m.
4. The number of persons served in the clothing distribution and personal hygiene service shall not exceed twenty-five persons per day.
5. The Breakfast Program shall be limited to a maximum of 250 guests and five days per week subject to the following phasing schedule:
 - a. Within the first nine months of operation of the Breakfast Program, breakfast may be served no more than three days per week to no more than fifty guests per day. After this nine month period, the Development Services Department will review the applicant's compliance with the terms of the CUP relating to the Breakfast Program/Congregate Meal facility. The review by the Development Services Department may include a report from the Neighborhood Advisory Committee.
 - b. In the event that the Development Services Department determines the applicant has complied with the terms of the CUP relating to the Breakfast Program/Congregate Meal facility, the number of guests may be increased to no more than seventy-five guests four days per week. After nine months, the Development Services Department will review the applicant's compliance with the terms of the CUP relating to the Breakfast Program/Congregate Meal facility. The review by the Development Services Department may include a report from the Neighborhood Advisory Committee.

c. After the second nine month period, breakfast may be served no more than five days per week (with two of the five days to be a Saturday and Sunday) to no more than 100 guests per day. After this nine month period, the Development Services Department will review the applicant's compliance with the terms of the CUP relating to the Breakfast Program/Congregate Meal facility. The review by the Development Services Department may include a report from the Neighborhood Advisory Committee.

d. After the third nine month period, the numbers of guests may be increased to no more than 175 guests five days a week following a public noticed hearing before the City Council. The public hearing shall be limited to a determination that the applicant has complied with the terms of the CUP. In the event that the City Council determines that the applicant has complied with the terms of the CUP, the number of guests may be increased to 175. In the event that the City Council determines the applicant has violated the term of the CUP, the number of guests may not be increased and the matter may be set for a revocation hearing.

e. After the fourth nine month period, the number of guests may be increased to no more than 250 guests five days a week following a public hearing noticed before the City Council. The public hearing shall be limited to a determination that the applicant has complied with the terms of the CUP. In the event that the City Council determines that the applicant has complied with the terms of the CUP, the number of guests may be increased to 250. In the event that the City Council determines the applicant has violated a term of the CUP, the number of the guests may not be increased and the matter may be set for a revocation hearing.

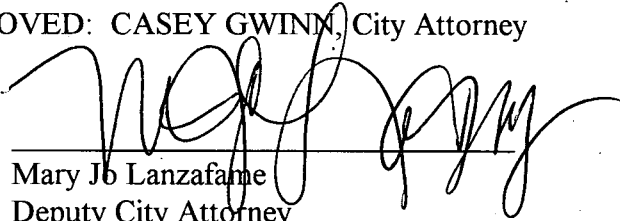
Nothing in this section shall supersede the City's authority to revoke the permit for violations of the conditions at any time.

The applicant shall be responsible for all costs associated with monitoring the compliance with this permit.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 8673 is granted to San Diego Rescue Mission, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Mary Jo Lanzafame
Deputy City Attorney

MJL:pev
12/05/02
Or.Dept:Clerk
R-2003-775
Form=permitr.frm
Reviewed by Jeff Peterson

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 8673
AMENDMENT TO CONDITIONAL USE PERMIT NO. 90-1053
SAN DIEGO RESCUE MISSION - PROJECT NO. 1826
CITY COUNCIL

This Permit, amendment to Conditional Use Permit [CUP] No. 90-1053, is granted by the City Council of the City of San Diego to San Diego Rescue Mission, a Non-Profit Corporation, Owner/Permittee, pursuant to the City of San Diego Municipal Code [SDMC]/Land Development Code [LDC]. The 1.38 acre site is located at 120 Elm Street and 1840 First Avenue in the NP-3 zone of the Mid-City Planned District in the Uptown Community Plan area. The project site is legally described as Lots D through L of Block 224; and Lots I through K of Block 223 of Horton's Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof made by L.L. Lockling, on file in the Office of the County Recorder of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to rehabilitate the existing building and operate: a Transitional Housing Program; Residential Care Facility; Homeless Facilities including Congregate Meal Facilities and an Emergency Shelter; Corporate Offices; incidental uses such as offices, reception, kitchen, training rooms, recreation areas, and parking, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated November 19, 2002 on file in the Office of the Development Services Department. The facility shall include:

- a. Rehabilitating the existing 6-story, 93,950 square foot building for operation of:
 - 1) a 416 bed Transitional Housing Program and Residential Care Facility;
 - 2) Homeless Facilities including Congregate Meal Facilities to accommodate up to 250 persons daily;

- 3) Emergency Shelter to accommodate up to sixty women and children nightly;
 - 4) Corporate Offices and incidental uses such as office, reception, kitchen, training rooms, recreation areas;
 - 5) a 3-story 77-space parking structure and a 3-story 122-space parking structure;
 - 6) an outdoor recreation facility;
- b. Landscaping (planting, irrigation and landscape related improvements);
 - c. Off-street parking facilities;
 - d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted community plan, California Environmental Quality Act Guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this Permit, and any other applicable regulations of the SDMC in effect for this site.
1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
 2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded by the Development Services Department in the Office of the San Diego County Recorder.
 3. Unless this Permit has been revoked by the City of San Diego, the property included by reference within this Permit shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the City Manager.

4. This Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this Permit and all referenced documents.
5. The utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] and any amendments thereto (16 U.S.C. § 1531 et seq.)
7. The Owner/Permittee shall secure all necessary building permits. The Permittee is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 19, 2002, on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendments to this Permit have been granted.
9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this Permit. It is the intent of the City that the Owner/Permittee of the property, which is the subject of this Permit, either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner/Permittee of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner/Permittee complies with all the conditions of this Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. The Permittee shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Environmental Impact Report or Mitigated Negative Declaration, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for Noise.

PLANNING/DESIGN REQUIREMENTS:

11. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

12. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this Permit.

13. Any future requested amendment to this Permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.

14. Prior to submitting building plans to the City for review, the Permittee shall place a note on all building plans indicating that an avigation easement in favor of the Unified Port District has been granted across the property. The note shall include the Office of the San Diego County Recorder's recording number for the avigation easement.

15. All signage associated with this development shall be consistent with sign criteria established by Citywide sign regulations.

16. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

17. Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the planned commercial development shall be the least

practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding fourteen footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this Permit during the night inspection. Night inspections may be required additional fees as determined by the Director of the Development Services Department.

18. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

19. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

20. All uses, except storage, loading and use of the outdoor recreation area, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences, or a combination thereof. Walls or fences shall be solid and not less than 6 feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.

21. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.

22. No merchandise, material or equipment (except for the outdoor recreation equipment)shall be stored on the roof of any building.

23. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Refuse and Recyclable Materials Storage Regulations (SDMC section 142.0801) to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated November 19, 2002 on file in the Office of the Development Services Department.

24. The Permittee shall strictly enforce the Litter and Loiter Control Plan (attached Exhibit 1) and on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made to the Plan, unless there is written permission from the City Manager.

Permittee shall provide an annual status report to the City Manager on the performance/compliance with the provisions of the Litter and Loiter Control Plan.

25. The Permittee shall establish a Neighborhood Advisory Committee (attached Exhibit 2) pursuant to the criteria and on file in the Office of the Development Services Department. No changes, modifications or alterations shall be made to the criteria, unless there is written permission from the City Manager.

26. This Permit may be revoked by the City of San Diego following a public hearing pursuant to SDMC/LDC section 121.0314, which may include any complaint or report from the Neighborhood Advisory Committee.

27. The Congregate Meal and Clothing Distribution shall be operated as follows:

a. The hours of operation for the Congregate Meal/Breakfast Meal Service Program shall be from 5:00 a.m. until 7:00 a.m.

b. The Congregate Meal/Breakfast Meal Service Program shall be limited to a maximum of 250 guests and five days per week subject to the following phasing schedule:

1) Within the first nine months of operation of the Congregate Meal/Breakfast Meal Service Program, breakfast may be served no more than three days per week, no more than two days in a row, and to no more than fifty guests per day. After this nine period, the Development Services Department will review the applicant's compliance with the terms of this Conditional Use Permit relating to the Congregate Meal/Breakfast Meal Service Program. The review by the Development Services Department may include a report from the Neighborhood Advisory Committee.

2) In the event the Development Services Department determines the applicant has complied with the terms of the Conditional Use Permit relating to the Congregate Meal/Breakfast Meal Service Program, the number of guests may be increased to no more than seventy-five guests/four days per week. After this nine period, the Development Services Department will review the applicant's compliance with the terms of this Conditional Use Permit relating to the Congregate Meal/Breakfast Meal Service Program. The review by the Development Services Department may include a report from the Neighborhood Advisory Committee.

3) In the event the Development Services Department determines the applicant has complied with the terms of the Conditional Use Permit relating to the Congregate Meal/Breakfast Meal Service Program, the number of guests may be increased to no more than 100 guests/five days per week, with two of the five days to be Saturday and Sunday. After this nine period, the Development Services Department will review the

applicant's compliance with the terms of this Conditional Use Permit relating to the Congregate Meal/Breakfast Meal Service Program. The review by the Development Services Department may include a report from the Neighborhood Advisory Committee.

4) After the third nine month period, the number of guests may be increase to no more than 175 guests/five days per week following a public noticed hearing before the City Council. The public hearing shall be limited to a determination that the applicant has complied with the terms of the Conditional Use Permit. In the event the City Council determines that the applicant has complied with the terms of the Conditional Use Permit, the number of guests may be increased to 175. In the event the City Council determines the applicant has violated the terms of the Conditional Use Permit, the number of guests may not be increased and the matter may be set for a revocation hearing.

5) After the fourth nine month period, the number of quests may be increase to no more than 250 guests/five days per week following a public noticed hearing before the City Council. The public hearing shall be limited to a determination that the applicant has complied with the terms of the Conditional Use Permit. In the event the City Council determines that the applicant has complied with the terms of the Conditional Use Permit, the number of guests may be increased to 250. In the event the City Council determines the applicant has violated the terms of the Conditional Use Permit, the number of guests may not be increased and the matter may be set for a revocation hearing.

c. Clothing distribution and personal hygiene services shall be provided no more than three days per week from 9:30 a.m. to 11:30 a.m.

d. The number of guests served in the Clothing distribution and personal hygiene services shall not exceed twenty-five persons per day.

e. Nothing in this section shall supersede the City's authority to revoke the permit for violations of its conditions at any time.

28. The Congregate Meal services offered at the facility shall be confined to the interior, and all guest shall be confined to the interior courtyard, indoors, or other areas screened from view from the Public Right-of way.

29. The Permittee shall open a deposit account and accrue all cost for the review, the monitoring, and compliance with this permit. This includes the cost associated with the Litter and Loiter Control Plan (attached Exhibit 1), and the Neighborhood Advisory Committee (attached Exhibit 2).

30. The Permittee shall limit the amount of time that the residents and children may spend utilizing the outdoor recreation area to no more than four hours per day.

31. Prior to issuance of the Certificate of Occupancy, the applicant shall incorporate sound attenuation features as described in the amended Acoustical Analysis, dated October 30, 2002, to the satisfaction of the City Manager. Specifically, plans shall indicate sound attenuation barriers of adequate design or construction along the perimeter of the outdoor recreation area, and be called out on building plans submitted for permitting purposes to reduce exterior noise levels to 65 dBA CNEL.

32. The Acoustical Plan Check Section [APCS] shall review all building plans to ensure that exterior noise levels are at or below 65 dBA CNEL based on conclusions identified in the approved amended Acoustical Analysis.

LANDSCAPE REQUIREMENTS:

33. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

34. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall identify a station point for each street tree location. Each street tree location must take into account a 40 square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

35. Location of street trees shall be identified and reserved during improvement activities and on all site plans prepared for subsequent building permit applications with actual installation taking place prior to final inspection prior to issuance of a certificate of occupancy for a specific building permit. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 19, 2002 on file in the Office of the Development Services Department.

36. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

37. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

38. The Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way landscaping) consistent with the Landscape Standards Manual.

39. If any required landscape (including, but not limited to, existing or new plantings, hardscape, landscape features) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or Certificate of Occupancy.

ENGINEERING REQUIREMENTS:

40. Prior to building occupancy, the Permittee shall conform to SDMC section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvement is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

41. Prior to issuance of any building permits, the Permittee shall obtain an encroachment removal agreement, from the City Engineer, for the installation of landscaping along First Avenue, Second Avenue, Elm Street and Fir Street.

42. Prior to the issuance of any building permits, the Permittee shall assure, by permit and bond, the replacement of the existing curb with curb and gutter on the west side of First Avenue along the property frontage and on the south side of Fir Street west of Second Avenue along the property frontage, all satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS

43. No fewer than 105 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated November 19, 2002, on file in the Office of Development Services Department. Parking spaces shall comply at all times with requirements of the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

44. Project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual and the amendment to Council Policy 200-18 approved by City Council on January 10, 2000.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego, by Resolution No. R-297363, on November 19, 2002.

AUTHENTICATED BY THE CITY MANAGER

By _____

The undersigned Permittee, by execution hereof, agrees to each and every condition of this Permit and promises to perform each and every obligation of Permittee hereunder.

SAN DIEGO RESCUE MISSION
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

12/5/02
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Exhibit 1

SAN DIEGO RESCUE MISSION LITTER AND LOITER CONTROL PLAN

1. The applicant shall establish and strictly enforce regulations and rules of conduct applicable to all persons using the facility. The regulations and rules of conduct set forth in "Exhibit 1B" to this Plan are incorporated herein by reference.
2. Personnel shall be provided 24 hours a day for the enforcement of the hours and operation, to maintain order and to prevent vandalism, vagrancy and loitering both on and off-site. Personnel shall observe the area in a one block radius around the facility (bordered by Grape Street to the north, Interstate 5 to the south and west, and Third Avenue to the east) and including the Caltrans bridge on Second Avenue (the "Impacted Area") on a regular basis.
3. The San Diego Rescue Mission shall install 24-hour video surveillance of the site to provide on site security.
4. Guests of the Rescue Mission shall not be permitted to queue outside the building.
5. There shall be no loitering outside the facility or in the Impacted Area. The applicant shall post anti-loitering signs near all entrances to the facility. At least twice each day a San Diego Rescue Mission employee shall inspect the site and discourage loitering.
6. The San Diego Rescue Mission shall sign an agency letter giving the City of San Diego Police Department permission to enter the property as necessary to enforce laws. In addition, the applicant shall provide security patrol for the site and the Impacted Area during the breakfast program hours.
7. The applicant shall, at its own cost and expense, be responsible for trash abatement on the site and the Impacted Area, and shall keep the site and the Impacted Area free of graffiti, litter, trash and other related nuisances.
8. At least twice each day a San Diego Rescue Mission employee shall inspect the site and sweep the sidewalks. At its own expense, San Diego Rescue Mission shall provide sweeping and litter control, weed abatement, tree and landscape maintenance, and pressure washing for the site.
9. Any hypodermic needles shall be disposed of in accordance with County Health Department standards.
10. The Development Services Department staff shall review the applicant's compliance with this Plan within six (6) months of issuance of the Conditional Use Permit and thereafter annually from the date of issuance. The San Diego Rescue Mission shall open a deposit account and accrue all cost for the review for compliance with this Plan.

11. A Neighborhood Advisory Committee shall be established as set forth on "Exhibit 2" to work with the San Diego Rescue Mission on issues related to the impact of the homeless population on the neighborhood and to provide input to the City on the Rescue Mission's operations as they relate to the surrounding neighborhood.
12. This Plan may be modified by the Neighborhood Advisory Committee upon approval by the San Diego Rescue Mission and the City Manager.

Exhibit 1B

**REGULATIONS AND RULES OF CONDUCT
FOR GUESTS OF THE SAN DIEGO RESCUE MISSION**

1. No obscene language.
2. No fighting.
3. No weapons.
4. Any verbal or physical abuse of any volunteer, guest, or staff will be grounds for removal from the facility.
5. No trays, napkins or food shall be removed from the dining area.
6. Shirts and shoes must be worn.
7. Do not "Hang Out" or loiter around the outside of the facility at anytime.
8. Non-residential guests may not come to the facility before 5:00 a.m.
9. Non-residential guests must leave the facility by 8:00 a.m. each morning.
10. No drugs or alcohol.
11. Anyone using, or under the influence of, drugs or alcohol will be asked to leave.
12. No smoking inside the facility.
13. No unattended children. All children must be accompanied by an adult.
14. Belongings may be searched and must be checked into the storage area.
15. Non-residential guests have no in and out privileges.
16. Non-residential guests have use of the bathroom facilities only while at breakfast.

Exhibit 2

NEIGHBORHOOD ADVISORY COMMITTEE

An advisory group shall be formed to facilitate appropriate interchange and beneficial collaboration between the San Diego Rescue Mission and the surrounding community. This group shall work with neighborhood residents, businesses, and organizations to develop and recommend remedies that would enhance such interaction. As outlined below, this group will have a continuous connection with the administration of the San Diego Rescue Mission who can implement remedies for the identified problems.

The Neighborhood Advisory Committee will be composed of one representative from each of the following groups:

- One resident living in the area approximately one-quarter mile from the intersection of 1st Avenue and Elm Street nominated by the Uptown Planners
- Downtown San Diego Partnership
- Little Italy Association
- Centre City Development Corporation
- San Diego Police Department Homeless Outreach Team
- Administration of the San Diego Rescue Mission
- One representative from business in the area approximately one-quarter mile from the intersection of First Avenue and Elm Street nominated by the Uptown Planners
- California Western School of Law
- Religious institutions within one-quarter mile
- Balboa Park Committee
- Development Service Department (ad hoc Member)

The Committee will be formed within 30 days after the final approval of a conditional use permit. The first meeting shall be hosted by the San Diego Rescue Mission. Thereafter, the Committee will set its own rules for operations, including the designation of officers or representatives of the Committee as a whole, a procedure for taking minutes and recording any votes or other business of the Committee, and any other rules that will help them function more efficiently and effectively. All meeting of the Committee shall be open to the general public. The Committee shall decide how frequently it should meet. The Committee shall exist in perpetuity or until it is no longer necessary.

The goals of the Committee would include: (1) a review and evaluation of the interaction of the Park West community and the clients and conduct of the San Diego Rescue Mission, focusing on the area approximately one-quarter mile from the intersection of 1st Avenue and Elm Street and (2) discussion and formation of plans and solutions to recommend to the administration of the San Diego Rescue Mission to enhance this collaboration.

At each meeting of the Committee, staff of the San Diego Rescue Mission shall report on the status of neighborhood relations and issues and shall receive any new issues raised by members of the Committee. On an annual or semi-annual basis, the Committee shall report to the Chief Executive Officer of the San Diego Rescue Mission on the operations of the Committee and its effectiveness in enhancing the collaboration of the Mission and the Park West community.

Within 90 days of the transfer of Mission operations to 120 Elm Street, the Committee shall report to the Chief Executive Officer of the San Diego Rescue Mission regarding the physical impact of homeless on the neighborhood during the six months previous to transfer of operations and on any changes observed during the three months after transfer of operations. The Mission administration shall respond to this report within 30 days and make recommendations for enhancing collaborative efforts to resolve any mutual concerns. Additional reports would be prepared, as impacts are identified.

All reports shall be made available to the Office of the Mayor and the Councilmembers for the Second and Third Districts as well to other interested city officials, neighborhood residents, businesses, and organizations in a method to be determined by the Committee.