

RESOLUTION NUMBER R- 311456

DATE OF FINAL PASSAGE DEC 11 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING CONDITIONAL USE PERMIT NO. 2053090 FOR PALM AVE TRANSITIONAL HOUSING FOR THE SMART PROGRAM -PROJECT NO. 569136.

ITEM # 204B

12/11/17

WHEREAS, THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner/Permittee filed an application with the City of San Diego for a Conditional Use Permit to rehabilitate an existing 61 room hotel into a transitional housing facility containing 42 rooms (84 beds), located at 1788 Palm Avenue in the CC-4-2 zone within the Otay Mesa-Nestor Community Plan area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the First Public Roadway, and the Parking Impact Overlay Zone (Coastal Impact Area). The project site is legally described as: Lot 2 of Palm Avenue Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3963, filed in the Office of the County Recorder of San Diego County, September 15, 1958; 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 December 11, 2017, 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. 2053090:

**CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)**  
**SECTION 126.0305**

**a. The proposed development will not adversely affect the applicable land use plan.** The project site is located at 1788 Palm Avenue on the north side of Palm Avenue west of Saturn Boulevard. The site is located in the CC-4-2 Zone within the Otay Mesa-Nestor Community Plan area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the First Public Roadway, and the Parking Impact Overlay Zone (Coastal Impact Area). The project site is designated Community Commercial, which allows for residential uses. The CC-4-2 is intended to accommodate development with high intensity and strip commercial characteristics, which allows for residential uses.

The subject property is currently improved with an existing 24,154-square-foot, 61-room hotel constructed in 1987. The project proposes to rehabilitate the existing hotel into a 42-room transitional housing facility that provides substance abuse treatment and supportive services for the San Diego Misdemeanants At-Risk Track (SMART) Program. The proposed rehabilitation of the hotel will include interior and exterior improvements such as new office space, computer rooms, client community space, full service kitchens for residents and employees, living and dining rooms, laundry rooms, fitness rooms, locker and storage rooms, roofing and low water landscaping. Additional improvements will increase Americans with Disabilities (ADA) accessibility, safety and security, including a 916-square foot addition to enclose the existing exterior staircases (floors one and two), the creation of a new reception area. These improvements will include interior and exterior security cameras, new fencing, electrical vehicular and pedestrian gates, new sidewalks, and a new fire suppression system. The existing 53 parking spaces in the parking lot will be reconfigured to a total of 25 parking spaces and the remaining areas will be developed into as passive open green spaces with new landscaping.

The proposed project would help implement the City's Housing Element goal to ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next Housing Element Cycle (2013-2020). The project would also help implement Housing Element policies to actively support providers of homeless services in establishing additional short-term and temporary housing as well as permanent supportive housing. The project's transitional housing for low-level misdemeanor offenders implements the policy to provide a continuum of housing that may be provided through transitional housing options. SMART participants are provided a Housing Navigator to ensure that they exit to permanent housing. The Housing Navigator facilitates apartment searches, rental applications, and credit checks to assist SMART participants in obtaining housing that is affordable. Through a partnership with Family Health Centers, SMART participants have access to Civil Legal Aid to remove barriers to permanent housing such as unlawful detainers or child support issues. Further, the Housing Element supports collaborative efforts to fund and develop innovative solutions which address the need for transitional and permanent housing for individuals and families. The project's rehabilitation of an existing

motelincludes the reconfiguration of rooms to allow for kitchen and recreation space on both floors and common areas that allow for the provision of supportive services on-site.

The Otay Mesa-Nestor Community Plan identifies the community's affordable housing as a strength and attribute that is worthy of perpetuation. Transitional Housing is a form of affordable housing that provides shelter and supportive services for a segment of the population with the ultimate goal of moving participants to permanent housing as quickly as possible. Transitional housing is defined in the Housing Element as housing that provides longer-term shelter solutions, typically up to two years per stay, and includes programs linked with social and educational services, including case management, to improve the clients' ability to reach self-sufficiency and move to permanent, stable, independent housing solutions. The SMART Program provides substance abuse treatment and supportive services and is designed to address low-level misdemeanor offenders who repeatedly cycle through the criminal justice system without access to services, coordination of care, or meaningful incentives to engage with social service providers. The project's provision of transitional housing would help perpetuate this attribute consistent with the Community Plan.

The Community Plan includes topic sheets that discuss anticipated or recommended physical site development issues and provide strategies to implement the community vision established for each specific topic. The guidelines for each topic address land use, pedestrian and transit orientation, site planning, and architectural and landscape design associated with future project development.

The project site is located and discussed within in Topic 2c – Palm Avenue West in Egger Highlands. The vision for the area is a traditional automobile-oriented strip transitioning into an attractive, revitalized commercial area that emphasizes the energy, movement, and vitality of its dominant linear form while providing a safe environment for pedestrians and transit users. To implement this vision, the Plan identifies a strategy to plan, promote and implement the street design, streetscape and architectural improvements described in the Guidelines.

The five guidelines within Topic 2c provide direction to create a pedestrian-friendly environment along Palm Avenue and a streetscape that establishes a sense of place, capitalizes on the name Palm Avenue, and highlights the commercial strip as a gateway from Coronado and Imperial Beach to San Diego. The appearance of the strip is to be improved by implementing building repairs and upgrades; paving and repairing sidewalks; creating and implementing signage plans and controls; and providing banners, street furniture and landscaping.

While the project does not propose any alterations to the street design or public right-of-way along Palm Avenue, the project would help improve the appearance of the strip by implementing building repairs and upgrades. The project provides exterior renovations, including sidewalk and parking lot lighting and circulation improvements, to ensure compliance with the Americans with Disabilities Act and help enhance the safety and circulation within the site and along Palm Avenue at the project's driveway entrance. These improvements would be consistent with the Community Plan vision to provide a safe environment for pedestrians along Palm Avenue. Additional exterior renovations include the installation of new roofing, windows, repainting of the building façade, and updated landscaping. The project's building repairs and

upgrades would be consistent with the strategy to implement architectural improvements along Palm Avenue.

The Guidelines state that on-site parking requirements may be reduced where it can be determined that the quantity of proposed parking would adequately serve the site or that additional adequate on-street or shared parking is provided. The project's rehabilitation of an existing 61 room hotel into a transitional housing facility containing 42 rooms reduces the demand for parking on-site. Additionally, the proposed project would maintain the existing on-street parking along Palm Avenue. The project provides space for enhanced landscaping within the site by reducing the number of parking spaces from 53 to 25. The parking lot would be resurfaced, restriped, and would integrate additional landscaping to provide passive open space areas within the site and help reduce the site's urban heat island effect. The existing pool on site, which is visible from the street, would be filled in and landscaped, and a new shade trellis would be provided. These improvements would enhance the appearance of the site, helping to create a more attractive streetscape along Palm Avenue.

The project's landscape plan maintains several existing palm trees, and adds new Mexican Fan Palm and Jacaranda trees and additional landscaping adjacent to the sidewalk along Palm Avenue. The Mexican Fan Palms would help implement the Topic 2c guideline to capitalize on the name Palm Avenue by planting palm trees on site. The Jacaranda trees would implement the guideline to provide landscaping that is adapted to local coastal conditions on adjacent private property. Additionally, the project's landscaping would implement the Otay Mesa-Nestor Street Tree Plan, which identifies Jacaranda and Mexican Fan Palms as the Theme Trees for Palm Avenue.

The Community Plan's Local Coastal Program (Appendix H) identifies coastal issues for the community and has developed strategies to address those issues. As stated in the appendix, the Palm Avenue West Topic recommends retention and rehabilitation of the existing hotels, retail, and visitor-oriented commercial areas along the southern edge of the San Diego Bay in order to maintain visitor-oriented uses and public access to coastal resources. The proposed project would not maintain visitor accommodations on site, however, the existing 61-room hotel has been under-utilized for years and the occupancy rates for 2015 was 28.5-percent and was 30.6-percent in 2016. Therefore, the existing hotel was not functioning as a visitor-oriented use. In addition, affordable lodgings and visitor accommodations are still available within the community, and are located just west of the project site, along Palm Avenue, and therefore, closer to the coastal areas.

The proposed project would help implement the goals and policies of the Housing Element by implementing the policy to provide a continuum of housing that may be provided through transitional housing options. The Community Plan identifies a strategy for Palm Avenue West to plan, promote and implement street design, streetscape and architectural improvements that implement the vision of an attractive, revitalized commercial area. The rehabilitation of the project site would improve the appearance of the streetscape through updated landscaping along the project's frontage that includes theme trees consistent with the requirement of the Otay Mesa-Nestor Street Tree Plan. The exterior renovations and building repairs would provide

architectural improvements to the site to create an attractive appearance along Palm Avenue consistent with the Community Plan vision.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** The project proposes to rehabilitate the existing hotel into a 42-room transitional housing facility that provides substance abuse treatment and supportive services for the SMART Program. The SMART program is designed to address low-level misdemeanor offenders who repeatedly cycle through the criminal justice system without access to services, coordination of care, or meaningful incentives to engage with social service providers. The goal of SMART is to safely divert their clients, particularly those who are otherwise resistant to intervention, to a case manager, tailored housing placement, individualized substance abuse disorder treatment and mental health services as well as reduce recidivism through changes in individual behavior.

The facility shall be required to implement and enforce Rules of Conduct (Conditional Use Permit Exhibit 1) for all patrons, residents, and visitors. A Neighborhood Advisory Committee (Conditional Use Permit Exhibit 2) shall be established to give regular input on the operation of the Facility. The Neighborhood Advisory Committee shall be formed within 30 days of the approval of this Permit and shall consist of representatives of residents, business owners and property owners within a quarter mile radius of the facility, local community, and neighborhood and business organizations. The Neighborhood Advisory Committee shall also include a staff member from the office of the City Council member representing District 8 and a member of the Mayor's office.

A Communications/Litter Plan shall be implemented to remove litter, and maintain communication with the immediate neighborhood (Conditional Use Permit Exhibit 3). In addition, the facility shall maintain a Security Plan (Conditional Use Permit Exhibit 4), which shall be provided to the Neighborhood Advisory Committee and a copy of the Security Plan shall be available in the on-site administrative offices.

Additional improvements to the facility and project site will increase Americans with Disabilities (ADA) accessibility, safety and security, including a 916-square foot addition to enclose the existing exterior staircases (floors one and two), the creation of a new reception area. These improvements will include interior and exterior security cameras, new fencing, electrical vehicular and pedestrian gates, new sidewalks, and a new fire suppression system. The existing 53 parking spaces in the parking lot will be reconfigured to a total of 25 parking spaces and the remaining areas will be developed into as passive open green spaces with new landscaping, and new designated fire access lanes in the parking lot. The project would be required to obtain building permits and a public improvement permit prior to the construction of the residential development. The building plans and public improvement plans shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, fire code, and development regulations. The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the

subject property as described in Conditional Use Permit No. 2053090, and other regulations and guidelines pertaining to the subject property per the SDMC. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** The project site is located at 1788 Palm Avenue on the north side of Palm Avenue west of Saturn Boulevard. The subject property is currently improved with an existing 24,154-square-foot, 61-room hotel which was constructed in 1987. The project proposes to rehabilitate the existing hotel into a 42-room transitional housing facility that provides substance abuse treatment and supportive services for the SMART Program. The individual rooms will not contain kitchens and would not be defined as dwelling units, as both kitchens and dwelling units are defined in San Diego Municipal Code (SDMC) Section 113.0103. Therefore, the proposed residential use would not be subject to the City's Inclusionary Affordable Housing Requirements of Chapter 14, Article 2, Division 13 of the SDMC.

The proposed rehabilitation of the hotel will include interior and exterior improvements such as new office space, computer rooms, client community space, full service kitchens for residents and employees, living and dining rooms, laundry rooms, fitness rooms, locker and storage rooms, roofing and low water landscaping. Additional improvements will increase ADA accessibility, safety and security, which includes a 916-square foot addition to enclose the existing exterior staircases (floors one and two) and the creation of a new reception area. These improvements will include interior and exterior security cameras, new fencing, electrical vehicular and pedestrian gates, new sidewalks, and a new fire suppression system. The existing 53 parking spaces in the parking lot shall be reconfigured to a total of 25 parking spaces and the remaining areas will be developed into as passive open green spaces with new landscaping.

Transitional housing for seven or more persons requires a Conditional Use Permit processed in accordance with Process Five, pursuant to SDMC Section 141.0313. The project site is located within the Coastal Overlay Zone (Appealable Area), and pursuant to SDMC Section 126.0704, the proposed rehabilitation of an existing hotel into a transitional housing facility is exempt from the requirement to obtain a Coastal Development Permit. For purposes of Section 126.0704, intensification of use means a change in the use of a lot or premises which, based upon the provisions of the applicable zone, requires more off-street parking than the most recent legal use on the property. As stated above, the existing parking lot shall be reconfigured and the total parking spaces shall be reduced from 53 to 25.

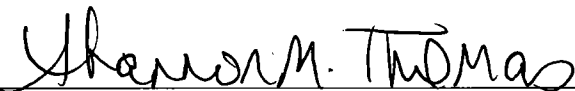
The proposed project is conditioned to comply with the requirement for Transitional Housing Facilities set forth in San Diego Municipal Code section 141.0313, and is not requesting nor requires any deviations from the development regulations. Therefore, with the approval of the Conditional Use Permit, the proposed development will comply with the regulations of the Land Development Code.

**d. The proposed use is appropriate at the proposed location.** As outlined in findings (a), (b) and (c) listed above, the proposed project implements the provisions of the SDMC and will not adversely affect the applicable land use plan. In addition, the existing 61-room hotel has been under utilized for years and the occupancy rates for 2015 was 28.5-percent and 2016 was 30.6-percent. The proposed rehabilitation of the hotel in to a transitional housing facility will provide additional eyes on and toward the public right-of-way to assist in the overall crime prevention of the surrounding community. The project is located in the CC-4-2 Zone, which allows Transitional Housing Facilities with 7 or more persons with a Conditional Use Permit. The project has been conditioned to have various measures in place to ensure the safe operation of the facility. The transitional housing facility will provide an opportunity for at-risk individuals to live in a safe residential environment while helping them develop the skills necessary to live a self-sufficient and independent life. 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 incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 2053090 is granted to THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner/Permittee under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By   
Shannon M. Thomas  
Deputy City Attorney

SMT:als  
11/22/2017  
12/05/2017 Cor. copy  
Or.Dept:DSD  
Doc. No.:1632724\_3

Attachment: Conditional Use Permit No. 2053090

Office of  
The City Attorney  
City of San Diego

MEMORANDUM

**DATE:** December 5, 2017  
**TO:** Myrtle Cole, Council President  
**FROM:** Shannon M. Thomas, Deputy City Attorney  
**SUBJECT:** R-2018-225 – Approving Conditional Use Permit No. 2053090 for Palm Avenue Transitional Housing for The Smart Program – Project No. 569136

ITEM # 204B

12/11/17

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We are submitting a corrected copy of Resolution No. R-2018-225 to reflect the change of ownership from AMANPUR INVESTMENTS LLC, a California Limited Liability, Owner to THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner/Permittee and deleting Condition 11 under Standard Regulations of the Permit.

SMT:als  
Doc. No.: 1640291



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

**WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A**

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INTERNAL ORDER NUMBER: AC1000003-18 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT NO. 2053090  
PALM AVE TRANSITIONAL HOUSING FOR THE SMART PROGRAM -PROJECT  
NO. 569136  
CITY COUNCIL**

This Conditional Use Permit No. 2053090 is granted by the City Council of the City of San Diego to THE CITY OF SAN DIEGO, a California Municipal Corporation, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0305. The 0.98-acre site is located at 1788 Palm Avenue in the CC-4-2 zone within the Otay Mesa-Nestor Community Plan area, the Coastal Height Limitation Overlay Zone, the Coastal Overlay Zone (Appealable Area), the First Public Roadway, and the Parking Impact Overlay Zone (Coastal Impact Area). The project site is legally described as: Lot 2 of Palm Avenue, Subdivision, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 3963, filed in the Office of the County Recorder of San Diego County, September 15, 1958.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner and Permittee to rehabilitate an existing 61 room hotel into a transitional housing facility, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 11, 2017, on file in the Development Services Department. The project shall include:

- a. Rehabilitation of an existing 24,154-square-foot hotel building for the operation of a transitional housing facility that includes substance abuse treatment and supportive services for the tenants of the San Diego Misdemeanants At-Risk Track (SMART) Program, including:
  - 1) 42 transitional housing rooms for men and women containing a total of 84 beds;
  - 2) One manager unit;
  - 3) Multi-use community rooms (floors one and two);

- 4) Administrative offices, meeting and training rooms, reception area, full service kitchens for residents and employees, living and dining rooms, laundry rooms, fitness rooms, locker and storage rooms (floors one and two); and
  - 5) A 916-square foot addition to enclose the existing exterior staircases (floors one and two), which include the creation of a new reception area (Floor one).
- b. Landscaping (planting, irrigation and landscape related improvements);
  - c. Off-street parking; and
  - d. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

**STANDARD REQUIREMENTS:**

1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this Permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this Permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This Permit must be utilized by December 13, 2020.
2. This Conditional Use Permit (CUP) and corresponding use, does not contain an expiration date; however, five (5) years after the commencement of operations for the facility, this CUP and corresponding use, shall be reviewed by the San Diego City Council at a duly noticed public hearing to ensure conformance with the conditions stated herein. Based on testimony received at the hearing, the City Council may consider modifications to, or revocation of, the Permit.
3. 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 Owner/Permittee signs and returns the Permit to the Development Services Department; and
  - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.

5. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
6. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
7. Issuance of this Permit by the City of San Diego does not authorize the Owner/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.).
8. The Owner/Permittee shall secure all necessary building permits. The Owner/Permittee is informed that to secure these permits, substantial building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
9. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited unless appropriate application(s) or amendment(s) to this Permit have been granted.
10. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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.

**CLIMATE ACTION PLAN REQUIREMENTS:**

11. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

**ENGINEERING REQUIREMENTS:**

12. The project does not propose to export material from the project site. If any excavated material is exported, it shall be exported to a legal disposal site in accordance with the Standard Specifications for Public Works Construction (the "Green Book"), 2015 edition and Regional Supplement Amendments adopted by Regional Standards Committee.
13. The drainage system proposed for this development, as shown on the site plan, is private and subject to approval by the City Engineer.
14. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a demo permit for the pool removal.
15. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a current City Standard 25-foot wide driveway, adjacent to the site on Palm Avenue, satisfactory to the City Engineer.
16. Prior to the issuance of any building permit, the Owner/Permittee shall assure, by permit and bond the relocation of the street light adjacent to the site on Palm Avenue to location that allows a four-foot wide ADA compliant sidewalk along the property frontage, to the satisfaction of the City Engineer and Caltrans.
17. The Permittee shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway as shown on panel 06073C2153G of the Federal Emergency Management Agency (FEMA) National Flood Map.
18. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate any construction Best Management Practices (BMPs) necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the SDMC, into the construction plans or specifications.
19. Prior to the issuance of any construction permit the Owner/Permittee shall submit a Water Pollution Control Plan (WPCP). The WPCP shall be prepared in accordance with the guidelines in Part 2 Construction BMP Standards Chapter 4 of the City's Storm Water Standards.

**LANDSCAPE REQUIREMENTS:**

20. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land in accordance with the City of San Diego Landscape Standards, Stormwater Design Manual, and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit "A," on file in the Development Services Department.
21. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall show, label, and dimension 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.

22. Prior to issuance of any building permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents, which are consistent with the Landscape Standards, to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan, on file in the Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)(5).

23. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

24. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed during demolition or construction, the Owner/Permittee shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage.

#### **PLANNING/DESIGN REQUIREMENTS:**

25. Only one transitional housing facility shall be permitted on the lot or premises.

26. All uses, except storage and loading, 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 six feet in height and, provided further, that no merchandise, material or equipment shall not be stored higher than any adjacent fences or walls.

27. 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," on file in the Development Services Department.

28. The facility shall provide living unit accommodations as follows:

- a. Maximum occupancy for a living unit is two persons;
- b. A minimum of 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls;

- c. Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet;
  - d. A minimum of five square feet of living area per bed, not including sleeping space, dining areas, and kitchen areas;
  - e. A minimum of eight square feet of storage area (closet or drawers) per bed; and
  - f. A complete bathroom is required in every living unit, which includes a private shower or bathtub.
29. The Permittee shall operate a multi-use social service center with counseling offices, personal care facilities, case management; service needs assessments and referrals to housing and other on-site or off-site service providers.
30. The Facility shall not operate as a Congregate Meal Facility offering meals to the general public.
31. Only those clients actively participating in the SMART program may utilize the Facility. Furthermore, there are no drop-in services allowed at this facility.
32. The Facility will be open seven days a week, 24 hours a day.
33. The Facility shall provide on-site supervision and security seven days a week, 24 hours a day.
34. A sign shall be posted at the project pedestrian entrance gates, identifying the Facility, listing the services offered and hours of operation, rules of persons entering the Facility, and contact numbers for the Facility and the City of San Diego Neighborhood Code Compliance Department for filing of any complaints.
35. The Permittee shall ensure that patrons, residents, and visitors of the Facility shall comply with the Rules of Conduct (Exhibit 1)
36. A Neighborhood Advisory Committee (Exhibit 2) shall be established by the Permittee to give regular input on the operation of the Facility. The Neighborhood Advisory Committee shall be formed within 30 days of the approval of this Permit and shall consist of representatives of residents, business owners and property owners within a quarter mile radius of the facility, local community, and neighborhood and business organizations. The Neighborhood Advisory Committee shall also include a staff member from the office of the City Council member representing District 8, the San Diego City Attorney's Office, the San Diego Police Department, and a member of the Mayor's office. The Permittee shall meet with the Neighborhood Advisory Committee on a quarterly basis. If an earlier meeting is requested by the Neighborhood Advisory Committee Chair or official members, the Permittee shall reasonably attempt to accommodate the request.
37. The Permittee shall provide the following reports to the Neighborhood Advisory Committee:

- a. Quarterly summary of incidents logged by the private security of the Facility.
  - b. Annual report of compliance with this Permit, including the Communications/Litter Plan, Security Plan, graffiti removal, as well as a summary of incidents as logged by the private security for the Facility, the San Diego Police Department, and private security for adjacent properties if provided. The report shall be distributed to the full Neighborhood Advisory Committee no later than February 1 of the year following the reporting year and shall be discussed at the next scheduled meeting.
38. The Permittee shall strictly enforce the Communications/Litter Plan created to remove litter and maintain communication with the immediate neighborhood (Exhibit 3).
39. The Permittee shall develop and maintain a Security Plan for the Facility. The Security Plan shall be provided to the Neighborhood Advisory Committee for comment and a copy of the final Security Plan shall be available in the on-site Administrative offices. The Security Plan shall contain, at a minimum, the components and provisions as shown in Exhibit 4. The minimum requirements, including, but not limited to, security personnel and video surveillance, shall not be reduced without approval of an amendment to this Permit.
40. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.
41. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

#### **TRANSPORTATION REQUIREMENTS**

42. The automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.
43. Prior to issuance of any building permit, the Owner/Permittee shall remove portion of the existing block and stucco wall which falls within the public right-of-way, to the satisfaction of the City Engineer and Caltrans.
44. Prior to the final inspection of any building permit, the Owner/Permittee shall remove the first twenty (20) feet of green screening from the existing chain link fence (measured from street side), which separates the property from the drainage channel and is perpendicular to the street.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

45. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs], on each water service (domestic, fire and irrigation), in a manner satisfactory to the Public Utilities Director and the City Engineer. BFPDs shall be located above ground on private property, in line

with the service and immediately adjacent to the right-of-way. The Public Utilities Department will not permit the required BFPDs to be located below grade or within the structure.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on December 11, 2017 and Resolution No. \_\_\_\_\_.



Permit Type/PTS Approval No.: CUP 2053090  
Date of Approval: \_\_\_\_\_

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

\_\_\_\_\_  
Jeffrey A. Peterson  
Development Project Manager

**NOTE: Notary acknowledgment  
must be attached per Civil Code  
section 1189 et seq.**

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

**THE CITY OF SAN DIEGO,**  
a California Municipal Corporation  
Owner/Permittee

By \_\_\_\_\_  
Name:  
Title:

**NOTE: Notary acknowledgments  
must be attached per Civil Code  
section 1189 et seq.**

**EXHIBIT 1**

**PALM AVE TRANSITIONAL HOUSING FOR THE SMART PROGRAM  
REGULATIONS AND RULES OF CONDUCT FOR RESIDENTS AND VISITORS**

1. Each resident will sign house rules that are designated to ensure the community's safety and security. Any disruptive behavior in the Facility or around the building will not be allowed, and is grounds for expulsion from the Facility. Behavior that is threatening, violent, or illegal will be referred to the San Diego Police Department.
2. Weapons are not allowed in the Facility.
3. Communal trays, napkins, plates, utensils or food will not be removed from the communal dining areas.
4. Queuing around the outside of the Facility shall not be permitted at any time.
5. Illegal drugs are not allowed in the Facility.
6. Alcohol is not allowed in the Facility.
7. Smoking inside the Facility, except in designated smoking areas, is not allowed.
8. Anyone under 18 years of age must be accompanied by an adult.
9. Belongings may be searched and checked into the storage area should security deem it necessary.
10. All residents of the Facility will be screened by the City Attorney's Office to ensure that they comply with the qualifications for the SMART program, including but not limited to, ensuring that they are not registered sex offenders.

**EXHIBIT 2****PALM AVE TRANSITIONAL HOUSING FOR THE SMART PROGRAM  
NEIGHBORHOOD ADVISORY COMMITTEE**

An advisory committee shall be formed to facilitate appropriate interchange and beneficial collaboration between SMART and the surrounding community. This Neighborhood Advisory Committee shall work with neighborhood residents, businesses, and organizations to develop and recommend strategies that would enhance such interaction. The Neighborhood Advisory Committee will be composed, at a minimum, of one representative from each of the following groups, to be selected by the San Diego City Attorney's Office, via an application process:

1. Business Representative-from a business within ¼ mile
2. Property Owner-owns property within ¼ mile radius
3. Resident-Living within ¼ mile from the Facility
4. South Bay Neighborhood Group
5. Faith Community-from a parish or faith group located in South Bay, San Diego
6. Ad Hoc Members may include:
  - a. Council District 8 Representative
  - b. Mayor's Office Representative
  - c. San Diego City Attorney's Representative
  - d. San Diego Police Department Homeless Outreach Team

The Neighborhood Advisory Committee will be formally established prior to commencement of operations. Neighborhood Advisory Committee meetings shall be hosted and coordinated by the housing provider. The Neighborhood Advisory Committee shall meet on a quarterly basis, at a minimum, and when a meeting is requested by the Chair or official members of the committee. The Neighborhood Advisory Committee shall exist until it is no longer necessary. The purpose of the Neighborhood Advisory Committee shall be to review, evaluate, and provide solutions to improve the interaction between the South Bay Community, focusing on the area approximately a quarter mile from the SMART facility site located at 1788 Palm Avenue.

**EXHIBIT 3****PALM AVE TRANSITIONAL HOUSING FOR THE SMART PROGRAM  
COMMUNICATIONS/LITTER PLAN**

1. The housing provider shall establish, and will strictly enforce Regulations and Rules of Conduct applicable to all persons using the Facility.
2. Personnel shall be provided 24-hours a day for the enforcement of all applicable rules
3. The housing provider shall install 24-hour recorded video surveillance of the site to monitor activity within the Facility and along the sidewalk adjacent to the Facility. Security video shall stream directly to San Diego Police Department (SDPD) vehicles, if possible, and requested by the SDPD. Upgrades to the existing surveillance system as well as installation of additional new surveillance system shall be as needed.
4. Residents and visitors of the Facility shall be prohibited from queuing outside of the Facility.
5. The housing provider shall sign a letter of agency giving the City of San Diego Police Department permission to enter the property as necessary to enforce laws.
6. The housing provider shall provide licensed private security, in good standing with the State of California Bureau of Security and Investigative Services. The housing vendor will provide a minimum of one security guard at the Facility at all times (24-hours).
7. The SMART program will be responsible for trash abatement on the site and within 100 feet of the Facility entrances, and shall keep the area free of graffiti, litter, trash, and other related nuisances.
8. At least twice a day, the housing provider shall inspect the site.
9. The housing vendor shall provide sweeping and litter control for the site.
10. A Neighborhood Advisory Committee shall be established, as set forth in Exhibit 2, to facilitate appropriate interchange and beneficial collaboration between the SMART facility and surrounding community.

**EXHIBIT 4****PALM AVE TRANSITIONAL HOUSING FOR THE SMART PROGRAM  
SECURITY PLAN**

The following Security Plan is designed to provide a minimum set of standards to address exterior site security procedures at 1788 Palm Avenue in context with operating the SMART facility. This plan does not address interior building activities related to security procedures and is designed to be included in a larger and more comprehensive security plan for this project that will be prepared at a future date by the housing provider and its future private security provider.

1. Facility:

The immediate Facility identified as 1788 Palm Avenue is in the South Bay area of San Diego, hereinafter referred to as the "Facility." The Facility is a multistory residential/office building. The Facility is used as a location for interim/bridge housing; drug and alcohol abuse counseling; case management; and other supportive services.

2. Security Contractor:

The housing provider and its successors (hereinafter referred to as "Manager") shall contract with a private security services company, who Security Officers are licensed by the State of California's Bureau of Security & Investigative Services. Such security services (hereinafter referred to as "Contractor") shall provide physical security designed to safeguard employees, residents, visitors, and pedestrians, at and around the Facility. Such Contractor duties shall include and not be limited to the prevention of loss, theft, damage, unauthorized use of the Facility, criminal acts, as well as the maintenance and preservation of the Facility's Rules of Conduct Regulations (Exhibit 1) and the Communications/Litter Plan (Exhibit 3). The Manager will be responsible for maintaining a well-trained and equipped security force, including the hiring of security officers (hereinafter referred to as "Officer"), to provide an effective means for implementing and monitoring the provisions of the Security Plan, explained below.

3. Security Contractor Services:

The Contractor will furnish all labor, supervision, materials, equipment and personnel necessary to provide security services in accordance with the stated requirements below. The Contractor will implement all necessary hiring, scheduling, officer supervision and the implementation of established detailed procedures designed to ensure timely accomplishment of all security service requirements. Officers are responsible for the protection and safety of the Facility, its employees, visitors, and residents.

4. Security Staffing and Duties shall include:

- a. There will be at least one Officer on duty at the Facility at all times during the day, 24 hours a day, 365 days a year.

- b. Security staff Officers will conduct exterior site patrols of the Facility, using standard 45 minute patrols, with 15 minute periods for each hour throughout both the daytime and swing shifts. Foot patrols must be made of the entire exterior Facility boundaries during each 45 minute patrol. These patrols are designed to detect suspicious activity or other kinds of activity that affect the safety, security, and quality of life of the residents, visitors, clients and pedestrians of the area patrolled.
  - c. Officers will observe, report, communicate, and enforce the Rules and Regulations of the Facility as provided by Manager.
  - d. These concerns include the prevention of urinating, vagrancy, sound and site disturbances, etc. Assigned Officers must visually and physically inspect the Facility boundaries and act to prevent a diminishment of quality of life issues for the community.
  - e. The assigned Officer must strictly implement the Conditional Use Permit Communications/Litter Plan around the Facility boundaries at all times and accordance with those provisions.
  - f. The assigned Officer will identify and respond to as necessary and to their ability any potential risks to life, safety, and security to both persons and Facility. The assigned Officer must conduct perimeter security checks for exterior locked doors, windows, or other secured physical facilities conditions.
  - g. The assigned Officer during the course of their duties shall:
    - 1) Not leave their post of patrol for any reason other than an emergency.
    - 2) Remain on continuous patrol when not dealing with an incident.
    - 3) Be well versed with the Facility emergency, life, and safety procedures for the safety of visitors, residents, staff, and others at the Facility.
  - h. If a resident or visitor of the Facility refuses to cooperate with any necessary request to comply with the above Rules and Regulations or other related concerns, the Officer will use necessary means to respectfully and courteously enforce the Facility's security procedures.
5. Video Surveillance:
- a. Security cameras shall be installed and properly kept in good maintenance at every exterior entrance, at each corner of the exterior perimeter of the Facility, interior stairs and elevators, and in the main hall of the multi-service center.
  - b. Officers shall monitor the video cameras. Should an Officer need to leave the video-camera monitors, another staff member trained in security procedures shall provide visual coverage.

- c. Security video-cameras shall be made available to the San Diego Police Department (SDPD) vehicles through a “live-feed,” if possible, and requested by the SDPD.
  - d. Upgrades to the existing surveillance system as well as installation of additional new surveillance system shall be as needed.
6. Reporting and Documentation: Contractor shall ensure that their activities at the Facility are documented and reported and that such documents and reports are keeping in writing at the Facility for Manager’s immediate and periodic review. In addition, Contractor shall maintain records of activity outside of the Facility within its Facility boundaries that include:
- 1) Maintaining a daily activity report providing a detailed daily record report of all security or rules and regulations violations, litter and violations, patrols made, incidents, and other irregular activity or unusual events at the Facility. Included within this report will be all and other noteworthy concerns.
  - 2) Maintaining a detailed contact sheet to report Quality of Life issue violations. Such violations will be identified by name, nature, time of the violation for such visitors, clients and residents of the Facility.
  - 3) Maintaining a monthly activity summary report which summarizes, tracks, and trends each month, the Daily Activity Report and Contact Sheet, as well as other noteworthy security conditions at the Facility.
7. Security Plan/Operating Procedures: A Security Plan and Standard Operating Procedures will be implemented for Facility security, which details the duties and responsibilities for policing the site and adjacent areas.

Passed by the Council of The City of San Diego on DEC 11 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>


Date of final passage DEC 11 2017

**(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)**

AUTHENTICATED BY:

KEVIN L. FAULCONER  
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND  
City Clerk of The City of San Diego, California.

By , Deputy

(Seal)

Office of the City Clerk, San Diego, California

311456

Resolution Number R-\_\_\_\_\_