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RESOLUTION NUMBER R- 302932

DATE OF FINAL PASSAGE JUL 31 2007

WHEREAS, the Senior Community Centers [SCC], Permittee, filed an application with the City of San Diego for a conditional use permit to locate a 12,000 square-foot social service institution and congregate meal facility for seniors to the second floor of the newly-constructed Smart Corner office building known as the Senior Community Centers project, located at 1122 Broadway, and legally described as all of Block 29 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to the map thereof on file in the Office of the County Recorder of San Diego County, in the East Village District of the Downtown Community Plan area, in the Employment/Residential Mixed Use District; and

WHEREAS, the conditional use permit has been reviewed and recommended by the Centre City Advisory Committee and the Centre City Development Corporation; and

WHEREAS, on June 28, 2007, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] No. 2007-22, and pursuant to Resolution No. 4282-PC voted to recommend City Council approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on JUL 31 2007, 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 No. 2007-22:

A. CONDITIONAL USE PERMIT - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0305

1. The proposed use or development will not adversely affect the applicable land use plan. The facility has operated in downtown San Diego for 37 years, providing valuable services critical to the survival, health and independence of seniors living in an urban environment. The proposed relocation will not adversely affect the applicable land use plan as the Planned District Ordinance [PDO] requires the review and approval of a CUP to address the proposed use and any issues that may conflict with the surrounding neighborhood.

2. The proposed use or development will not be detrimental to the public health, safety, and welfare. The proposed use will not be detrimental to, but rather contribute to, public health, safety and welfare by providing seniors with needed services and meals at little or no cost. There is a growing population of seniors in downtown and SCC is the only facility serving this population. The relocation of the existing facility will provide health services, case management and basic nutritional needs for a neglected segment of the senior population. The proposed hours of operation and conditions of approval will ensure that the use is not a detriment to the public health, safety and welfare of the surrounding neighborhood.

3. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code. The proposed relocation of the facility is required to conform to the land use regulations of the City's Land Development Code, the Downtown Community Plan and the Centre City Planned District Ordinance, provided the proposed PDO Amendments being concurrently processed are approved, and the findings for the waiver of the ¼ mile separation rule is approved.

4. The proposed use is appropriate at the proposed location. SCC is currently located at 928 Broadway (two blocks away) and provides seniors with a network of comprehensive integrated senior programs and supportive services. The proposed relocation site at 1122 Broadway will be located within the Employment/Residential Mixed Use District which allows the proposed use with approval of a CUP. The location is appropriate as it is surrounded by a variety of commercial, residential and office uses. The proposed relocation site is located on the second floor of an existing office building, therefore minimizing impacts at the ground level and conveniently located to public transportation.

5. **The institution/facility, due to its unique operations or clientele, will not adversely impact the surrounding neighborhood and there is a demonstrated need for the institution/facility that is not being met by existing services/facilities in the Downtown Community Plan area.** SCC is the only senior social service facility and congregate meal facility in downtown San Diego providing services which include: congregate and home delivered meals, nutrition and health education, healthcare and social services, entitlement and legal counseling, and case management, all of which are critical for the survival, health, and independence of seniors living in an urban environment. SCC is vital to the health and well-being of seniors in downtown and if unable to relocate within downtown, some or all of these critical support services for seniors may cease to exist. The proposed relocation site will allow SCC to continue enhancing the quality of life for seniors, benefiting the entire downtown community.

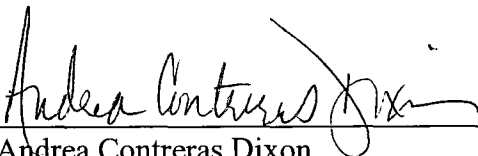
The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, this activity is covered under the Final Environmental Impact Report [FEIR] for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and Redevelopment Plan for the Centre City Project Area, which was certified by the Redevelopment Agency by Resolution R-04001 and by the City Council by Resolution R-301265 on March 14, 2006 and the Addendum to the FEIR for the 11th Amendment to the Redevelopment Plan for the Centre City Redevelopment Project, Amendments to the San Diego Downtown Community Plan, Centre City Planned District Ordinance, Marina Planned District Ordinance, and Mitigation, Monitoring and Reporting Program of the FEIR for the San Diego Downtown Community Plan, Centre City Planned District Ordinance, and the Redevelopment Plan for the Centre City Project Area certified by the Redevelopment Agency by Resolution R- 04193 and by the City Council by R- 302932 on JUL 31 2007. The activity is adequately addressed in the environmental documents noted above and there is no change in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental documents adequately covered this activity as part of the previously approved project, the

activity is not a separate project for purposes of CEQA review per CEQA Guidelines
Section 15060(c)(3) and 15378 (c).

BE IT FURTHER RESOLVED, that Centre City Conditional Use Permit No. 2007-22 is
granted to Senior Community Centers, Permittee, under the terms and conditions set forth in the
attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Andrea Contreras Dixon
Deputy City Attorney

ACD:pev
07/16/07
Or.Dept:CCDC
R-2008-77
MMS #5097
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**RECORDING REQUESTED BY
CENTRE CITY DEVELOPMENT
CORPORATION
ARCHITECTURE AND PLANNING DIVISION
225 BROADWAY, #1100
SAN DIEGO, CA 92101**

**WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A
and
CENTRE CITY DEVELOPMENT
CORPORATION
ARCHITECTURE AND PLANNING DIVISION
225 BROADWAY, #1100
SAN DIEGO, CA 92101**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CENTRE CITY CONDITIONAL USE PERMIT 2007-22
SENIOR COMMUNITY CENTERS 1122 BROADWAY
CITY COUNCIL**

This Conditional Use Permit No. 2007-22 is granted by the Council of the City of San Diego to Senior Community Centers, Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The site is located at 1122 Broadway in the Employment/Residential Mixed Use District of the East Village District of the Downtown Community Plan Area. The project site is legally described as all of Block 29 of Horton's Addition in the City of San Diego, County of San Diego, State of California, according to the map thereof 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 Permittee to operate a social service institution and congregate meal facility for seniors, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated JUL 31 2007, on file in the offices of Centre City Development Corporation [CCDC].

1. The Permittee shall operate a 12,000 square foot Social Service Institution and Congregate Meal Facility providing breakfast and lunch meals, nutrition and health education, healthcare and social services, entitlement and legal counseling, and case management for the senior population. There shall be no overnight accommodations provided.
2. This Conditional Use Permit [CUP] shall become effective upon the effective date of the associated amendments to the Centre City Planned District Ordinance, reclassifying the site to the Employment/Residential Mixed-Use land use district and adopting provisions allowing for the modification of the ¼ mile separation provision.

Should either of these amendments not become effective for any reason, this CUP shall not become effective and shall be considered invalid.

3. Participants in this program shall be limited to sixty years of age or older. No more than 300 persons shall be at the facility at any one time.
4. The facility may be open between the hours of 6 a.m. and 10 p.m. seven days of the week.
5. All activities associated with the facility, including the serving of food and beverages shall occur within the confines of the building.
6. Patrons of the facility shall not loiter on the sidewalks directly in front of the facility. A designated waiting area shall be established within the enclosed entry area for participants and employees.
7. Patrons of the facility shall be advised by Senior Community Center staff of all rules of the facility and be discouraged from loitering in the area before, during, or after the hours of operation.
8. The Permittee shall maintain the premises and adjacent public sidewalks free of litter.
9. The facility shall provide off-street parking at a rate of one space per full-time equivalent employee, calculated at eight hours of working time per employee per 24-hour period.
10. If at any time the City or CCDC receive complaints that are validated as violations of the terms of the Permit or the activities permitted under the Permit constitute a "public nuisance" as defined by the San Diego Municipal Code, then a public hearing shall be scheduled to review the Permit. If after holding a duly noticed public hearing, it is determined that violations of the Permit exist or that any or all aspects of the activities permitted by this Permit constitute a public nuisance, then the conditions of the Permit may be modified or extended, or the Permit revoked.
11. This Permit is valid for 20 years with two 5-year extensions available consistent with any extensions of the lease.
12. This permit is a covenant running with the lands and shall be binding upon, and inure to the benefit of, the Permittee and any successor or successors, and the interest of any successor shall be subject to each and every condition set out.

APPROVED by the Council of the City of San Diego on JUL 31 2007, by
Resolution No. R-302932.

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.

Senior Community Centers
Permittee

By _____
Paul Downey, President/CEO
Senior Community Centers

By _____

Centre City Development Corporation

By _____
Brad Richter, Principal Planner

By _____

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

PERMIT/OTHER – Permit Shell 11-01-04