

ORDINANCE NUMBER O- 21025 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 04 2018

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THE HOUSING NAVIGATION CENTER A PERMITTED USE OF THE SITE LOCATED AT 1401 IMPERIAL AVENUE, SAN DIEGO AND IMPOSING SPECIFIC CONDITIONS ON SUCH USE.

WHEREAS, the prevalence and effects of homelessness are evident in the City of San Diego (City) and it is the stated goal of both the Mayor and City Council to implement various programs and initiatives that provide individuals experiencing homelessness with both supportive and emergency services with the goal of assisting each individual in obtaining permanent housing placement; and

WHEREAS, on January 29, 2018 the City approved the acquisition of a property located at 1401 Imperial Avenue, San Diego, California to serve as the site for the City's first Housing Navigation Center, to provide connections to an array of supportive services and housing opportunities in partnership with varying services providers at the local, county, state, and federal level; and

WHEREAS, as part of the City's efforts to support the creation of a regional crisis response system, the Housing Navigation Center will serve as an entry point to the Coordinated Entry System (CES), provide core services to address housing crisis, and help clients access a range of mainstream services that impact housing stability; and

WHEREAS, a line of established case law states that a public agency is not subject to its own laws, including land use regulations, unless it is expressly included or by necessity included; and

WHEREAS, the Housing Navigation Center is located within the boundaries of the Centre City Planned District Ordinance (CCPDO) and the CCPDO does not specifically state that public projects are subject to its land use regulations; and

WHEREAS, there is no legal requirement for the City to make an explicit assertion in each instance of non-application of land use regulations to a City project, but the City desires to do so in this particular case, which action will negate any implications that the Housing Navigation Center is subject to the CCPDO and the Land Development Code, and for the purpose of voluntarily imposing land use regulations on itself with respect to this specific property; and

WHEREAS, under Charter section 280(a)(2), this ordinance 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 September 18, 2018, 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 ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. That, notwithstanding any provision of the CCPDO or San Diego Municipal Code that may be asserted as evidence to the contrary, the Housing Navigation Center is a permitted use in the CCPDO and requires no land use or development permit by the City or recommendation by the Planning Commission; and

Section 2. That, notwithstanding the non-applicability of land use regulations to this project, the City explicitly imposes on itself the responsibility to abide by the following land use conditions with respect to this project:


- a. Lighting shall be provided to illuminate the interior of the Housing Navigation Center, façade, and adjacent public right-of-way in a manner deemed suitable by the San Diego Police Department to enhance security of the facility;
- b. The Housing Navigation Center and adjacent public right-of-way shall be maintained in a manner that discourages and addresses instances of litter and graffiti; and
- c. Overnight accommodations shall not be permitted.

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 4. That this Ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
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Corrine L. Neuffer  
Deputy City Attorney

CLN:nja  
08/02/18  
Or. Dept: Mayor  
Doc. No.: 1816853

Passed by the Council of The City of San Diego on DEC 04 2018, by the following vote:

| Councilmembers  | Yeas                                | Nays                                | Not Present              | Recused                  |
|-----------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|
| Barbara Bry     | <input type="checkbox"/>            | <input checked="" 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 type="checkbox"/>            | <input checked="" 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 Gómez | <input type="checkbox"/>            | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

Date of final passage DEC 04 2018

AUTHENTICATED BY:

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

(Seal)

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

By Connie Patterson, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

NOV 13 2018, and on DEC 04 2018

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

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

By Connie Patterson, Deputy

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| <p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>21025</u></p> |
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