

RESOLUTION NUMBER R- 306679

DATE OF FINAL PASSAGE MAR 08 2011

A RESOLUTION GRANTING CONDITIONAL USE
PERMIT/PLANNED DEVELOPMENT PERMIT/
NEIGHBORHOOD USE PERMIT NO. 2010-62 FOR
CONNECTIONS HOUSING DOWNTOWN PROJECT.

WHEREAS, Connections Housing Downtown L.P., Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP), Planned Development Permit (PDP), and Neighborhood Use Permit (NUP) to allow a multi-use project consisting of 75 permanent supportive living units (includes two manager units), 150 transitional housing beds, a primary health care clinic, administrative offices and a multi-service homeless center known as the Connections Housing project, located within the historical World Trade Center (WTC) building located at 1250 Sixth Avenue, and legally described as Lots A through C and Lots J through L in Block 9 of Horton's Addition in the City 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, located in the Civic/Core District of the Downtown Community Plan area, in the Employment/Residential Mixed-Use District/Employment Required Overlay Zone of the Downtown Community Planning Area; and

WHEREAS, on February 10, 2011 the Planning Commission of the City of San Diego considered Conditional Use Permit/Planned Development Permit/Neighborhood Use Permit (CUP/PDP/NUP) No. 2010-62, and pursuant to Resolution No. 4668-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 March 8, 2011, 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 CUP/PDP/NUP No. 2010-62:

A. **CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
SECTIONS 126.0305 AND 156.0315**

1. **Findings For All Conditional Use Permits**

a. **The proposed use or development will not adversely affect the applicable land use plan.** The proposed project includes the rehabilitation and adaptive reuse of an existing designated historical resource into a one-stop service center and housing for the homeless. The facility will include a multi-use social service center, a medical clinic, 150 transitional housing beds, and 75 permanent supportive living units. The facility will provide a valuable service critical in assisting the chronically homeless population. It is the goal of the Downtown Community Plan to allow health and human service facilities area wide, while minimizing impacts to surrounding land uses, and balancing provisions of services to populations in need of assistance. The Downtown Community Plan envisions that these facilities employ a continuum of care approach whereby multiple services are provided on-site.

In addition, the project proposes to retain, rehabilitate and adaptively reuse the WTC; an important historical resource for downtown San Diego. The Downtown Community Plan encourages the rehabilitation and reuse of historical resources as a cultural and sustainability goal. Therefore, the project as proposed does not adversely affect the applicable land use plan.

b. **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 homeless members of the community with needed services and living facilities in a one-stop location. The proposed conditions of approval have been designed to address potential public health and safety concerns within the surrounding neighborhood. The facility will be required to implement protocols to avoid off-site impacts from clients including 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 operator will establish and enforce policies to discourage littering and loitering in and around the property. All persons visiting the facility for services will be required to wait indoors to avoid any lines outside the facility. Adequate lighting will be provided to illuminate entrances to provide surveillance opportunities of the neighborhood by the public, employees, residents and visitors.

Residents entering the transitional housing facility will be required to sign rules of conduct designed to ensure the safety and security of both the residents and the community. Residents of the permanent supportive living units will sign a lease with specific building rules and any illegal behavior in or around the building will not be allowed, and will be grounds for expulsion. Twenty-four hour security will be provided for protection of project residents, clients and surrounding neighborhood.

In addition, to ensure compliance with the conditions of approval, the applicant has agreed to the formation of a Neighborhood Advisory Committee (NAC), which has been included as a condition of approval. The committee is composed of representatives from the neighborhood, various community groups, and business groups. The NAC will meet regularly to assess the impacts, recommend solutions to enhance collaboration, and provide a vehicle for accountability for the operator(s) of the Facility.

The rehabilitation of the existing building will greatly improve the surrounding area as it will consolidate uses, provide a more attractive building and improve the quality of life for a neglected segment of the population.

c. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code. The proposed facility is located within the Core district which allows for a variety of uses including office, hotel, educational and residential uses. Social service uses and transitional housing are permitted with the approval of a CUP subject to reasonable conditions of approval. The facility is also located within the Employment Required Overlay Zone, which requires 50 percent of the gross floor area to be devoted to employment uses. While social services, transitional housing, and residential living units are not considered employment uses; the PDO allows historical resources to be occupied by uses otherwise not allowed by the underlying zoning, subject to specific conditions. The facility as proposed will comply with such conditions and will operate in conformance with the regulations of the Land Development Code (LDC), the Downtown Community Plan, and the Centre City Planned District Ordinance (PDO) to the maximum extent feasible.

d. The proposed use is appropriate at the proposed location. The proposed project implements the goals and objectives of the Downtown Community Plan by providing transitional housing and permanent supportive housing to meet the needs of the chronically homeless, providing a social service facility that provides assistance to people who are homeless or at risk of homelessness, and rehabilitates a designated historical building for adaptive reuse. The Developer has formed a NAC to ensure

impacts to the community are relayed to the operator and quickly remediated. The project site is located within the Core district which allows the proposed use with the approval of a CUP/Planned Development Permit (PDP) and is located near a transit corridor making it accessible to the residents and clients of the facility most of whom walk or use public transit, therefore, the proposed use is appropriate at the proposed location.

2. Conditional Use Permit for Historical Buildings Occupied by Uses Otherwise not Allowed

a. The building must be designated as a historical resource by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit. The property at 1250 Sixth Avenue is locally designated HRB Site # 685 World Trade Center building. It was built in 1928 and originally known as the San Diego Athletic Club. The City of San Diego acquired the building in 2004 and has used it as an office building. The building's design is primarily Art Deco with Gothic Revival details and is a rare example of the "New York Skyscraper" influence in San Diego.

According to the building assessment prepared by Heritage Architecture and Planning, the building's interior finishes were significantly altered during the conversion of the building from Athletic Club to office space, and the original character of the interior is no longer evident and cannot be defined. The majority of the historic detailing and cast-stone ornamentation on the building's exterior are still extant.

b. The use of the building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. The area surrounding the WTC is primarily commercial/office. The building is currently occupied by City of San Diego and has been occupied by office uses since 1993. The proposed combination of office and residential uses are similar to the original use of the building. The original Athletic Club building included athletic facilities, assembly space, offices and 96 sleeping rooms on the upper floors. With the approval of the appropriate discretionary permits including the CUP and PDP as discussed above, and applicable conditions of approval, the proposed use will be compatible with the surrounding uses and consistent with the purpose for which the building was originally designed.

c. The site shall be maintained in, or restored to, its original or historical appearance, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations). As part of this project, the Developer proposes to rehabilitate the building in accordance with the Secretary of the Interior Standards for Rehabilitation. The proposed rehabilitation has been reviewed by HRB staff and considers the proposed rehabilitation to be a minor alteration or improvement consistent with the City of San Diego Chapter 14, Article 3, Division 2 (Historical Resources Regulations) and the Secretary of the Interior Standards for Rehabilitation. The proposed repairs and alterations will preserve a historical resource, allow a contemporary use, and will not damage or destroy materials, features or finishes that are important in defining the building's historic character.

d. Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the historical resource in accordance with Historical Resources Regulations unless the development is approved through the Site Development Permit or Neighborhood Development Permit procedures in accordance with Chapters 11 through 14 of the Land Development Code. The proposed scope of rehabilitation is considered a minor alteration in accordance with Chapter 14, Article 3, Division 2 and therefore does not require approval of a Site Development Permit or Neighborhood Development Permit. The proposed rehabilitation will be consistent with the Secretary of the Interior Standards for Rehabilitation.

B. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0604

1. Findings For All Planned Development Permits

a. The proposed use or development will not adversely affect the applicable land use plan. The proposed project is consistent with the objectives of the Downtown Community Plan and the Centre City PDO by rehabilitating and re-using a locally designated historical resource. The requested deviations will provide relief from the strict application of the development standards in order to allow for more efficient use of the space given the constraints associated with the historical designation of the building and the proposed program of the Facility to address the special needs of the services being provided to the homeless population. The requested deviations meet the intent of the regulations and will have a negligible impact on the surrounding neighborhood.

b. The proposed use or development will not be detrimental to the public health, safety, and welfare. The deviations to allow for the increased size of living units and deviations for transitional housing, including living area per bed, storage areas and restroom facilities are minor given the constraints of the existing building floor layout and will not have an impact on the public health, safety and general welfare. Overall the project provides a significant enhancement to the public health, safety and general welfare by providing essential services and housing for the chronically homeless population of downtown San Diego.

c. The proposed use or development will comply with the regulations of the Land Development Code. As discussed earlier in this report, the proposed project is consistent with the goals and policies of the Downtown Community Plan. Approval of the proposed deviations from the development regulations of the PDO and LDC for living units and transitional housing will result in the ability to provide much needed social services and housing consistent with the Downtown Community Plan. With approval of the PDP, the project will comply to the maximum extent feasible with all applicable regulations.

d. The proposed development, when considered as a whole, will be beneficial to the community. The proposed project is compatible with existing and

planned land uses in the surrounding neighborhood and overall downtown area and will provide much needed services, health care, and housing (both transitional and permanent) for the growing homeless population in downtown. The development of a one-stop service center and housing facility is beneficial to the community at large given the increased homeless population in downtown San Diego and the limited availability of services and housing. Integrating services and housing into one facility is cost effective, provides consistent quality of care, provides for better coordination between services, and ultimately ensures that more people get the services and housing they need to become contributing members of society. The benefits of the proposed project heavily outweigh any of the minor impacts associated with the proposed deviations. In addition, the approval of the deviations will result in the rehabilitation and adaptive reuse of an underutilized historical building, and will add to the diversity of uses in the neighborhood.

e. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone. The proposed deviations are appropriate for the project due to the existing floor layout, large windows and historical nature of the building. The building will be upgraded to be fully accessible and the improvements will comply with the California Building Code, Life and Safety requirements and the Secretary of the Interior Standards for Rehabilitation. It is appropriate to allow flexibility from the development standards of the PDO and LDC for living units and transitional housing in order to make more efficient use of the space, provide more livable units for residents, and comply with the Secretary of the Interior Standards, thereby resulting in a more desirable project. The deviations will allow the Developer to successfully operate and provide services and housing advancing the visions and goals of the downtown community plan by providing services and housing to the chronically homeless.

C. NEIGHBORHOOD USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0205

1. Findings For All Neighborhood Use Permits

a. The proposed development will not adversely affect the applicable land use plan. The Centre City PDO allows a deviation to the parking requirements with approval of a NUP for any building that cannot meet these requirements. This deviation is intended to encourage the adaptive re-use and rehabilitation of historical resources consistent with the goals and policies of the Downtown Community Plan. Given the constraints associated with the historical designation of the building the developer cannot accommodate off-street parking. Allowing the project to be built without the one required parking space will not result in any adverse impacts to the applicable land use plan.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The deviation to not require the construction of one parking space for the project will not have a detrimental impact to the public health, safety and welfare. As a whole the proposed project results in a significant benefit to the community

by preserving and adaptively re-using a historical building and providing housing and services to the chronically homeless population.

c. The proposed use or development will comply with the regulations of the Land Development Code. The LDC specifically contains regulations to allow minor deviations from specific development regulations, including parking. With approval of the NUP, the project will meet all applicable regulations.

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

BE IT FURTHER RESOLVED, that CUP/PDP/NUP No. 2010-62 is granted to Connections Housing Downtown L.P., Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Shannon M. Thomas
Shannon M. Thomas
Deputy City Attorney

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Or.Dept:CCDC
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