

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
TUESDAY, NOVEMBER 19, 2002  
AT 9:00 A.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

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## CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor Murphy at 10:04 a.m. The meeting was recessed by Mayor Murphy at 11:14 a.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 11:25 a.m. with all Council Members present. Mayor Murphy recessed the meeting at 11:54 a.m.

The meeting was reconvened by Mayor Murphy at 2:05 p.m. with all members present. Mayor Murphy recessed the meeting at 3:18 p.m. for the purpose of a break. Mayor Murphy reconvened the meeting at 3:33 p.m. with all Council Members present. Mayor Murphy recessed the meeting at 5:24 p.m. for the purpose of a break with all Council Members present. Mayor Murphy reconvened the meeting at 5:42 p.m. with all Council Members present. Mayor Murphy adjourned the meeting at 6:19 p.m.

## ATTENDANCE DURING THE MEETING:

- (M) Mayor Murphy-present
  - (1) Council Member Peters-present
  - (2) Council Member Wear-present
  - (3) Council Member Atkins-present
  - (4) Council Member Stevens-present
  - (5) Council Member Maienschein-present
  - (6) Council Member Frye-present
  - (7) Council Member Madaffer-present
  - (8) Council Member Inzunza-present
- Clerk-Abdelnour/Lane/Fishkin (er/gS)

FILE LOCATION:

MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Wear-present
- (3) Council Member Atkins-present
- (4) Council Member Stevens-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

NON-AGENDA COMMENT:

PUBLIC COMMENT-1: **Referred to the City Manager**

Don Stillwell commented regarding reimbursement versus purchasing of Charger tickets.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:10 a.m. - 10:15 a.m.)

PUBLIC COMMENT-2: **Referred to the City Manager**

Catherine Strohlien commented regarding excessive liquor licenses issued in Pacific Beach.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:15 a.m. - 10:18 a.m.)

PUBLIC COMMENT-3:

Al Strohlein commented on the Airport Authority.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:18 a.m.- 10:21 a.m.)

PUBLIC COMMENT-4: **Referred to the City Manager**

Uvaldo Martinez requested that the Skate World matter be discussed in committee.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:22 a.m.- 10:25 a.m.)

PUBLIC COMMENT-5: **Referred to the City Manager**

James Lambert thanked the City Attorney's office for enforcing zoning laws in relation to F Street Book Store in Pacific Beach and Pt. Loma. Mr. Lambert requested that the City enact Internet filters at the public library to protect children from pornography.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:26 a.m.- 10:28 a.m.)

PUBLIC COMMENT-6:

Kennan Kaeder requested that he be allowed to make comments regarding election day activities in Council District 4.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:28 a.m.- 10:30 a.m.)

PUBLIC COMMENT-7:

Lise Marquis commented on the link between medical marijuana use and illegal drug use by youths.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:30 a.m.- 10:32 a.m.)

PUBLIC COMMENT-8:

Lori Saldana invited Council Members to attend a public meeting regarding the long term master plan for the development of Tijuana/Rosarito water and sewer facilities.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:32 a.m.- 10:35 a.m.)

PUBLIC COMMENT-9:

Sigmund Weitzman commented regarding the condition and repair of city sidewalks and the hardship torn sidewalks create for disabled citizens.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:35 a.m. - 10:38 a.m.)

PUBLIC COMMENT-10:

Ethan Logan requested that he be allowed to make comments regarding election day activities in Council District 4.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:38 a.m.- 10:40 a.m.)

PUBLIC COMMENT-11:

Alex Leondis commented on the 30-foot height limit and improving air quality and water pollution.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:40 a.m.- 10:44 a.m.)

PUBLIC COMMENT-12:

Joyceline Tarr commented on homeless people and making repairs to the City's streets and sidewalks.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:44 a.m.- 10:47 a.m.)

PUBLIC COMMENT-13:

Martin Chevalier commented on the needle exchange program in North Park.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:47 a.m.- 10:50 a.m.)

PUBLIC COMMENT-14:

John McNab commented on the Naval Training Center.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:50 a.m.- 10:53 a.m.)

PUBLIC COMMENT-15:

Maggie Valentine commented on Council's policy regarding public lands.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 10:53 a.m.- 10:57 a.m.)

COUNCIL COMMENT:

COUNCIL COMMENT-1:

Council Member Wear honored selected City employees for providing outstanding services in Council District 2.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 10:57 a.m.- 11:04 a.m.)

COUNCIL COMMENT-2:

Council Member Atkins announced the 21<sup>st</sup> anniversary of the City Heights Development Corporation.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:04 a.m.- 11:06 a.m.)

COUNCIL COMMENT-3:

Deputy Mayor Stevens announced that the Inn at Torrey Pines was the first hotel in San Diego to receive a 5-Star award. Mr. Stevens also commented on police officers' raises and the election day allegations.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:06 a.m.- 11:08 a.m.)

COUNCIL COMMENT-4:

Council Member Madaffer commented on the planting of trees in Fox Canyon and Rolando.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:09 a.m.- 11:11 a.m.)

COUNCIL COMMENT-5:

Mayor Murphy commented on the planting of trees.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 11:11 a.m.- 11:12 a.m.)

CITY ATTORNEY COMMENT:

None.

CITY MANAGER COMMENT:

None.



ITEM-330: San Diego Rescue Mission.

Matter of approving, conditionally approving, modifying or denying an application for a Conditional Use Permit (CUP) to amend CUP No. 90-1053 to convert an existing six-story hospital building into a 416-bed Transitional Housing Program and Residential Care Facility; Homeless Facilities including Congregate Meal Facilities to accommodate up to 250 persons daily; Emergency Shelter to accommodate 60 women and children per night; and incidental uses such as office, reception, kitchen, training rooms, recreation areas, and a three-story 77-space parking structure and a three-story 122-space parking structure. The project is located at 120 Elm Street, between First and Second Avenues and the adjacent parking structure is located at 1840 First Avenue, between Elm and Fir Streets.

(See City Manager's Report CMR No. 02-263. MND-41-0900/MMRP/CUP-8673/Amending CUP-90-1053. Uptown Community Plan area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the resolution in subitem A and adopt the resolution in subitem B to grant the permit with conditions:

Subitem-A: (R-2003-650) ADOPTED AS RESOLUTION R-297362

Adoption of a Resolution certifying that the information contained in Environmental Mitigated Negative Declaration LDR No. 41-0900 has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), that the declaration reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in the report, together with any comments received during the public review process, has been reviewed and considered by this Council in connection with the approval of the amendment of Conditional Use Permit No. 90-1053 for the San Diego Rescue Mission;

That the City Council finds that project revisions now mitigate potentially significant effects on the environment previously identified in the Initial Study and therefore, that the Mitigated Negative Declaration is approved;

That pursuant to California Public Resources Code section 21081.6, the City Council adopts the Mitigation Monitoring and Reporting Program, or alterations to implement the changes to the project as required by this body in order to mitigate or avoid significant effects on the environment;

That the City Clerk is directed to file a Notice of Determination [NOD] with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

Subitem-B: (R-2003- ) GRANTED PERMIT AS AMENDED, ADOPTED AS RESOLUTION R-297363

Adoption of a Resolution granting or denying Conditional Use Permit No. 8673, with appropriate findings to support Council action.

**OTHER RECOMMENDATIONS:**

Planning Commission:

Transitional Housing and Residential Care Facilities are Residential Separately Regulated Uses. Pursuant to Section 141.0313 for Transitional Housing, they may be permitted with a Conditional Use Permit, decided in accordance with Process Five within the zone. **Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to Transitional Housing facilities.**

Homeless Facilities, including Congregate Meal Facilities and Emergency Shelters are Institutional Separately Regulated Uses. Pursuant to Section 141.0412(b) for Congregate Meal Facilities, they may be permitted with a Conditional Use Permit, decided in accordance with Process Four within the zone. Pursuant to Section 141.0412(c) for Emergency Shelters, they may be permitted with a Conditional Use Permit, decided in accordance with Process Five within the zone. **Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to Emergency Shelters facilities.**

The Uptown Planners Community Planning Group- on June 11, 2002, the Uptown Planners voted 9-5-0 to recommended denial of the request.

Centre City Advisory Committee Recommendation - On June 5, 2002, the Centre City Advisory Committee voted 16-6-0 to support the project subject to conditions.

The Housing Action Network Recommendation - On October 1, 2002, the Housing Action Network voted to support the project subject to conditions.

Downtown San Diego Partnership Recommendation - On September 24, 2002, the Downtown San Diego Partnership voted 16-8 to support the project subject to conditions.

Little Italy Association - On May 18, 2001, the Little Italy Association voted 17-0 not to support the project.

East Village Association - The East Village Association voted to support the project.

**CITY MANAGER SUPPORTING INFORMATION:**

The San Diego Rescue Mission currently operates its men's program and women and children's program in separate facilities in the East Village area. The proposal is to relocate the existing programs into one facility.

The project site lies within the NP-3 (Neighborhood Professional) Zone of the Mid-City Communities Planned District Ordinance, the Airport Approach Overlay Zone and the Airport Environs Overlay Zone, and is located within the Uptown Community Planning area. The site is located at 120 Elm Street, between First and Second Avenues and the adjacent parking structure is located at 1840 First Avenue, between Elm and Fir Streets.

The applicant's proposal is to amend the existing CUP to convert the existing six-story hospital building into: a 416-bed Transitional Housing and year-long Residential Care Facility; Homeless facilities that include a Congregate Meal Facilities for up to 250 persons daily; an Emergency Shelter to accommodate 60 women and children nightly; incidental uses such as offices, reception, kitchen, training rooms, recreation areas, and a three story 77-space parking structure and a three-story 122-space parking structure.

**FISCAL IMPACT:** None.

Pursuant to Section 112.0203(b) of the Land Development Code, Processing fees or deposits for Conditional Use Permits are waived for non-profit institutions or organizations who have qualified for federal tax benefits. The cost associated for processing the project are paid from the General Fund non-profit Job Order No. 3220.

Ewell/Christiansen/JAP

**LEGAL DESCRIPTION:**

The project site is located at 120 Elm Street, between First and Second Avenues; and at 1840 First Avenue, between Elm and Fir Streets, in the Uptown Community Planning Area and is more particularly described as Lots D through L of Block 224; and Lots I through K of Block 223 of Horton's Addition.

FILE LOCATION: LUP-San Diego Rescue Mission 11/19/02 (65)

COUNCIL ACTION: (Time duration: 11:25 a.m. - 11:54 a.m.; 2:06 p.m. - 6:17 p.m.)

Testimony in opposition by Tom Dizinno, Marco L. Mandri, Fairleigh Moore, Greg Maslak, Ruben Andrews, James Brown, Domenic Brunetto, Mario Cefalu, Steve Davis, Tom Fat, Jennifer Gaghen, Michael Galasso, John Graham, Charles Granger, Joe Grasela, Clint Griffin, Bill Hinchy, Paul De La Houssaye, Pasquale Ioele, Diana Kiser, Jim Kelley- Markham, Molly Maslak, Anthony Maslak, Kirk McKinley, Warren Nocon, Karen Ocorr, Louis Palestini, Alex Sachs, Michelle Schietinger, Frank Stiriti, Scott Tillson, Dan Whitaker, and Donald Worley.

Testimony in favor by Lynne Heidel, Jim Jackson, James Milliken, George Mitrovich, David Watson, Adrienne Baker, Richard Alderson, Natalee Aronson, Kay Kay Baldwin, Dewayne Biggs, Laurie Black, Leonard Blackwell, Father Joe Carroll, Richard Lee Cheney, Christopher Clark, Pete Contreras, Christopher Crooks, John Cunningham, Arthur Dickey, Sister Raymonda Duvall, Kim Elliot, Shari Finney, Sandy Goodkin, Lothair Green, Ron Harper, Doug Harvey, Fran Howard, Jimmy Hubbard, Lavette Hutchinson, Caryl Iseman, Rosemary Johnston, Eric Knowles, Marjorie Larson, James Justus, Steve Marietti, Savina Martin, Paul McNeil, and Pastor Gregory Morgan.

MOTION BY WEAR TO ADOPT THE RESOLUTION IN SUBITEM A AND TO ADOPT THE RESOLUTION IN SUBITEM B TO GRANT THE PERMIT WITH THE FOLLOWING AMENDMENTS:

- A. THE HOURS OF OPERATION FOR THE BREAKFAST MEAL SERVICE SHALL BE FROM 5:00 A.M. UNTIL 7:00 A.M. BREAKFAST SHALL BE SERVED NO MORE THAN THREE DAYS IN ANY WEEK AND NO MORE THAN TWO DAYS IN A ROW. THIS IS INITIALLY.
- B. THE NUMBER OF PERSONS SERVED IN THE INITIAL BREAKFAST MEAL SERVICE SHALL BE LIMITED TO 50 PER DAY.

- C. CLOTHING DISTRIBUTION AND PERSONAL HYGIENE SERVICES WILL BE PROVIDED NO MORE THAN THREE DAYS PER WEEK FROM 9:30 A.M. TO 11:30 A.M.
- D. THE NUMBER OF PERSONS SERVED IN THE CLOTHING DISTRIBUTION AND PERSONAL HYGIENE SERVICE SHALL NOT EXCEED 25 PERSONS PER DAY.
- E. THE BREAKFAST PROGRAM SHALL BE LIMITED TO A MAXIMUM OF 250 GUESTS AND FIVE DAYS PER WEEK SUBJECT TO THE FOLLOWING PHASING SCHEDULE:
  - 1) WITHIN THE FIRST NINE MONTHS OF OPERATION OF THE BREAKFAST PROGRAM, BREAKFAST MAY BE SERVED NO MORE THAN THREE DAYS PER WEEK TO NO MORE THAN 50 GUESTS PER DAY. AFTER THIS NINE MONTH PERIOD, THE DEVELOPMENT SERVICES DEPARTMENT WILL REVIEW THE APPLICANT'S COMPLIANCE WITH THE TERMS OF THE C.U.P. RELATING TO THE BREAKFAST PROGRAM/CONGREGATE MEAL FACILITY. THE REVIEW BY THE DSD MAY INCLUDE A REPORT FROM THE NEIGHBORHOOD ADVISORY COMMITTEE.
  - 2) IN THE EVENT THAT THE DEVELOPMENT SERVICES DEPARTMENT DETERMINES THE APPLICANT HAS COMPLIED WITH THE TERMS OF THE C.U.P. RELATING TO THE BREAKFAST PROGRAM/CONGREGATE MEAL FACILITY, THE NUMBER OF GUESTS MAY BE INCREASED TO NO MORE THAN 75 GUESTS FOUR DAYS PER WEEK. AFTER NINE MONTHS, THE DEVELOPMENT SERVICES DEPARTMENT WILL REVIEW THE APPLICANT'S COMPLIANCE WITH THE TERMS OF THE C.U.P. RELATING TO THE BREAKFAST PROGRAM/CONGREGATE MEAL FACILITY. THE REVIEW BY THE DSD MAY INCLUDE A REPORT FROM THE NEIGHBORHOOD ADVISORY COMMITTEE.
  - 3) THE SAME TERMS, INCREASING TO 100 GUESTS AT FIVE DAYS PER WEEK, WITH TWO OF THE 5 DAYS TO BE A SATURDAY AND SUNDAY.
  - 4) AFTER THE 3<sup>RD</sup> NINE MONTH PERIOD, THE NUMBER OF GUESTS MAY BE INCREASED NO MORE THAN 175 GUESTS 5 DAYS A WEEK FOLLOWING A PUBLIC NOTICED HEARING BEFORE THE CITY COUNCIL. THE PUBLIC HEARING SHALL BE LIMITED TO A

DETERMINATION THAT THE APPLICANT HAS COMPLIED WITH THE TERMS OF THE C.U.P. IN THE EVENT THAT THE CITY COUNCIL DETERMINES THAT THE APPLICANT HAS COMPLIED WITH THE TERMS OF THE C.U.P., THE NUMBER OF GUESTS MAY BE INCREASED TO 175. IN THE EVENT THAT THE CITY COUNCIL DETERMINES THE APPLICANT HAS VIOLATED THE TERMS OF THE C.U.P., THE NUMBER OF GUESTS MAY NOT BE INCREASED AND THE MATTER MAY BE SET FOR A REVOCATION HEARING.

- 5) AFTER THE 4<sup>TH</sup> 9 MONTH PERIOD, THE NUMBER OF GUESTS MAY BE INCREASED TO NO MORE THAN 250 GUESTS 5 DAYS A WEEK FOLLOWING A PUBLIC HEARING NOTICED BEFORE THE CITY COUNCIL. THE PUBLIC HEARING SHALL BE LIMITED TO A DETERMINATION THAT THE APPLICANT HAS COMPLIED WITH THE TERMS OF THE C.U.P. IN THE EVENT THAT THE CITY COUNCIL DETERMINES THAT THE APPLICANT HAS COMPLIED WITH THE TERMS OF THE C.U.P., THE NUMBER OF GUESTS MAY BE INCREASED TO 250. IN THE EVENT THAT THE CITY COUNCIL DETERMINES THE APPLICANT HAS VIOLATED A TERM OF THE C.U.P., THE NUMBER OF THE GUESTS MAY NOT BE INCREASED AND THE MATTER MAY BE SET FOR A REVOCATION HEARING.

NOTHING IN THIS SECTION SHALL SUPERSEDE THE CITY'S AUTHORITY TO REVOKE THE PERMIT FOR VIOLATIONS OF THE CONDITIONS AT ANY TIME.

THE APPLICANT SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH MONITORING THE COMPLIANCE WITH THIS PERMIT.

ACCEPT COUNCIL MEMBER ATKINS' AMENDMENT TO ADD A MEMBER OF THE BALBOA PARK COMMITTEE TO THE NEIGHBORHOOD ADVISORY COMMITTEE.

Second by Madaffer. Passed by the following vote: Peters-yea, Wear-yea, Atkins-yea, Stevens-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

NON-DOCKET:

None.

ADJOURNMENT:

The meeting was adjourned by Mayor Murphy at 6:18 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 6:18 p.m.)