

ITEM# 3346
10/22/19

(R-2020-138)
REV. COPY

RESOLUTION NUMBER R- 312718

DATE OF FINAL PASSAGE OCT 22 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING COASTAL DEVELOPMENT PERMIT NO. 2326137 AND CONDITIONAL USE PERMIT NO. 2326138, AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 2053090, FOR PALM AVENUE TRANSITIONAL HOUSING - PROJECT NO. 644184.

WHEREAS, the CITY OF SAN DIEGO, a California Municipal Corporation, Owner and Permittee, filed an application with the City of San Diego for a Coastal Development Permit and Conditional Use Permit to amend Conditional Use Permit No. 2053090 for rehabilitation of 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 San Diego 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 City 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 October 22, 2019, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, after the City Council approved Coastal Development Permit No. 2326137 on October 22, 2019, the permit was appealed to the California Coastal Commission. The California Coastal Commission determined that the appeal raised no substantial issue with respect to the grounds on which the appeal had been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act. Therefore, Coastal Development Permit No. 2326137 is final and effective. As a result, the City of San Diego, Development Services Department has determined that Conditional Use Permit No. 2326138, an Amendment to Conditional Use Permit No. 2053090, also remains in full force and effect; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Coastal Development Permit No. 2326137 and Conditional Use Permit No. 2326138:

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

Findings for all Conditional Use Permits:

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 Project rehabilitates an existing 24,154-square-foot 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 rehabilitation of the hotel includes 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 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), and the creation of a new reception area. The improvements 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 has been reconfigured to a total of 25 parking spaces and the remaining areas have been developed as passive open green spaces with new landscaping.

The Project would implement the City's General Plan 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 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 Housing Element 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. 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 hotel includes 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 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 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 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 and 2016 were 28.5-percent and 30.6-percent respectively. There was a high rate of police calls generated at this site due to loitering and alcohol related disturbances. Therefore, the existing hotel was not functioning to its potential as a viable visitor-oriented use. The City also determined that nearby affordable lodging and visitor accommodations were more readily available within the community, including lodging and hotels that are located just west of the Project site, along Palm Avenue, and are closer to the coastal areas and sufficiently meet the visitor-oriented uses needed in the community. These accommodations average vacancy rates for 2014, 2015, and 2016 were 27.8-percent, 24.6-percent and 25.2-percent respectively. Moreover, the Project will provide coastal access housing opportunities to a population that typically would not otherwise be able to afford coastal housing, thereby increasing coastal access for this population.

The Project would implement the goals and policies of the General Plan Housing Element to provide a continuum of housing including 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. Accordingly, the City determined the Project was consistent with the goals set forth in the Community Plan and would not cause any significant impacts to coastal access.

b. The proposed development will not be detrimental to the public health, safety, and welfare. The Project rehabilitates an existing 24,154-square-foot 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 No. 2053090 Exhibit 1) for all patrons, residents, and visitors. A Neighborhood Advisory Committee (Conditional Use Permit No. 2053090 Exhibit 2) shall be established to give regular input on the operation of the Facility. The Neighborhood Advisory Committee has been formed 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 No. 2053090 Exhibit 3). In addition, the facility shall maintain a Security Plan (Conditional Use Permit No. 2053090 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 increases the 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 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 have been reconfigured to a total of 25 parking spaces and the remaining areas will be developed into passive open green spaces with new landscaping, and new designated fire access lanes in the parking lot. On August 2, 2018, the City obtained building permits (including the Electrical, Mechanical, and Plumbing permits) to rehabilitate the existing hotel and the construction phase of the Project is approximately 90-95-percent completed.

The building plans and public improvement plans have been 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 Coastal Development Permit No. 2326137 and Conditional Use Permit No. 2326138, and 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 Project rehabilitates an existing 24,154-square-foot 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 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 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 have been 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 this action includes a Coastal Development Permit. For purposes of SDMC 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 Project is conditioned to comply with the requirement for Transitional Housing Facilities set forth in SDMC 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 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 underutilized for years and occupancy rates for 2015 and 2016 were 28.5-percent and 30.6-percent respectively. There was a high rate of police calls generated at this site due to loitering and alcohol related disturbances. Therefore, the existing hotel was not functioning to its potential as a viable visitor-oriented use. The City also determined that nearby affordable lodging and visitor accommodations were more readily available within the community, including lodging and hotels that are located just west of the Project site, along Palm Avenue, and are closer to the coastal areas and sufficiently meet the visitor-oriented uses needed in the community. In addition, these accommodations average vacancy rates for 2014, 2015, and 2016 were 27.8-percent, 24.6-percent and 25.2-percent respectively. Moreover, the Project will provide coastal access housing opportunities to a population that typically would not otherwise be able to afford coastal housing thereby increasing coastal access for this population. Therefore, the proposed use is appropriate at the proposed location.

B. COASTAL DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0708

Findings for all Coastal Development Permits:

a. The proposed coastal development will not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway identified in a Local Coastal Program land use plan; and the proposed coastal development will enhance and protect public views to and along the ocean and other scenic coastal areas as specified in the Local Coastal Program 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 property is in an area just north of Palm Avenue between the sea and the first public roadway paralleling the sea. The property is located approximately 2.19-miles from the Pacific Ocean and 0.60-miles from the San Diego Bay, and is surrounded by developed properties. The Imperial Sands Mobile Park, a mobile home development, is located to the north and east of the property and commercial development to the west and south of the property. The Project rehabilitates an existing 24,154-square-foot hotel into a 42-room transitional housing facility that provides substance abuse treatment and supportive services for the SMART Program.

The Community Plan's Appendix C (View Corridors and View And Access Points) does not identify Palm Avenue, at this location, as a public view corridor and does not contain intermittent or partial vistas, viewshed or scenic overlooks with views toward the Pacific Ocean, San Diego Bay, Tijuana River Valley or the Otay River Valley. The existing development and rehabilitation of the hotel will not encroach upon any existing physical accessway that is legally used by the public to access the coast, or any proposed public accessway as identified in the Otay Mesa-Nestor Community Plan and the Local Coastal Program Land Use Plan. Furthermore, the Project protects public views to and along the ocean and other scenic coastal areas by maintaining the existing parkways within the public right-of-way, and rehabilitation of the hotel that maintains the existing setbacks of the existing building, which is consistent with the Local Coastal Program land use plan.

b. The proposed coastal development will not adversely affect environmentally sensitive lands. The Project rehabilitates an existing 24,154-square-foot hotel into a 42-room transitional housing facility that provides substance abuse treatment and supportive services for the SMART Program. The site is surrounded by developed properties. The Imperial Sands Mobile Park, a mobile home development, is located to the north and east of the property and commercial development to the west and south of the property. The Project site is not located within or adjacent to the Multiple Habitat Planning Area and does not contain environmentally sensitive lands as defined in SDMC Section 113.0103.

The City of San Diego conducted an environmental review which determined the Project would not have the potential for causing a significant effect on the environment in that the Project is consistent with the community plan and the applicable zone. The Project would not result in any significant environmental impacts. The Project meets the criteria set forth in CEQA Section 15301 (Existing Facilitates) which consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features involving negligible or no expansion of existing or former use. The exceptions listed in 15300.2 would not apply. Therefore, it has been determined that the rehabilitation of the existing hotel would not adversely affect environmentally sensitive lands.

c. The proposed coastal development is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program. As outlined within Conditional Use Permit Finding (A)(1)(a) listed above, the Project is in conformity with the certified Local Coastal Program land use plan and complies with all regulations of the certified Implementation Program.

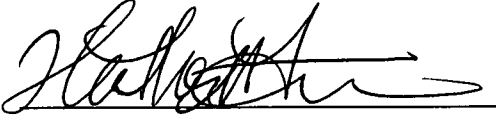
d. For every Coastal Development Permit issued for any coastal development between the nearest public road and the sea or the shoreline of any body of water located within the Coastal Overlay Zone the coastal development is in conformity with the public access and public recreation policies of Chapter 3 of the California Coastal Act. 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 property is in an area just north of Palm Avenue between the sea and the first public roadway paralleling the sea. The property is located approximately 2.19-miles from the Pacific Ocean and 0.60-miles from the San Diego Bay, and is surrounded by developed properties.

The Project rehabilitates an existing 24,154-square-foot hotel into a 42-room transitional housing facility that provides substance abuse treatment and supportive services for the SMART Program. The Project is located on City-owned property and would occur within the previously disturbed and developed portion of the site. The Project would not encroach upon any existing physical accessway that is legally used by the public or any proposed public accessway as identified in the Otay Mesa-Nestor Community Plan and the Local Coastal Program Land Use Plan. Public access to the water, public recreation facilities, or public parking facilities would not be adversely affected by the approval of this Project. Therefore, the Project complies with the public access and recreation policies of Chapter 3 of the California Coastal Act.

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 Coastal Development Permit No. 2326137 and Conditional Use Permit No. 2326138 (amending 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 
Heather M. Ferbert
Deputy City Attorney

HMF:soc
09/25/19
12/17/19 Rev. Copy
Or.Dept:DSD
Doc. No.: 2179991_2

Attachment: Coastal Development Permit No. 2326137 and Conditional Use Permit
No. 2326138

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

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

INTERNAL ORDER NUMBER: S-18003.06.02 SPACE ABOVE THIS LINE FOR
RECORDER'S USE

**COASTAL DEVELOPMENT PERMIT NO. 2326137
CONDITIONAL USE PERMIT NO. 2326138
PALM AVE TRANSITIONAL HOUSING -PROJECT NO. 644184
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 2053090)
CITY COUNCIL**

NOTE: After the City Council approved Coastal Development Permit No. 2326137 on October 22, 2019, the permit was appealed to the California Coastal Commission. The California Coastal Commission determined that the appeal raised no substantial issue with respect to the grounds on which the appeal had been filed under Section 30603 of the Coastal Act regarding consistency with the certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act. Therefore, Coastal Development Permit No. 2326137 is final and effective. As a result, the City of San Diego, Development Services Department has determined that Conditional Use Permit No. 2326138, an Amendment to Conditional Use Permit No. 2053090, also remains in full force and effect.

This Coastal Development Permit No. 2326137 and Conditional Use Permit No. 2326138, an Amendment to 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 and Permittee, pursuant to San Diego Municipal Code (SDMC) Sections 126.0305 and 126.0708. 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 October 22, 2019, on file in the Development Services Department.

The project shall include:

- a. Amendment to Conditional Use Permit No. 2053090 to add the Coastal Development Permit;
- b. 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).
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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:

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 OCT 22 2022.

1. This Coastal Development Permit shall become effective on the eleventh working day following receipt by the California Coastal Commission of the Notice of Final Action or following all appeals.

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.

DEVELOPMENT REQUIREMENTS:

11. All of the conditions contained in Conditional Use Permit No. 2053090 shall remain in effect.

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 October 22, 2019, and by Resolution No. R-312718.

Permit Type/PTS Approval No.: CDP No. 2326137
and CUP No. 2326138
Date of Approval: OCT 22 2019

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager
Development Services Department

**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
Permittee

By _____
Name:
Title:

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

Passed by the Council of The City of San Diego on OCT 22 2019, 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"/>
Jennifer Campbell	<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"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 22 2019.

(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.

(Seal)

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

By Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 312718