

DATE ISSUED: November 23, 2005 REPORT NO. 05-228

ATTENTION: Honorable Mayor and City Council
Docket of November 29, 2005

SUBJECT: Volunteers of America, Project No. 76767, Council District 2, Process 5

OWNER/
APPLICANT: WHITEWATER INVESTMENT GROUP, LLC; a Limited Liability
Company, Owner, and VOLUNTEERS OF AMERICA, a California Non-
Profit Corporation, Permittee

SUMMARY

Issues - Should the City Council approve a Coastal Development Permit, Conditional Use Permit, and Planned Development Permit to convert two adjoining existing commercial structures to accommodate a Transitional Housing and Residential Care Facility and treatment center, including pretreatment, detoxification, education and long-term residential care?

Staff Recommendations:

1. CERTIFY Mitigated Negative Declaration No. 76767 and ADOPT Mitigation Monitoring and Reporting Program (MMRP);
2. APPROVE Coastal Development Permit No. 238780;
3. APPROVE Conditional Use Permit No. 238781;
4. APPROVE Planned Development Permit No. 238782.

Planning Commission Recommendation – Land Development Code Section 141.0313,

'Transitional Housing Facilities', does not require a Planning Commission recommendation in accord with a Process 5 City Council decision.

Community Planning Group Recommendation – The Pacific Beach Community Planning Committee and their Commercial Subcommittee considered this project application at numerous community meetings open to all interested parties. On October 24, 2005, the Pacific Beach Community Planning Committee voted unanimously to deny the proposed project. The Community Planning Committee's position is described within the DISCUSSION section of this report.

Other Recommendations - None

Environmental Review – A MITIGATED NEGATIVE DECLARATION, LDR No. 76767, has been prepared for the project in conformance with State of California Environmental Quality Act (CEQA) Guidelines. A Mitigation Monitoring and Reporting Program (MMRP) has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified in the environmental review process.

Fiscal Impact Statement: All costs associated with the processing of this project application are paid from a deposit account maintained by the applicant.

Code Enforcement Impact – None with this action

Housing Impact Statement - The subject site is designated Regional Commercial in the Pacific Beach Community Plan and zoned Community Commercial (CC-4-2), which allows for a range of commercial uses and residential if part of a mixed-use project. The proposed project includes the conversion of two existing commercial buildings to a Transitional Housing/Residential Care Facility for alcohol and drug rehabilitation. The facility will provide for the residential care of approximately 160 clients. No new residential units are proposed with this project, although the facility will provide short- and long-term living accommodations for up to 160 clients.

Water Quality Impact Statement - The project's post development runoff will be unchanged from the existing condition. Runoff is collected by a private drainage system and conveyed to the public drainage system. There will be no new construction exterior to the building. During construction, this project will comply with Best Management Practices (BMP's) through preparation of a Water Pollution Control Plan (WPCP) in conjunction with the building plans. The WPCP will identify all BMPs to be implemented during the construction phase to reduce/eliminate discharges of pollutants into the public drainage system.

BACKGROUND

The project site consists of two existing structures that adjoin each other and are addressed as 3565 and 3567 Del Rey Street, on the east side between Bunker Hill and Glendora Streets within

the CC-4-2 zone, Coastal Overlay Zone (non-appealable area), Coastal Height Overlay Zone and within the boundaries of the Pacific Beach Community Plan area. The site abuts the right-of-way of the Interstate 5 Freeway and the area of the site is 24,709 square-feet. The northerly of the two structures on site is a two-story building developed as a restaurant that has been closed to the general public for a number of years, and the southerly structure is a three-story medical office building. The restaurant has a surface parking lot on the north side and the medical office building has parking on the lower level below the office areas.

The former Mission Bay Hospital is to the north and currently used as a research center. The immediate property to the south is a parking lot for the Kaiser medical office building lying across Del Rey Street to the west. The extended immediate neighborhood is a mix of older residential uses, an under-construction mixed use project with commercial uses on the ground level and residential (including affordable units) on the upper floors, and other commercial uses. Mission Bay Drive, two blocks to the west, is a main entry and exit boulevard to the north- and southbound Interstate 5 lanes and to the Pacific Beach community. New and used car dealerships predominate the commercial strip on Mission Bay Drive with additional car repair shops, gas stations and smaller strip mall style commercial uses.

DISCUSSION

Community Plan Analysis:

The Pacific Beach Community Plan designates the Mission Bay Drive Commercial area for multiple commercial uses including visitor-serving and regional-serving commercial uses, which allow for a mix of larger-scale retail, wholesale, commercial service, hotel and business and professional office uses. The subject site is located in the area designated for Regional Commercial use which identifies appropriate uses as large-scale retail, such as automobile dealerships, and small scale retail such as hotels and restaurants (Land Use Map Attachment No. 2). Existing uses in the Mission Bay Drive Commercial area include primarily auto-oriented commercial as well as residential. In the vicinity of the project site, uses include the San Diego Science Center, medical offices, an automobile dealership, single and multi-family residential, and a new mixed-use project under construction (Surrounding Uses Attachment No. 3). The community plan recommends zones to implement planned land use and the existing Community Commercial (CC-4-2) zone implements the Regional Commercial land use designation. The proposed Transitional Housing Facility is permitted within the CC-4-2 zone by a Conditional Use Permit. The proposed project would convert two existing commercial buildings to a Transitional Housing facility for alcohol and drug rehabilitation which will be comprised of both short- and long-term residential care. Additional functions on site include an inebriate reception center, education and counseling services. The project proposes minimal new construction consisting of the enclosure of some existing parking to create dining facilities. The proposed use of the site as a Transitional Housing/Residential Care Facility permitted by a Conditional Use Permit does not adversely impact the Pacific Beach Community Plan.

The Pacific Beach Community Plan also contains design objectives for new commercial developments: these include façade articulation, utilization of alley access, enhancement of pedestrian activity, and a policy to limit the impact of new commercial development on adjacent residential. The subject site is also located within the Mission Bay Drive transit corridor and new development is required to incorporate Transit-Oriented Development Standards. Minimal new

construction is proposed with the project; the commercial and transit-oriented design objectives are inapplicable to the existing buildings and apply to the new construction only. However, the project is incorporating streetscape design features in conformance with the community plan. New street trees and landscaping will be installed along the street frontage which will improve the street atmosphere along Del Rey and Bunker Hill Streets.

Project Analysis:

The applicant, Volunteers of America (VOA), has an existing facility at 1111 Island Avenue within the East Village and Ballpark area of downtown San Diego. The current site is occupied under a lease arrangement that will expire as the ownership of the block changes hands and a new development is anticipated within this rapidly changing neighborhood.

The site and improvements at the 3565 and 3567 Del Rey addresses, became available and, with minor modifications, meets the needs of this organization. The VOA has applied for a Conditional Use Permit to convert the existing restaurant and office buildings to a residential care facility and treatment center encompassing a full range of treatment and recovery services, including pretreatment, detoxification, education and long-term residential care for alcoholics and drug users. A Coastal Development Permit is required due to an intensification of use on the site defined by an increase in the amount of on-site parking required for the change of uses. A Planned Development Permit is also required in order to request deviations for a rear-yard setback for a stairway, reduced parking on-site satisfied through a 'shared-parking agreement' for a site(s) in the immediate area, and for a reduction in the sleeping and storage area required for a resident.

The two existing structures have a combined square-footage of 33,022 square-feet comprised of 24,422 square-feet of habitable area and 8,600 square-feet of parking. In order to accommodate the functions and needs for the VOA, a portion of the parking area below the medical office structure will be converted to a common dining area, an elevator and other accessible entries and routes will be created, an internal connection will be created between the restaurant and medical office building areas, and other modifications made. The net result will be a reduction in the parking area of 1,694 square-feet to a total of 6,906 square-feet, an increase to the restaurant structure of 1,171 square-feet for a total of 6,347 square-feet, and an increase to the medical office structure of 1,296 square-feet for a total of 29,142 square-feet. The new total combined square-footage is 42,395 square feet, and the new habitable figure is 35,489 square-feet.

The former restaurant building area would be occupied by a dining facility, offices for the entire operation of the project, and a sober service drop-off area referred to as an Inebriate Reception Center or IRC. The more spacious southerly building area would consist of the residential housing area for the detoxification program, a Sobriety house for longer term treatment, and a recovery home operation. The space will be modified to provide dorm style sleeping with personal areas, restrooms, a laundry, indoor recreational areas, and additional office areas for this program. There will also be group meeting areas for this program, and the holding of Alcoholics Anonymous meetings.

Deviations:

The Planned Development Permit is required to accommodate deviations to a rear-yard setback for a stairway, reduced parking on-site (allowing a shared parking agreement to provide required parking off-site), residential open space, and a deviation to the minimum required personal sleeping and storage area per resident.

The rear-yard encroachment accommodates an ingress and egress to the facility for required access and safety.

The sites are previously fully developed and the higher required parking cannot be provided on-site. The Land Development Code provides for a shared parking agreement acceptable to the City of San Diego for off-site parking that meets certain criteria. The applicant is in the process of negotiating and securing agreements with the San Diego Science Center (former Mission Bay Hospital) immediately to the north, Kaiser Permanente which has the Medical Office Building directly across the street to the west, and a parking lot adjacent to the VOA Facility on the south.

The residential open space is intended for residential dwelling units such as single-family homes and apartment/condominium complexes, and was not intended for this type of facility.

The existing facility, with all modifications required to meet the needs of this operation, cannot meet the minimum 78 square-feet of sleeping and storage space per resident, and the deviation to permit 54 square-feet of space allows a beneficial program to continue without detriment to the residents of the program. The facility is subject to State of California licensing and has only 47 square-feet of sleeping and storage space per resident at their existing State licensed facility. Additionally, where City regulations require another 5 square-feet of shared living area, the proposed facility is providing 23 square-feet per resident. City staff believes that the increase of 7 square-feet of sleeping area, the increased living area square-footage, and the space allocated to the group programs justifies the granting of this deviation. The existing Volunteers of America facility has not experienced any negative impacts associated with the current 47 square-feet of sleeping and storage area.

A Traffic Study has concluded that this change of use would generate fewer traffic trips overall and fewer trips for both the A.M. and P.M. peak periods than the existing prior uses, and that the traffic impact to local streets will be reduced overall. Eight of the existing parking spaces on-site on the ground level of the former medical office building will be converted to a communal dining hall to the persons enrolled in the program. With this conversion, 47 parking spaces remain on-site for the daily regular needs of the facility, and the shared parking agreements provide for the additional 20 off-site parking spaces required for the one weeknight and one weekend meeting scheduled for the Alcoholics Anonymous meetings. The 67 total required parking spaces for all uses of the facility will then be satisfied by a combination of on- and off-site parking as permitted by the Land Development Code. Should this use be discontinued at this location, a reconversion plan would restore these eight parking spaces, and allow for a permitted commercial use to utilize the site.

The Shared Parking Agreement currently being negotiated includes parking areas owned by the San Diego Science Center immediately to the north, and with Kaiser Permanente directly across the street. The Shared Parking Agreement is only required to satisfy the need for the 20 additional parking spaces for the two Alcoholics Anonymous meetings held after business hours on one weekday evening and one mid-afternoon weekend day. If the Alcoholics Anonymous

meetings were deleted from the requested Conditional Use Permit, no Shared Parking Agreements would be necessary. The City Engineer must approve any Shared Parking Agreement, and those parking spaces must be within 600-feet of the development, and shall not be required by that period of time covered in the agreement. Permit Condition No. 17 requires that the Shared Parking Agreement be approved by the City Engineer prior to occupancy of the facility.

Pacific Beach Community Planning Committee:

On October 24, 2005, the Pacific Beach Community Planning Committee voted unanimously to deny the proposed project based on the following rationale:

Background: The Pacific Beach Community Planning Committee (PBCPC) acknowledges the importance of the San Diego Alcohol and Drug Services Center as a County-wide resource for sobering services, detoxification and long term residential care. We accept that the Pacific Beach community as well as all San Diego County communities, need to participate in the relocation of this center. Our planning committee members along with other community leaders and residents have spent many hours of volunteer time studying the proposal, visiting the site and holding public meetings with city staff, the contracting organization, Volunteers of America, their lobbying firm, Public Solutions, and their design service, Project Design Consultants.

The proposed use is unacceptable and there are no enforceable conditions to mitigate the negative impact of this use.

- A. The PB Community Plan does not allow for a residential care facility, transitional housing facility nor inebriate recovery center (IRC) in this area. Recent projects in the neighborhood, namely The San Diego Science Center and the Markey Mixed Use Building have established the future direction of this area and they are in compliance with the community plan.
- B. Short-term inebriate hold and release (IRC) is not an allowed use in zone CC-4-2.
- C. There are no resource linkages in the surrounding community to provide for the needs of persons arriving at the center and not able to enter (i.e. those on the waiting list or not meeting criteria), or for those leaving the center during treatment or after treatment. Responsible planning requires services for homeless, mentally ill, meal programs and additional police enforcement. There will be a negative impact to the surrounding neighborhood and Pacific Beach community due to additional persons in the community needing such resources.
- D. The proposed use is in conflict with the surrounding neighborhood. Del Rey Street is predominately residential, beginning approximately 50 feet away from the proposed site and continuing for the length of the street. A High School, Elementary School and Youth Field are located nearby.

Although the above stated reasons are justification for denial **additional project elements are also cause for denial.**

- A. Municipal code 141.0312 (d and g) requires 78 square foot of sleeping and storage area per resident in a “drug and alcohol rehabilitation and recovery facility”. The project proposes approximately 54 square foot per resident for sleeping and storage. There is no justification for this deviation, and it creates substandard living conditions, and increased density.
- B. There is no provision for open space in the proposed plans. An outdoor smoking area is needed for 30 staff, 160 residents and persons attending AA meetings.

C. The proposed removal of garage parking, and conversion into a dining area is a deviation from residential care facility code 141.0312 (J) “Conversion of an existing garage or reduction in off-street parking to provide a residential care facility is not permitted.”

D. Off-street parking proposed is 45 spaces. City staff has invalidated spaces #11, #42 and #43, reducing the total to 42 valid on-site spaces. Parking calculation per residential care facility code 141.0312 (i), and other requirements are: IRC drop off= 2, employee= 30, meeting room= 38, and 160 bed residential= 23, for a total of 93 spaces. Parking shortages are a critical issue in Pacific Beach, and this neighborhood is no exception. In recent years, the PBCPC has been consistent in strictly requiring that all parking complies with municipal code, and it must be located on-site. Off-site and shared parking agreements have not been enforced in our community, and they are no longer approved by the PBCPC. Any deviation or variation of this position would set a dangerous precedent in our community.

Finally, the **public noticing misrepresented the proposal** as “residential care facility” only. The public should be re-noticed as “residential care facility, transitional housing facility and inebriation recovery center”

Response to CPG issues:

The Pacific Beach Community Planning Committee (PBCPC) has identified a number of issues as presented in this report. Regarding items identified as ‘unacceptable’, City staff responds as follows:

A. In the ‘Community Plan Analysis’ section of this report, the proposed facility would be allowed in the CC-4-2 zone and in the ‘Regional Commercial’ land use designation by a Conditional Use Permit (CUP). By definition, a CUP is a use that may be desirable under appropriate circumstances, but is not permitted by right in the applicable zone. These applications are reviewed on a case by case basis.

B. The inebriate center is a function of the requested facility and is being considered through the CUP.

C. The VOA Facility is a stand alone operation with four components consisting of the Inebriate Reception Center, Pretreatment Phase I (Detox), Pretreatment Phase II (10 day program), and Sobriety House (90-180 day program). All necessary needs are met on-site and not reliant on associated services nearby. Those persons admitted for a mandatory four hour stay are taken in, and those applying for other programs where space is not available would not be expected to remain loitering in the neighborhood.

D. This facility is intended to get intoxicated persons off the street and treat those with addictions. No negative impacts to schools or youth serving facilities in the Pacific Beach community (where alcohol serving outlets already exist) are expected. The VOA Facility is within a mixed use area that is predominantly non-residential and implements internal controls and operational criteria that should minimize or negate any conflicts with the neighborhood.

Regarding those items identified as ‘elements for denial’, staff responds as follows:

A. City staff has provided a response to the issue of the sleeping and private storage area square-footage requirement above within the “deviations” section of this report.

B. Residential development under a Planned Development Permit requires open space per dwelling unit. This proposed facility is being developed for ‘use’ under a Conditional Use Permit, and is not proposed for individual dwelling units as the intent of the open space requirement was written. City staff believes that this deviation is supportable as the operation of the facility and its component programs were not intended to be evaluated as a residential dwelling unit development, and the CUP adequately evaluates the entire operation and use of the site for the purpose and public need it serves.

C. The proposed removal of existing on-site parking to accommodate a dining hall is not in violation of Land Development Code Section 141.0312(J) as all daily on-site parking needs are still provided. It is the twice weekly meetings for Alcoholic Anonymous that creates a parking need not proposed on-site, and these parking needs will be met by a shared parking agreement on adjoining properties.

D. The different components of the operational uses proposed require available parking. While each use is calculated individually for satisfaction of the parking, the uses overlap and the provided parking can be shared. Transportation staff has evaluated the project fully and has determined that the parking required for the project has been adequately met by the on- and off-site requirements.

CONCLUSION

The Volunteers of America has operated in San Diego since 1986 and has been in the downtown area where the operation has been beneficial to the citizens of San Diego. Through redevelopment of the downtown neighborhood, the facility must relocate and the applicant has determined that the sites on Del Rey Street in the Pacific Beach Community plan area will meet their needs. The San Diego Police Department has utilized the downtown facility for the detention of alcohol inebriated persons, thus allowing police officers to return to patrolling the City’s neighborhoods in a more expeditious manner. The City of San Diego, in issuing this permit, maintains control and has the authority to take steps in the future to revoke the permit if there are violations of terms and conditions.

ALTERNATIVES

1. Approve Coastal Development Permit No. 238780, Conditional Use Permit No. 238781 and Planned Development Permit No. 238782, with modifications.

2. Deny Coastal Development Permit No. 238780, Conditional Use Permit No. 238781 and Planned Development Permit No. 238782, if the findings required to approve the project cannot be affirmed.

Respectfully submitted,

Gary W. Halbert
Development Services Director

Approved: Ellen Oppenheim
Deputy City Manager

Note: The attachments are not available in electronic format. A copy is available for review in the Office of the City Clerk.

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Surrounding Uses Map
4. Project Location Map
5. Project Data Sheet
6. Project Site and Development Plans
7. Draft Permits with Conditions
8. Draft Permit Resolution with Findings
9. Community Planning Group Recommendation
10. Ownership Disclosure Statement
11. Project Chronology