



THE CITY OF SAN DIEGO
REPORT TO THE CITY COUNCIL

DATE ISSUED: June 1, 2012

REPORT NO.: 12-070

ATTENTION: Council President and City Council

SUBJECT: Old Town Transitional Housing Facility Project No. 259358
Council District Two, Process Five

REQUESTED ACTION: Approval of a 40-bed Transitional Military Housing Project located at 2121 San Diego Avenue within the Uptown Community Planning Area.

STAFF RECOMMENDATION: Approve Conditional Use Permit No. 982799.

SUMMARY:

The project proposes a Transitional Military Housing Facility within an existing, three-story, 46,926 square foot building over subterranean parking. The facility will include 40 beds and will provide a range of programs related to occupational therapy, vocational rehabilitation, psychology and social work services for active duty military persons and armed forces veterans. The site is located at 2121 San Diego Avenue within the Uptown Community Plan.

Background:

The project site is located at 2121 San Diego Avenue within the CL-6 (Commercial Linear) Zone of the Mid Cities Communities Planned District (MCCPD), and has a Commercial/Residential land use designation within the Uptown Community Plan (Attachments 1 and 2). The project proposes to operate a 40-bed Transitional Military Housing Facility within the existing three-story, 46,926 square-foot building. In accordance with San Diego Municipal Code (SDMC) Section 126.0303 (c), transitional housing facilities with 7 or greater beds requires a Conditional Use Permit (CUP) in accordance with a Process Five, with City Council as the decision maker (Attachment 8). Transitional housing facilities are a separately regulated use within the SDMC. Pursuant to the Municipal Code, a Planning Commission hearing is not required for transitional housing facilities (Attachment 9).

The previous use on the site was approved pursuant to Conditional Use Permit No. 363841, amendment to CUP No. 98-0453, which allowed the operation of a law school on the project site. CUP No. 363841 expired on July 9, 2011, the law school has relocated and the existing building is currently vacant.

Project Description:

The project site is located at 2121 San Diego Avenue within the Mid Cities Communities Planned District (MCCPD) CL-6 Zone and has a Commercial/Residential land use designation, with a medium residential density designation (15-29 dwelling units/acre), within the Uptown Community Plan (Attachment 3). The MCCPD-CL-6 Zone is a Commercial Linear Zone that provides for automobile oriented commercial districts in which residential or mixed-use development is also encouraged. It is normally applied to linear areas between commercial nodes (Attachment 10). A Transitional Housing Facility is a separately regulated use that is not specifically identified in the use table for the MCCPD-CL-6 zone. When a separately regulated use is not identified in a planned district, SDMC 151.0401(c) allows a CUP to be processed in accordance with the zone in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones), that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses and the allowable intensity of those uses (Attachment 11).

In this case, Development Services Staff analyzed the purpose and intent of the MCCPD - CL-6 Zone and determined that the Citywide Zone of Commercial-Community Zones had a similar purpose and intent as the MCCPD -CL-6 Zone. The CC-1-1 zone allows a mix of community-serving commercial uses and residential uses and is intended to accommodate development with strip commercial characteristics (Attachment 12). In terms of allowable uses and intensity of the allowed uses, the CC-1-1 zone most closely resembles the MCCPD-CL-6 zone. The CC-1-1 citywide zone is also consistent with the project site's land use designation of Commercial/Residential within the Uptown Community Plan. The medium residential density designation would allow 18 residential dwelling units for the project site. The proposed project of 40 transitional housing beds is consistent with the current land use designation within the Uptown Community Plan. According to SDMC Section 131.0522 – Use Regulations Table of Commercial Zones, Table 131-05B, Transitional Housing for 7 or more people is allowed with a Conditional Use Permit within the CC-1-1 Zone (Attachment 13).

The CC-1-1 zone allows for an application for a CUP for a Transitional Housing Facility use. It should be noted that every Chapter 13 commercial base zone that allows multi-dwelling unit residential use also allows a Transitional Housing Facility use through approval of a CUP. Only the commercial zones that do not allow multi-family residential use preclude an application of a CUP for a Transitional Housing Facility.

The project proposes to operate within an existing three-story building, with three levels of subterranean parking (Attachment 14). The proposed project requires 58 onsite parking spaces, 122 parking spaces are provided within the three levels of subterranean parking. There are 6 accessible parking spaces provided within the 122 parking spaces.

Additionally, there is a bike storage area and motorcycle parking provided within the subterranean parking garage.

The first floor (main floor) of the building proposes to contain the following: entry, elevator lobby area, reception/waiting area, security office, office space, one men's bathroom, one women's bathroom, storage areas, a great room, dining room, commercial kitchen (including food storage areas), linen areas, trash area, recycling area, 7,664 square feet in future office use, an outdoor non-smoking patio and an outdoor smoking patio. The outdoor smoking patio is located at the rear of the building.

The second floor of the building proposes to contain the following: reception area, elevator lobby area, family visitation area, two men's bathrooms, two women's bathrooms, one staff bathroom two unisex bathrooms, consultation room, office space, conference rooms, music room, exercise room, physical therapy room, vocational skills room, job development room, lab area, spiritual room, occupational therapy room, linen rooms and storage rooms.

The third floor of the building proposes to contain the following: lobby area, waiting area, shared lounge area, technician station, six women's bedrooms with 3 women's bathrooms (the women's area is set up with a Jack and Jill layout for the bedrooms – two bedrooms share one bathroom), women's quiet room, women's laundry, staff lounge, staff bathroom, thirty-four men's bedrooms, one main men's restroom with nine shower stalls, four men's accessible bathrooms, men's quiet room, and men's laundry. The women's and men's area are completely separate with the women's area located within the northwestern portion of the floor and the men's area located on the remainder of the floor, with some shared spaces for all living in the building.

Housing Impact Statement:

Based on the existing land use designation, the project site would potentially allow the development of stand-alone residential development or mixed-use development consisting of 9 to 18 dwelling units where none currently exist. The proposed project would involve primarily an interior renovation of a vacant law school building to accommodate a 40-bed transitional housing facility. As proposed the project would not result in the loss of existing housing units or a net increase in housing units in the Uptown community.

General/Community Plan Analysis:

The Uptown Community Plan designates the 0.63-acre site for Commercial/Residential with the ability to include residential development at 15 to 29 dwelling units per acre. This land use designation is generally applied to linear areas between mixed-use nodes with permitted uses including either general commercial, office, or residential. Surrounding

land uses include multi-family residential to the south, the Interstate 5 freeway to the west, commercial and office structures to the north, and an office structure that operates as a K-8 charter school and accompanying parking lot across San Diego Avenue to the east. A proposal for the reuse of an existing structure and the accommodation of a 40-bed transitional housing facility would be consistent with the existing land use designation which would allow commercial development.

The General Plan and Uptown Community Plan do not contain policies that specifically address transitional housing facilities, however the Housing Element of the General Plan states as a policy that the City shall encourage interagency efforts to provide services and housing to specialized subgroups with disabilities and identifies the location of single and multi-family residential zones and commercial zones that would allow transitional housing. As proposed the project would provide occupational therapy vocational rehabilitation, psychology and social work services for armed forces veterans and is located within the areas identified in the Housing Element that would allow transitional housing.

The proposed reuse of the existing building would meet the guideline in the Urban Design Element of the community plan for restoring or adaptively reusing existing structures as an alternative to new construction and the recommendation in the Conservation Element of the General Plan for reducing construction and demolition waste by renovating existing buildings rather than constructing new buildings. The project would also meet the objectives in the Commercial and Transportation Elements of the community plan for improving pedestrian access and circulation in commercial areas by providing additional sidewalk clearance around the existing power pole and fire hydrant which are located within the existing sidewalk along San Diego Avenue. The Transportation Element's recommendation of promoting bicycling as an alternative form of transportation would be implemented through the project's inclusion of bicycle racks and bicycle storage facilities located on the first floor. Additionally, adequate parking would be provided for both residents and employees. As proposed the project consisting of internal renovations to an existing building to accommodate a 40-bedroom transitional housing facility would not adversely impact the goals and recommendations of the Uptown Community Plan.

Environmental Analysis: This project is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines, Section 15332 – In-Fill Development (Attachment 7).

Project-Related Issues:

The project site is located within geologic hazard zones 12 and 53 as shown on the City's Seismic Safety Study Geologic Hazard Maps. Zone 12 is characterized by potentially active faulting and Zone 53 is characterized by level or sloping terrain, unfavorable

geologic structure with low to moderate risk. Additionally, the site is located within the Rose Canyon Fault Zone which is considered to be an active fault zone. The applicant submitted geologic data/report for a nearby site to the project site; however City Geology Staff requested that site specific data be collected to determine the presence/absence of active faulting on the site. Site specific work was performed by the applicant's geotechnical consultant, Geotechnical Exploration, Inc., on March 6 and March 9, 2012. The data collected from the site specific work determined that relatively stable formational materials underlie the site and that the site is suited for the proposed project. It is the professional opinion of Geotechnical Exploration, Inc. that no active or potentially active faults or significant geologic hazards exist on the site. City Geology Staff has reviewed and accepted the opinion of Geotechnical Exploration, Inc. regarding the absence of active faulting on site.

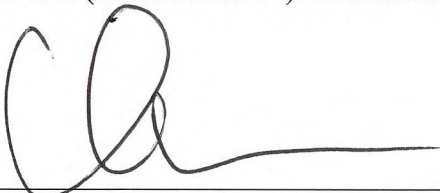
FISCAL CONSIDERATIONS: None. All costs associated with the processing of this project are paid through a deposit account maintained by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION: None

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS: On May 1, 2012, the Uptown Planners Group voted 9-4-1 to deny the project (Attachment 16). Pursuant to the San Diego Municipal Code, a Planning Commission hearing is not required for Transitional Housing Facilities (Attachment 9).

KEY STAKEHOLDERS (& Projected Impacts if applicable):

PV Old Town, LLC. – Sole Managed by PacVentures, Inc., Andrew M. Kaplan, Chief Executive Officer (Attachment 17). Residents and Businesses within the Uptown Community.



Kelly Broughton
Director, Development Services Department

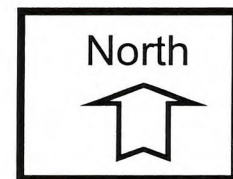
Attachments:

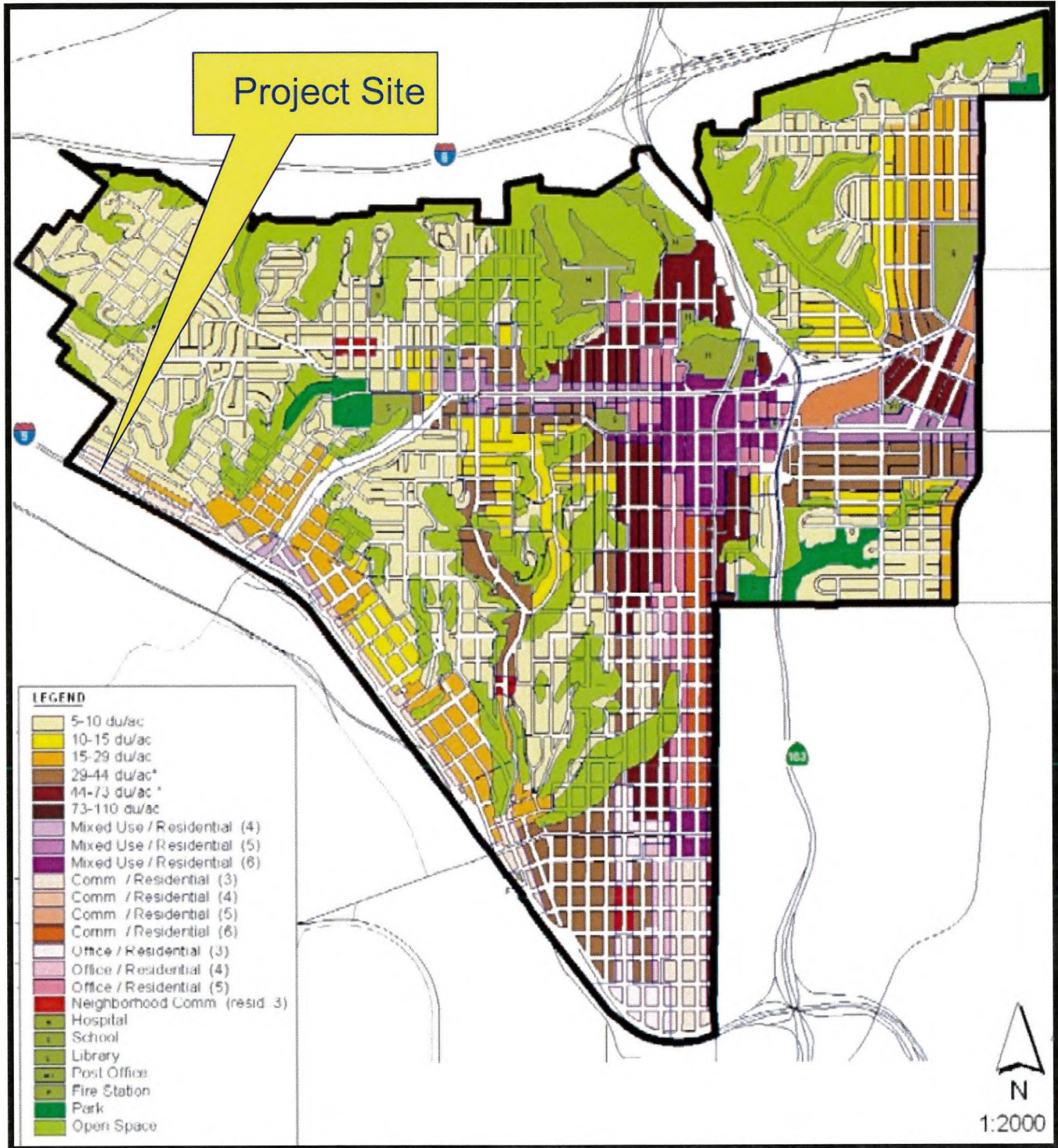
1. Aerial Photograph
2. Community Plan Land Use Map/Land Use Designation
3. Project Location Map
4. Project Data Sheet
5. Draft Permit with Conditions
6. Draft Permit Resolution with Findings
7. Environmental Exemption
8. SDMC Section 126.0303 – When a Conditional Use Permit is required
9. SDMC Section 141.0313 – Transitional Housing Facilities
10. SDMC Section 1512.0309 – Commercial Linear Zones from the Mid Cities Communities Planned District (MCCPD)
11. SDMC Section 151.0401 – Uses Permitted in the Planned Districts
12. SDMC Section 131.0507 – Purpose of the CC (Commercial-Community) Zones
13. SDMC Section 131.0522 – Use Regulations Table of Commercial Zones
14. Project Plans
15. Project Chronology
16. Uptown Community Planning Group, May 1, 2012 Meeting Minutes
17. Ownership Disclosure Statement



Aerial Photograph

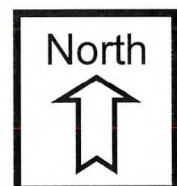
OLD TOWN TRANSITIONAL HOUSING PROJECT
PROJECT NO. 259358





Land Use Map

OLD TOWN TRANSITIONAL HOUSING PROJECT
PROJECT NO. 259358



MIXED-USE: Areas designated for mixed-use development are the higher intensity neighborhood and specialized commercial nodes. These are the areas of focused retail and pedestrian activity, located at major street intersections.

The mixed-use designation generally indicates that pedestrian-oriented retail service uses are required on the ground floor, with either office or residential uses on the upper floors. These areas are recommended to be the higher intensity use areas, acting as both visual and activity focal points. Building heights should range from high-rise to two stories, depending upon the intensity of use designated on the land use map and upon guidelines contained in the Urban Design Neighborhood Elements.

There are three mixed-use designations, which differ in the intensity of permitted uses.

Very-High Intensity - This designation permits up to 109 dwelling units per acre (one dwelling unit per 400 square feet of lot area). A variety of commercial uses at high intensities or high floor area ratios are also permitted.

High Intensity - This designation allows up to 73 dwelling units per acre (one dwelling unit per 600 square feet of lot area). A relatively wide range of commercial uses should also be permitted under this designation.

Medium-High Intensity - The residential component of this designation is limited to 44 dwelling units per acre (one dwelling unit per 1,000 square feet of lot area). Commercial uses should focus on neighborhood and community needs, and the intensity of use should be limited.

Commercial/Residential Use - This designation is generally applied to linear areas between the mixed-use commercial nodes. Permitted uses include either general commercial, office or residential at densities ranging from very high to medium. Developments with a mixture of uses are also encouraged. These areas tend to be less intense in use and more automobile oriented. In contrast to areas designated for mixed-use, single-use residential projects are permitted in areas designated for commercial/residential use. A range of intensities of use is described below.



Very-High Intensity - This designation permits residential densities as high as 109 dwelling units per acre (one dwelling unit per 400 square feet of lot area), and/or general commercial and office uses.

High Intensity - Residential density is limited to 73 dwelling units per acre (one dwelling units per 600 square feet of lot area). A wide range of commercial and office uses are also permitted.

Medium-High Intensity - Up to 44 dwelling units per acre (one dwelling unit per 1,000 square feet of lot area) are permitted, as well as community oriented commercial and office uses.

Medium Intensity - Community and service oriented commercial uses should predominate over residential use, which is limited to 29 dwelling units per acre (one dwelling unit per 1,500 square feet of lot area).

developments may rise three stories over first level or underground parking. This designation is limited to areas with vehicular circulation systems capable of supporting traffic generated by this density with minimal impact upon adjacent neighborhoods.

High Density (44-73 dwelling units per acre) - The density for larger sites is that of the R-600 zoning, in which development may range from two stories to four stories with parking below. Smaller sites are limited to the R-800 density. This zoning is applied to the core of the community, generally surrounding the Hillcrest commercial area.

Very-High Density (73-109 dwelling units per acre) - This designation permits a density as high as that permitted in the R-400 zone for large and/or corner sites. Smaller sites should be limited to the R-600 zone density. This designation is limited to Sixth Avenue fronting on Balboa Park.

Commercial/Residential and Office/Residential Designations - These designations permit either residential or commercial use. Residential projects may be developed at densities ranging from medium to very-high density, as described in the Commercial Element of this plan.

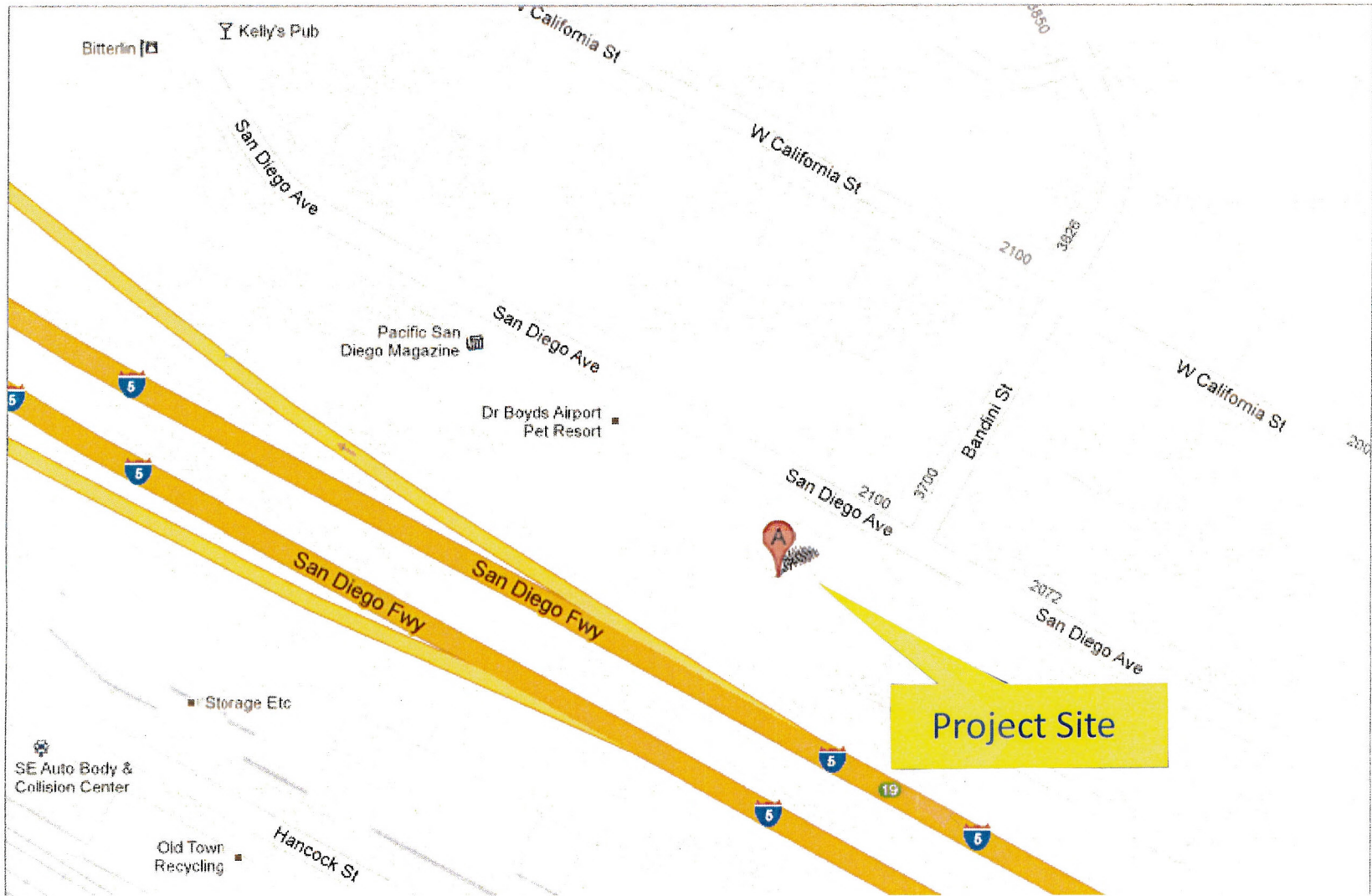
Mixed-Use Designations - The mixed-use designations are applied to nodes of commercial use where residential or office use above street level commercial use is appropriate. As redevelopment occurs, new mixed-use development will strengthen and reinforce the qualities of a lively urban commercial and residential activity area. Permitted residential densities vary from medium-high permitted on a portion of India Street to very high in the Hillcrest commercial core. Medium high-to-high density is permitted along Washington Street and University Avenue.

SENIOR HOUSING

Current regulations provide for a Conditional Use Permit (CUP) to be granted for senior housing, which allows both increased density and decreased parking for such projects. These concessions are based on the smaller family size and lesser number of cars in senior households.

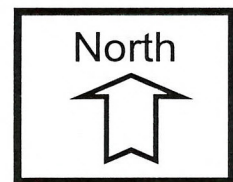
Uptown is an attractive area for this type of project. Bus service is available in many areas, as are neighborhood markets and other shopping. Balboa Park offers programs catering to senior citizens and ample medical facilities are conveniently located within the community. In addition, higher density zoning is available and land prices in some neighborhoods are relatively reasonable. Due to these characteristics, several senior citizen projects have been located in the Uptown area.

Proposed senior housing projects should be reviewed with respect to their impact on the neighborhood. This review should address the impact of the increased density and decreased parking granted for such projects, including the impact of parks, emergency services, neighborhood character and on-street parking. It should be noted that any impacts will be compounded in areas where senior housing projects are concentrated.



Project Location Map

OLD TOWN TRANSITIONAL HOUSING PROJECT
PROJECT NO. 259358



PROJECT DATA SHEET

PROJECT NAME:	Old Town Transitional Housing Project	
PROJECT DESCRIPTION:	A 40-bed Transitional Military Housing Project within an existing three-story building.	
COMMUNITY PLAN AREA:	Uptown	
DISCRETIONARY ACTIONS:	Conditional Use Permit	
COMMUNITY PLAN LAND USE DESIGNATION:	Commercial/Residential use, with a medium residential density designation (15-29 dwelling units/acre).	
<u>ZONING INFORMATION:</u>		
<p style="text-align: center;">ZONE: CL-6 Zone of the Mid Cities Communities Planned District: (A commercial/residential zone that permits 1 dwelling unit for each 1,500 square-feet of lot area)</p> <p style="text-align: center;">HEIGHT LIMIT: 30-Foot maximum height limit.</p> <p style="text-align: center;">LOT SIZE: 5,000 square-foot minimum lot size.</p> <p style="text-align: center;">FLOOR AREA RATIO: No Maximum FAR for residential development; 2.0 maximum FAR for commercial development.</p> <p style="text-align: center;">FRONT SETBACK: 10 feet required (0 feet for existing building)</p> <p style="text-align: center;">SIDE SETBACK: 6 feet required (6 feet for existing building)</p> <p style="text-align: center;">STREETSIDE SETBACK: 10 feet required (0 feet for existing building)</p> <p style="text-align: center;">REAR SETBACK: 4 feet required (5'6" for existing building)</p> <p style="text-align: center;">PARKING: 58 parking spaces required. – 122 parking spaces provided within subterranean parking garage</p>		
<u>ADJACENT PROPERTIES:</u>	LAND USE DESIGNATION & ZONE	EXISTING LAND USE
NORTH:	Commercial/Residential - CL-6 of the MCCPD	Veterinary Clinic
SOUTH:	Commercial/Residential - CL-6 of the MCCPD.	Apartment Complex
EAST:	Commercial/Residential - CL-6 of the MCCPD	K-8 Charter School (Old Town Academy)
WEST:	Commercial/Residential - CL-6 of the MCCPD	Highway 5
DEVIATIONS OR VARIANCES REQUESTED:	None requested	
COMMUNITY PLANNING GROUP RECOMMENDATION:	On May 1, 2012, the Uptown Planners Group voted 9-4-1 to deny the project.	

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

INTERNAL ORDER NUMBER: 24002233

CONDITIONAL USE PERMIT NO. 982799
OLD TOWN TRANSITIONAL HOUSING PROJECT
PROJECT NO. 259358
CITY COUNCIL

This Conditional Use Permit No. 982799 is granted by the City Council of the City of San Diego to PV Old Town, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 0.63-acre site is located at 2121 San Diego Avenue in the CL-6 Zone of Mid City Communities Planned District within the Uptown Community Plan. The project site is legally described as: Parcel A, in the City of San Diego, County of San Diego, State of California, as shown on Page 547 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, June 18, 1971. Together with: Lots 8, 9 and 10, Block 218 of Middletown, in the City of San Diego, County of San Diego, State of California, according to Partition Map thereof made by J.E. Jackson, on file in the Office of the County Clerk of San Diego County.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to operate a 40 bed Transitional Military Housing Facility that will provide a range of programs related to occupational therapy vocational rehabilitation, psychology and social work services for active duty military persons and armed forces veterans, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated June 19, 2012, on file in the Development Services Department.

The project shall include:

- a. 40-bed maximum Transitional Military Housing Facility within the existing, three-story, 46,926 square foot building over subterranean parking;
- b. Off-street parking; and

Attachment 5

- c. 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 June 19, 2015.
2. 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.
3. 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.
4. 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.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. 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.).
7. 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.

Attachment 5

8. 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.

9. 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" conditions(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.

ENGINEERING REQUIREMENTS:

10. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the replacement of the existing driveways with the same width City standard driveways, on San Diego Avenue, satisfactory to the City Engineer.

11. Prior to the issuance of any construction permits, the Owner/Permittee shall assure by permit and bond the installation of additional sidewalk adjacent to the existing fire hydrant and power pole, on San Diego Avenue, to provide a minimum of 4.5 feet sidewalk, satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

12. Owner/Permittee shall maintain a minimum of 58 off-street parking spaces on the property at all times (project currently has 122 parking spaces within the subterranean garage) in the approximate locations shown on the approved Exhibit "A." Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the appropriate City decision maker in accordance with the SDMC.

13. A topographical survey conforming to the provisions of the SDMC may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this Permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Owner/Permittee.

14. Prior to issuance of building permits, construction documents shall illustrate that the facility will provide at least 8 square feet of storage area (closet or drawers) per bed.

15. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

TRANSPORTATION REQUIREMENTS

16. The Owner/Permittee shall install one (1) twenty (20) foot passenger loading zone with appropriate sign and curb markings adjacent to the main entrance of the building, along San Diego Avenue, to the satisfaction of the City Engineer.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use 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 June 19, 2012 and Resolution No. XXXX.

Attachment 5

Conditional Use Permit No. 982799
Date of Approval: June 19, 2012

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Laura C. Black
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.

PV Old Town, LLC
Owner/Permittee

By _____
Andrew M. Kaplan
Chief Executive Officer, PacVentures,
Inc. (Sole Manager)

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

WHEREAS, PV Old Town, LLC., Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP) to operate a 40-bed maximum Military Transitional Housing Facility known as the Old Town Transitional Housing project, located at 2121 San Diego Avenue, and legally described as Lots 7, 8, 9, and 10, Block 218 of Middletown, in accordance with Partition Map 547, in the Uptown Community Plan area, in the CL-6 Zone of Mid City Communities Planned District; 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 _____, 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 (CUP) No. 982799:

CONDITIONAL USE PERMIT [SDMC SECTION 126.0305]

(a) The proposed *development* will not adversely affect the applicable *land use plan*;

The project proposes a transitional housing facility for active duty military persons and honorably discharged veterans. The project site is located in the Uptown Community Plan with the site designated for Commercial/Residential use, with a medium residential density designation (15-29 dwelling units/acre). The adopted Uptown Community Plan

states 'the Commercial/Residential designation is generally applied to linear areas between mixed-use commercial nodes within the Uptown Community Plan Area. Permitted uses include either general commercial, office or residential. Developments with a mixture of uses are also encouraged. These areas tend to be less intense in use and more automobile oriented. Single use residential projects are permitted in areas designated for commercial/residential use.' The medium residential density designation would allow 18 residential dwelling units for the project site. The proposed project of 40 transitional housing beds is consistent with the current land use designation and will not adversely affect the Uptown Community Plan.

(b) The proposed *development* will not be detrimental to the public health, safety, and welfare;

The project proposes to operate a 40-bed transitional housing facility within an existing, three-story building with subterranean parking located at 2121 San Diego Avenue. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code requirements will be met with the proposed project. Therefore, the proposed project does will 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; and

The proposed project complies with the applicable development regulations of the CL-6 Zone of the Mid Cities Communities Planned District (MCCPD) and all other applicable regulations of the Land Development Code. No deviations are proposed as part of this project. The CL-6 Zone of the MCCPD is a commercial linear zone that permits residential development. Transitional Housing facilities are a separately regulated use within the Land Development Code. The MCCPD incorporates the separately regulated use regulations except when there is a conflict with the MCCPD. The proposed project does not have a conflict with the MCCPD, as transitional housing facilities are allowed within the CL-6 Zone of the MCCPD with the application of a Conditional Use Permit (CUP). Therefore, the proposed project complies with the regulations of the Land Development Code.

(d) The proposed use is appropriate at the proposed location.

The project proposes to operate a 40-bed transitional housing facility within an existing, three-story building with subterranean parking located at 2121 San Diego Avenue. The project will provide a range of programs related to occupational therapy vocational rehabilitation, psychology and social work services for active duty military persons and armed forces veterans who would benefit from the structure and support of a residential treatment and rehabilitation environment. Persons selected for program would stay for an average of 60-120 days. All persons selected for the program would be screened and selected for admission through the San Diego Veterans Administration Medical Center located in La Jolla.

Attachment 6

The project site is located in the CL-6 Zone of the MCCPD which is a commercial linear zone that permits residential development. Transitional Housing facilities are a separately regulated use within the Land Development Code. The site is adjacent to Highway 5 on the west, San Diego Avenue on the east, a veterinary clinic on the north and an apartment building on the south. The Uptown Community Plan identifies San Diego Avenue as a Major Street. The segment of San Diego Avenue between Washington Street and Old Town Avenue, which includes the project site, is described as an auto-commercial node. Uses within 500 yards of the project site, along both sides of San Diego Avenue, include apartments, office, a charter school, veterinarian clinic, liquor store, and restaurant uses. Multi-family and single-family residential uses are located up the hill east of the project site along side streets that intersect San Diego Avenue. Given the variety of uses surrounding the project site, the proposed project 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. 982799 is granted to PV Old Town, LLC, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

BE IT FURTHER RESOLVED, that Conditional Use Permit No.982799 is denied.

NOTICE OF EXEMPTION

TO: X RECORDER/COUNTY CLERK
P.O. BOX 1750, MS A-33
1600 PACIFIC HWY, ROOM 260
SAN DIEGO, CA 92101-2422

FROM: CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
1222 FIRST AVENUE, MS 501
SAN DIEGO, CA 92101

OFFICE OF PLANNING AND RESEARCH
1400 TENTH STREET, ROOM 121
SACRAMENTO, CA 95814

PROJECT NO.: 259358

PROJECT TITLE: OLD TOWN TRANSITIONAL HOUSING

PROJECT LOCATION-SPECIFIC: 2121 San Diego Avenue, San Diego, California 92110

PROJECT LOCATION-CITY/COUNTY: San Diego/San Diego

DESCRIPTION OF NATURE AND PURPOSE OF THE PROJECT: Conditional Use Permit (CUP) to allow for a 40 bed Transitional Military Housing Facility within an existing 3-story, 46,926 square-foot building over subterranean parking on a 0.63-acre site. The facility is designed to provide a range of programs related to occupational therapy vocational rehabilitation, psychology, and social work services to assist armed forces veterans returning from foreign wars to re-enter civilian life. The facility would house approximately 40 veterans. Typical stays could vary from 1 to 6 months.

NAME OF PUBLIC AGENCY APPROVING PROJECT: City of San Diego

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT: Cynthia Eldred (Agent), Law Office of Cynthia Eldred
2481 Congress Street, San Diego, CA 92110
(619) 233-7388

EXEMPT STATUS: (CHECK ONE)

- () MINISTERIAL (SEC. 21080(b)(1); 15268);
() DECLARED EMERGENCY (SEC. 21080(b)(3); 15269(a));
() EMERGENCY PROJECT (SEC. 21080(b)(4); 15269 (b)(c))
(X) CATEGORICAL EXEMPTION: CEQA EXEMPTION 15332 (IN-FILL DEVELOPMENT PROJECTS)
() STATUTORY EXEMPTIONS:

REASONS WHY PROJECT IS EXEMPT: The City of San Diego conducted an environmental review that determined that the project would not have the potential for causing a significant effect on the environment. The project meets the criteria set forth in CEQA Section 15332. The project's reuse of an existing structure for a Veteran's Administration Transitional Housing would be consistent with the existing land use designation (Commercial/Residential), and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed development occurs within city limits on a project site of no more than five acres and is substantially surrounded by urban uses. The project site has no value as habitat for endangered, rare or threatened species. The project would not result in any significant effects related to air quality, noise, traffic or water quality. The site can be adequately serviced by all required utilities and public services. In addition; the exceptions listed in CEQA Section 15300.2 would not apply.

LEAD AGENCY CONTACT PERSON: Rhonda Benally

TELEPHONE: (619) 446-5468

IF FILED BY APPLICANT:

- 1. ATTACH CERTIFIED DOCUMENT OF EXEMPTION FINDING.
2. HAS A NOTICE OF EXEMPTION BEEN FILED BY THE PUBLIC AGENCY APPROVING THE PROJECT?
() YES () NO

IT IS HEREBY CERTIFIED THAT THE CITY OF SAN DIEGO HAS DETERMINED THE ABOVE ACTIVITY TO BE EXEMPT FROM CEQA

Handwritten signature: Daniel L. AP... / Senior Planner
SIGNATURE/TITLE

Handwritten date: April 26, 2012
DATE

CHECK ONE:

- (X) SIGNED BY LEAD AGENCY
() SIGNED BY APPLICANT

DATE RECEIVED FOR FILING WITH COUNTY CLERK OR OPR:

§126.0303 When a Conditional Use Permit Is Required

An application for the following types of uses in certain zones may require a Conditional Use Permit. To determine whether a Conditional Use Permit is required in a particular zone, refer to the applicable Use Regulation Table in Chapter 13. The decision process is described in Section 126.0304.

(a) Conditional Use Permits Decided by Process Three

Agricultural equipment repair shops
 Agriculture-related supplies and equipment sales
 Alcoholic beverage outlets (under circumstances described in Section 141.0502)
 Automobile service stations
 Bed and breakfast establishments (under circumstances described in Section 141.0603)
 Child Care Centers
Churches and places of religious assembly
 Commercial stables
 Companion units
 Educational facilities
 Employee housing
 Energy generation and distribution stations
 Equestrian show and exhibition facilities
 Fraternities, sororities, and student dormitories
Historical buildings used for purposes not otherwise allowed in the zone
 Housing for senior citizens
 Impound storage yards
 Major transmission, relay, or communication switching station
 Museums
 Newspaper publishing plants
 Outdoor storage and display of new, unregistered motor vehicles as a *primary use*
 Parking facilities as a *primary use*
 Plant nurseries
 Private clubs, lodges, and fraternal organizations
 Processing and packaging of plant products and animal by-products grown off-premises
 Recycling facilities (under circumstances described in Section 141.0620)
 Residential care facilities for 7 to 12 persons
 Swap meets and other large outdoor retail facilities
Wireless communication facilities (under circumstances described in Section 141.0420)

(b) Conditional Use Permits Decided by Process Four

Botanical gardens and arboretums
Camping parks
Cemeteries, mausoleums, and crematories
Correctional placement centers
Exhibit halls and convention centers
Golf courses, driving ranges, and pitch and putt courses
Hazardous waste research facilities
Homeless facilities
Hospitals, intermediate care facilities, and nursing facilities
Interpretive centers
Junk yards
Marine-related uses in the Coastal Overlay Zone
Mining and extractive industries
Nightclubs and bars over 5,000 square feet in size
Privately operated recreational facilities over 40,000 square feet in size
Residential care facilities for 13 or more persons
Social service institutions
Theaters that are outdoor or over 5,000 square feet in size
Wireless communication facilities (under circumstances described in Section 141.0420)
Wrecking and dismantling of motor vehicles

(c) Conditional Use Permits Decided by Process Five

Airports
Amusements parks
Fairgrounds
Hazardous waste treatment facilities
Helicopter landing facilities
Sports arenas and stadiums
Transitional Housing for 7 or more persons
Very heavy industrial uses
Zoological parks

(Amended 8-10-2004 by O-19308 N.S.; effective 4-11-2007.)

(Amended 11-13-08 by O-19803 N.S.; effective 12-13-2008.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

[Editors Note: Amendments as adopted by O-20081 N. S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.

Click the link to view the Strikeout Ordinance highlighting changes to prior language
http://docs.sandiego.gov/municode_strikeout_ord/O-20081-SO.pdf]



§141.0313 Transitional Housing Facilities

Transitional housing facilities offer residential accommodations for a specified period of time, counseling services, and other support services to prepare *families* and individuals for independent living.

Transitional housing may be permitted with a Conditional Use Permit decided in accordance with Process Five, in the zones indicated with a “C” in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) subject to the following regulations. Section 112.0509(b) requiring a Planning Commission recommendation, shall not be applicable to transitional housing facilities.

- (a) Transitional housing is not permitted in agricultural zones in *Proposition A Lands*.
- (b) Only one transitional housing facility may be permitted per *lot* or *premises*.
- (c) The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
- (d) Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
- (e) The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining areas, and *kitchen* areas.
- (f) The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
- (g) The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
- (h) The facility shall provide at least one *off-street parking space* for each employee and one *off-street parking space* for every seven beds. Additional parking may be required by the decision maker.
- (i) Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted.

(Added 12-9-1997 by O-18451 N.S.; amended 9-29-1998 by O-18589 N.S.; effective 1-1-2000.)

(Amended 4-8-2008 by O-19734 N.S.; effective 5-8-2008.)

§1512.0309 Commercial Linear Zones - CL-1, CL-2, CL-3, CL-5, CL-6, (CL-4 is Renamed CV-3, See Section 1512.0310)

(a) Purpose And Intent

The Commercial Linear (CL) zones provide for automobile oriented commercial districts in which residential or mixed-use development is also encouraged. It is normally applied to linear areas between commercial nodes. Automobile use is accommodated by permitting parking in the street yard with certain access limitations to provide for traffic operations and to accommodate pedestrians as well. Incentives are provided for residential development for the purpose of concentrating multi-family residential use on major transportation corridors and to provide a desirable mixture of uses. The CL-5 Zone is intended for neighborhood-oriented commercial areas. The expansion of such uses, which may not have been previously zoned and/or are not now designated in the community plan for neighborhood commercial use, may be considered with the application of the CL-5 Zone and, if appropriate, the approval of a Mid-City Communities Development Permit to address hours of operation, uses, relaxation of parking requirements as well as other issues.

(b) Property Development Regulations

(1) Residential Density

- (A) One dwelling unit is permitted for each "X" square feet of lot area shown in the third column of Table 1512-03O.
- (B) Exception: In the CL-1 zone on University Avenue between 28th Street and Georgia Street, one dwelling unit is permitted for each "X" square feet of lot area shown, based on the lot size and the land use constraints shown in Table 1512-03P.

**Table 1512-030
Residential Density**

Zone	Lot Size (sq. ft.)	One Unit per "X" (sq. ft.)
CL-1	30,000 or more	400
CL-1	less than 30,000	600
CL-2	15,000 or more	600
CL-2	less than 15,000 but at least 10,000	800
CL-2	less than 10,000	1,000
CL-3	any size legal lot	1,000
CL-5	any size legal lot	1,500
CL-6	any size legal lot	1,500

**Table 1512-03P
Residential Density Exception**

Zone	Lot Size (sq. ft.)	One Unit per "X" (sq. ft.)
CL-1	30,000 or more, commercial use prohibited ⁽¹⁾	400
CL-1	15,000 or more, commercial use permitted ⁽¹⁾	600
CL-1	less than 15,000 commercial use permitted	800

Footnote for Table 1512-03P

¹ Vehicular access for residential units must be provided via alleys and side streets and not from University Avenue.

(2) Yard and Setback Requirements

(A) Commercial Projects With No Residential Use. No front, side, or rear yards are required, except as follows:

- (i) In the CL-1, and CL-3 and zones, a 20-foot yard is required on the property line abutting El Cajon Boulevard. Off-street parking may be located within this yard with the provision of landscaping as required by Land Development Code Chapter 14, Article 2, Division 4.
- (ii) In the CL-1 zone on University Avenue west of Idaho and 28th Streets, a 20-foot yard is required on the property line abutting University Avenue. Every story (or portion of a story) above the second shall be set back an additional 6 feet (calculated from the minimum requirement for the story below). The maximum required setback is 38 feet.
- (iii) In the CL-5 zone, a 10-foot front yard and 10-foot street side yard are required.

- (iv) Where the property abuts residentially zoned property, or commercial transition zoned property, a minimum 6-foot yard shall be provided adjacent to that property. The third story requires a 9 foot setback and additional stories shall be set back a minimum of 15 feet from the property line.

Zero Yard Option. The following zero-foot side yard option shall only be granted through approval of a Mid-City Communities Development Permit:

Up to 100 linear feet of a building wall may be on a property line abutting MR-400, MR- 800B, MR-1000B, MR-1000, or commercial transition zoned property. Any third story shall be set back at least 6 feet; each story above the third requires a minimum 15-foot setback from the property line.

- (v) Where parking spaces are accessed directly from the street right-of-way with no turnaround area, there shall be a minimum 20-foot setback for said parking spaces.

(B) Residential or Mixed Residential/ Commercial Developments.

Minimum Yard Dimensions (Linear Feet) and Setbacks as shown in Table 1512-03Q apply.

**Table 1512-03Q
Minimum Yard Dimensions**

Zone	Yard Location			
	Front	Interior Side	Street Side	Rear
CL-1 Zone (ft)	6 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	0 ⁽²⁾⁽³⁾	4 ⁽⁴⁾⁽⁶⁾	4 ⁽²⁾
CL-2 Zone (ft)	6 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	6 ⁽¹⁾⁽²⁾	6 ⁽⁶⁾	4 ⁽²⁾
CL-3 Zone (ft)	6 ⁽⁴⁾⁽⁵⁾⁽⁶⁾	6 ⁽¹⁾⁽²⁾	4 ⁽⁴⁾⁽⁶⁾	4 ⁽²⁾
CL-5, CL-6 Zones	10 ⁽⁵⁾⁽⁶⁾	6	10 ⁽⁶⁾	4 ⁽²⁾

Footnotes for Table 1512-03Q

- ¹ Zero Yard Option. The zero yard option specified for commercial projects is also available for residential and mixed commercial/residential projects.
- ² Setbacks. Every story (or portion of a story) above the second shall be set back an additional 3 feet (calculated from the minimum requirement for the story below). The maximum required setback is 15 feet.
- ³ If the property line abuts residentially zoned property, a 6-foot yard shall be provided adjacent to that property.
- ⁴ On property lines abutting El Cajon Boulevard, and on University Avenue west of Idaho and 28th Streets, a 20-foot yard is required, subject to the provisions specified in Section 1512.0309(b)(2)(A)(i) & (ii), above.
- ⁵ With the exception of front setbacks abutting El Cajon Boulevard, every story (or portion of a story) above the second shall be set back an additional 6 feet (calculated from the minimum requirement for the story below). The maximum total required setback is 24 feet.
- ⁶ Where parking spaces are accessed directly from the street right-of-way with no turnaround area, there shall be a minimum 20-foot setback for said parking spaces.

(3) Height Limits

- (A) In the CL-1 zone, there is no height limit.
- (B) In the CL-2, and CL-3, zones, the height limit is 40 feet, or 50 feet for portions of a building above enclosed parking.
- (C) For the CL-5 and CL-6 zones, the height limit is 30 feet.
- (D) The street wall shall not exceed 48 feet in height on Washington Street and El Cajon Boulevard or 36 feet in height in all other areas, with additional height of the structure set back at least 15 feet from the base of the street wall, except as may be required on one side of the building for fire or safety access, in which case on setback is required.

(4) Floor Area Ratio (FAR) and Coverage.

- (A) There shall be a minimum coverage of 20 percent.
- (B) There is no maximum FAR for residential development.
- (C) The permitted FAR for commercial development is specified in Table 1512-03R.

- (D) On any lot within the CL-1, CL- 2, CL-3 and CL-5 zones, each square foot of residential floor area in a mixed-use project earns an additional square footage of commercial floor area, up to a maximum commercial FAR of 1.00.

**Table 1512-03R
Floor Area Ratio (FAR)**

Zone	FAR
CL-1, CL-3	.25 and .50 ⁽¹⁾
CL-2, CL-2T	.25 and .50 ⁽²⁾
CL-5	.50
CL-6	2.00

Footnotes for Table 1512-03R

- ¹ To qualify for the higher allowance, a project must be:
 (a) On a lot of at least 30,000 square feet, or
 (b) On a lot within 300 feet of a designated FAR Bonus Intersection.*

- ² To qualify for the higher allowance, a project must be:
 (a) On a lot of at least 30,000 square feet, or
 (b) On a lot within 150 feet of a designated FAR Bonus Intersection.*

* FAR Bonus Intersections are located at the intersections of El Cajon Boulevard and 37th Street, 42nd Street, Highland Avenue, Chamoune Avenue, 52nd Street, 59th Street, 62nd Street, 63rd Street, Art Street, Montezuma Road, and 67th Street; and the intersections of University Avenue and Swift Avenue and 35th Street, shown on maps referenced in Section 1512.0102; measurement is taken in a straight line from any portion of a subject lot to the closest corner at a Bonus Intersection.

(“Commercial Linear Zones - CL-1, CL-2, CL-3, CL-5, CL-6, (CL-4 is Renamed CV-3, See Section 1512.0310)” added 3-27-2007 by O-19598 N.S.; effective 4-26-2007.)

Article 1: Planned Districts

(“Planned Districts” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)

Division 4: General and Supplemental Regulations

*(“General and Supplemental Regulations” added 3-27-2007
by O-19585 N.S.; effective 4-26-2007.)*

§151.0401 Uses Permitted in the Planned Districts

- (a) The uses identified in Chapter 14, Article 1 (Separately Regulated Uses) may be permitted in planned districts as limited uses subject to supplemental regulations, or conditional uses requiring a Neighborhood Use Permit or Conditional Use Permit in accordance with the rules and procedures in Chapter 14, Article 1.
- (b) The permit process for a separately regulated use shall be determined in accordance with applicable planned district use regulations.
- (c) Where the use and accompanying permit process for a separately regulated use is not provided for within a planned district, but upon request of the applicant, the City Manager determines a separately regulated use, identified in Chapter 14, Article 1, meets the purpose and intent of the applicable planned district zone, that separately regulated use may be processed in accordance with the zone in the Use Regulations Tables in Chapter 13, Article 1 (Base Zones) that most closely meets the purpose and intent of the applicable planned district zone in terms of permitted uses within the zone and the allowable intensity of those uses.
- (d) In case of conflict between Section 151.0401 and regulations for a planned district, the planned district regulations shall apply.

(“Uses Permitted in the Planned Districts” added 3-27-2007 by O-19585 N.S.; effective 4-26-2007.)

(Amended 7-6-2011 by O-20065 N.S.; effective 8-5-2011.)

(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)

[Editors Note: Amendments as adopted by O-20065 N. S. and O-20081 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies them as Local Coastal Program Amendments.

Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-20081-SO.pdf]

§131.0506 Purpose of the CP (Commercial--Parking) Zone

The purpose of the CP zone is to provide off-street parking areas for passenger automobiles. The CP zone is intended to be applied in conjunction with established commercial areas to provide needed or required off-street parking.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§131.0507 Purpose of the CC (Commercial--Community) Zones

(a) The purpose of the CC zones is to accommodate community-serving commercial services, retail uses, and limited industrial uses of moderate intensity and small to medium scale. The CC zones are intended to provide for a range of *development* patterns from pedestrian-friendly commercial *streets* to shopping centers and auto-oriented strip commercial *streets*. Some of the CC zones may include residential *development*. Property within the CC zones will be primarily located along collector *streets*, major *streets*, and public transportation lines.

(b) The CC zones are differentiated based on the uses allowed and regulations as follows:

(1) The following zones allow a mix of community-serving commercial uses and residential uses:



- CC-1-1 is intended to accommodate *development* with strip commercial characteristics
- CC-1-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-1-3 is intended to accommodate *development* with an auto orientation

(2) The following zones allow community-serving uses with no residential uses:

- CC-2-1 is intended to accommodate *development* with strip commercial characteristics
- CC-2-2 is intended to accommodate *development* with high intensity, strip commercial characteristics
- CC-2-3 is intended to accommodate *development* with an auto orientation

(3) The following zones allow a mix of pedestrian-oriented, community-serving commercial uses and residential uses:

- CC-3-4 is intended to accommodate *development* with a pedestrian orientation

§131.0522 Use Regulations Table of Commercial Zones

The uses allowed in the commercial zones are shown in Table 131-05B.

Legend for Table 131-05B

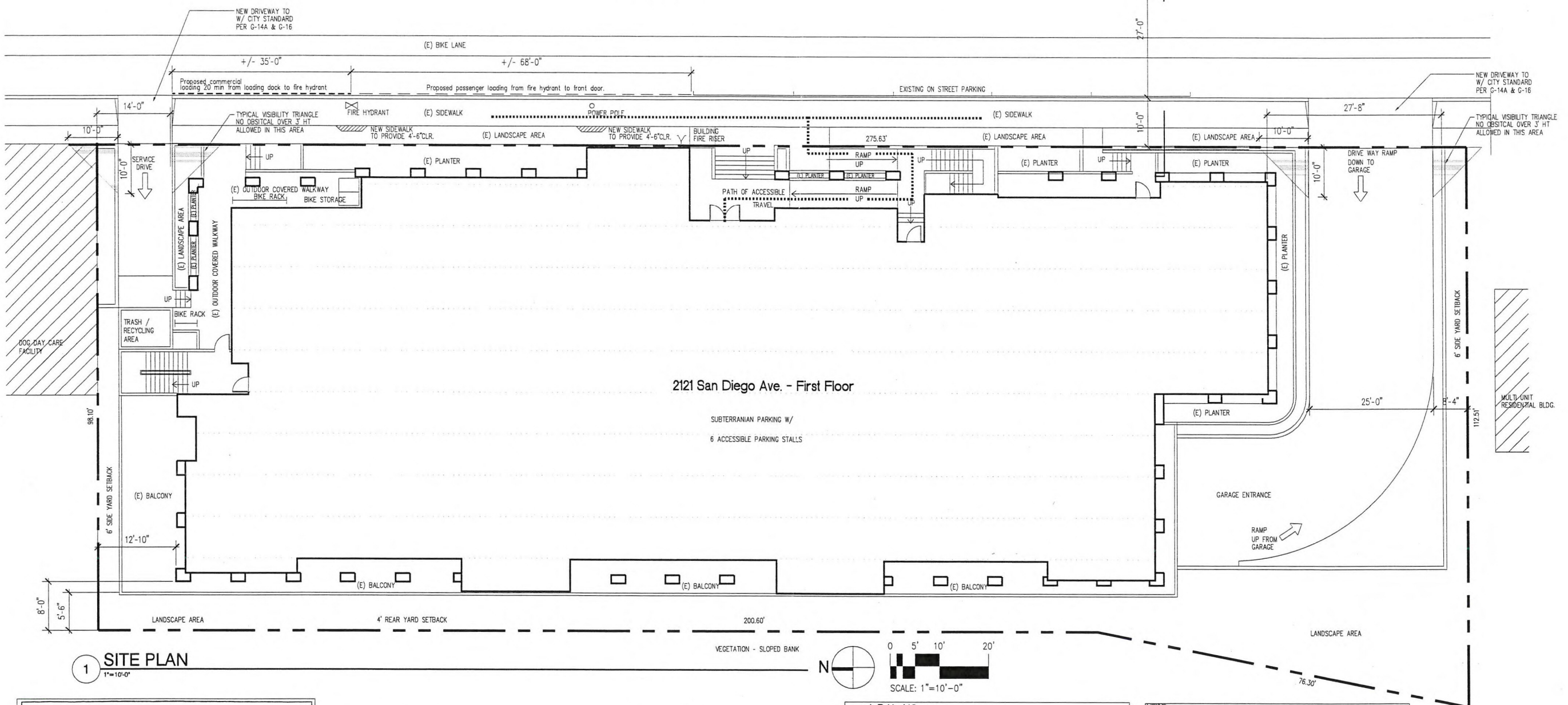
Symbol in Table 131-05B	Description of Symbol
P	Use or use category is permitted. Regulations pertaining to a specific use may be referenced.
L	Use is permitted with limitations, which may include location limitations or the requirement for a use or <i>development permit</i> . Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
N	Neighborhood Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
C	Conditional Use Permit Required. Regulations are located in Chapter 14, Article 1 (Separately Regulated Use Regulations).
-	Use or use category is not permitted.

Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-			2-			3-			4-			5-					
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Horticulture Nurseries & Greenhouses		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising & Harvesting of Crops		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Raising, Maintaining & Keeping of Animals		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Separately Regulated Agriculture Uses																			
Agricultural Equipment Repair Shops		P			P			-			P							P	
Commercial Stables		-			-			-			-			-				-	
Community Gardens		L			L			L			L			L				L	
Equestrian Show & Exhibition Facilities		-			-			-			-			-				-	
Open Air Markets for the Sale of Agriculture-Related Products & Flowers		-			-			-			-			-				-	
Residential																			
<i>Mobilehome Parks</i>		-			-			-			-			-				-	
<i>Multiple Dwelling Units</i>		P ⁽²⁾			-			P ⁽²⁾			P ⁽²⁾			P ⁽²⁾				P ⁽²⁾	
<i>Rooming House</i> [See Section 131.0112(a)(3)(A)]		P			-			P			P			P				P	
<i>Single Dwelling Units</i>		-			-			-			-			-				-	
Separately Regulated Residential Uses																			
<i>Boarder & Lodger Accommodations</i>		L			-			L			L			L				L	
Companion Units		-			-			-			-			-				-	
Employee Housing:																			
6 or Fewer Employees		-			-			-			-			-				-	
12 or Fewer Employees		-			-			-			-			-				-	
Greater than 12 Employees		-			-			-			-			-				-	
Fraternities, Sororities and Student Dormitories		C			-			C			C			C				C	
Garage, Yard, & Estate Sales		-			-			-			-			-				-	

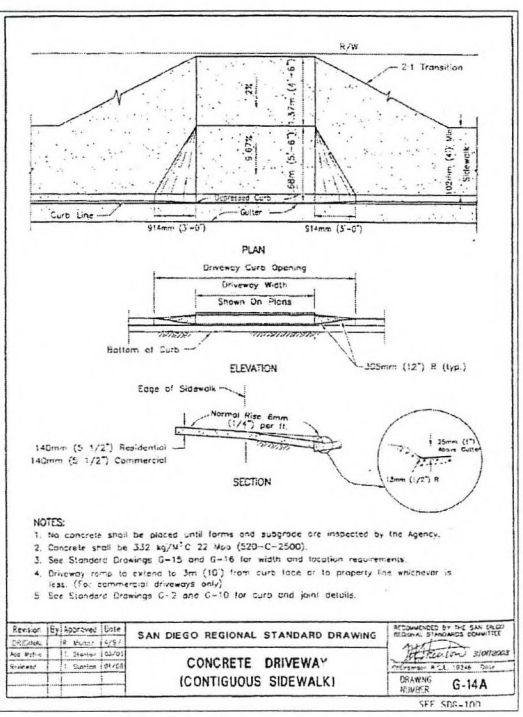


Use Categories/Subcategories [See Section 131.0112 for an explanation and descriptions of the Use Categories, Subcategories, and Separately Regulated Uses]	Zone Designator	Zones																	
	1st & 2nd >>	CC-																	
	3rd >>	1-			2-			3-			4-			5-					
	4th >>	1	2	3	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
Guest Quarters		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Home Occupations		L	-	L	L	-	L	L	-	L	L	-	L	L	-	L	L	-	L
Housing for Senior Citizens		C	-	C	C	-	C	C	-	C	C	-	C	C	-	C	C	-	C
Live/Work Quarters		L	-	L	L	-	L	L	-	L	L	-	L	L	-	L	L	-	L
Residential Care Facilities:																			
6 or Fewer Persons		P	-	P	P	-	P	P	-	P	P	-	P	P	-	P	P	-	P
7 or More Persons		C	-	C	C	-	C	C	-	C	C	-	C	C	-	C	C	-	C
Transitional Housing:																			
6 or Fewer Persons		P	-	P	P	-	P	P	-	P	P	-	P	P	-	P	P	-	P
7 or More Persons		C	-	C	C	-	C	C	-	C	C	-	C	C	-	C	C	-	C
Watchkeeper Quarters		-	L	-	-	L	-	-	L	-	-	L	-	-	L	-	-	L	-
Institutional																			
Separately Regulated Institutional Uses																			
Airports		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Botanical Gardens & Arboretums		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Cemeteries, Mausoleums, Crematories		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Churches & Places of Religious Assembly		L	L	C	L	L	C	L	L	C	L	L	C	L	L	C	L	L	C
Correctional Placement Centers		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Educational Facilities:																			
Kindergarten through Grade 12		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Colleges / Universities		C	C	-	C	C	-	C	C	-	C	C	-	C	C	-	C	C	-
Vocational / Trade School		P	P	-	P	P	-	P	P	-	P	P	-	P	P	-	P	P	-
Energy Generation & Distribution Facilities		P	C	C	P	C	C	P	C	C	P	C	C	P	C	C	P	C	C
Exhibit Halls & Convention Facilities		C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

San Diego Ave.



1 SITE PLAN
1"=10'-0"



PROJECT TEAM

OWNER:
PVOIDTOWN, LLC
4350 LA JOLLA VILLAGE DRIVE, SUITE 110
SAN DIEGO, CALIFORNIA 92122
TELEPHONE: 858.625.0100

ARCHITECT:
LAHAINA ARCHITECTS
2307 FENTON PARKWAY SUITE 107-70
SAN DIEGO, CALIFORNIA 92108
PHILIP CUDABACK
EMAIL: PCUDABACK@LAHAINA-ARCHITECTS.COM (858) 357-5509 P

STRUCTURAL ENGINEER:
DODD AND ASSOCIATES
2020 HANCOCK STREET STE B
SAN DIEGO, CA 92131 619 260 0057 P
619 260-0046 F
JERRY DODD
EMAIL: JDODD@DREENGINEERS.COM <MAIL TO: JDODD@DREENGINEERS.COM>

MECHANICAL ENGINEER:
DAVAR & ASSOCIATES (805)546-8802 P
1844 E. WALNUT STREET SUITE A PASADENA, CA 91107 (805)546-8803 F
SAAED DAVAR / GILBERT DILANCHIAN
EMAIL: SAED@DAVARMECH.COM <MAIL TO: SAED@DAVARMECH.COM>

PLUMBING ENGINEER:
DAVAR & ASSOCIATES 626-696-3850 P
1844 E. WALNUT STREET SUITE A PASADENA, CA 91107 626-696-3855 F
SAAED DAVAR / GILBERT DILANCHIAN
EMAIL: GILBERT@DAVARMECH.COM <MAIL TO: GILBERT@DAVARMECH.COM>

ELECTRICAL ENGINEER:
MPE 858-673-4445 P
17065 CAMINO SAN BERNARDO SUITE 100 SAN DIEGO, CA 92127 858-673-4446 F
DAN MAYORGAS, PE, LEED AP
SENIOR PROJECT ENGINEER
DANM@MPECONSULTING.COM <MAIL TO: DANM@MPECONSULTING.COM>

BUILDING DATA

SCOPE OF WORK, INCLUDING ALL EXISTING AND PROPOSED IMPROVEMENTS:
+/- 46,926 SF TO WORK FOR 3 FLOORS OF EXISTING BUILDING INCLUDING NEW MECHANICAL ELECTRICAL AND PLUMBING COMPONENTS

ANY PROPOSED DEVELOPMENT REGULATION DEVIATIONS: NONE

DISCRETIONARY PERMITS/APPROVALS: CONDITIONAL USE PERMIT

TYPE OF CONSTRUCTION: V

OCCUPANCY CLASSIFICATION PER THE CALIFORNIA BUILDING CODE: R-2, B

ZONING DESIGNATION / OVERLAY ZONE DESIGNATIONS: MCCPD-CL-6
AIRPORT APPROACH OVERLAY, FEDERAL AVIATION ADMINISTRATION PART 77

GROSS SITE AREA, FLOOR AREA AND FLOOR AREA RATIO: 0.634 ACRES

EXISTING AND PROPOSED USES: CURRENTLY VACANT, PROPOSED USE 40 BED TRANSITIONAL VA HOUSING FACILITY / ADMIN PROJECT

YEAR CONSTRUCTED FOR ALL EXISTING STRUCTURES ON THE LOT: 1982

GEOLOGIC HAZARD CATEGORY: SITE IS WITHIN CATEGORIES 53 AND 12

LANDSCAPE AREA SQUARE FOOTAGE FOR WATER CONSERVATION PURPOSES: 3,400 SF

A.P.N. NO.
451-711-46

BASIS OF BEARINGS:
THE BASIS OF BEARING FOR THIS SURVEY IS A PORTION OF THE 11.8 FOOT OFFSET LINE ALONG THE SOUTHERLY RIGHT OF WAY OF SAN DIEGO AVENUE AS SHOWN ON PARCEL MAP NO. 12562, I.E. N61°15'10"W

LAND AREA:
27,811 SF
0.634 ACRES

FLOOD NOTE:
FEDERAL EMERGENCY MANAGEMENT AGENCY MAP NO. D05020127 F DATED JUNE 15, 1987
ZONE "X" DENOTES AREAS DETERMINED TO BE OUTSIDE 500 YEAR FLOODPLAIN.

SITE RESTRICTIONS:
ZONE: MCCPD-CL-6
MID-CITY COMMUNITIES PLANNED DISTRICT
COMMERCIAL - NEAR ZONE B
SETBACKS: FRONT = 10'
SIDE = 4'
STREET = 10'
REAR = 4'

ALL SITE RESTRICTIONS WERE OBTAINED FROM THE CITY OF SAN DIEGO. WEBSITE: WWW.SANDIEGO.GOV

LEGAL DESCRIPTION:
PARCEL E1:
IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN AT PAGE 647 OF PARCEL MAPS, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 15, 1971.

PARCEL E2:
LOTS 8, 9 AND 10 IN BLOCK 218 OF MIDDLETOWN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO PARTITION MAP THEREOF MADE BY J. E. JACKSON, ON FILE IN THE OFFICE OF THE COUNTY CLERK OF SAN DIEGO COUNTY.

NOTES:
This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 287376, dated November 28, 2002) and the amendments to Council Policy 200-18 approved by City Council on February 28, 2002 (Resolution R 286141) satisfactory to the City Engineer. This may require (but not be limited to) removal/modification of existing and/or the installation of new/retrofit street lighting(s), upgrading of light(s) from low pressure to high-pressure sodium vapor, and/or upgrading of signage. (From Cycle 9)

VICINITY MAP



2307 Fenton Parkway
Suite 107-70
San Diego, CA 92101
(858) 692-3835

Revision 05: _____
Revision 04: _____
Revision 03: February 22, 2012
Revision 02: January 25, 2012
Revision 01: December 15, 2011
Original Date: October 10, 2011
Sheet 1 of 8
DEP# _____

A-0.1 SITE PLAN

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Author	SA	5/20/2016	SA
Checker	SA	5/20/2016	SA
Drawn	SA	5/20/2016	SA
Reviewed	SA	5/20/2016	SA

APPROVED BY THE SAN DIEGO REGIONAL STANDARDS COMMITTEE

CONCRETE DRIVEWAY (CONTIGUOUS SIDEWALK)

DRAWING NUMBER: G-14A

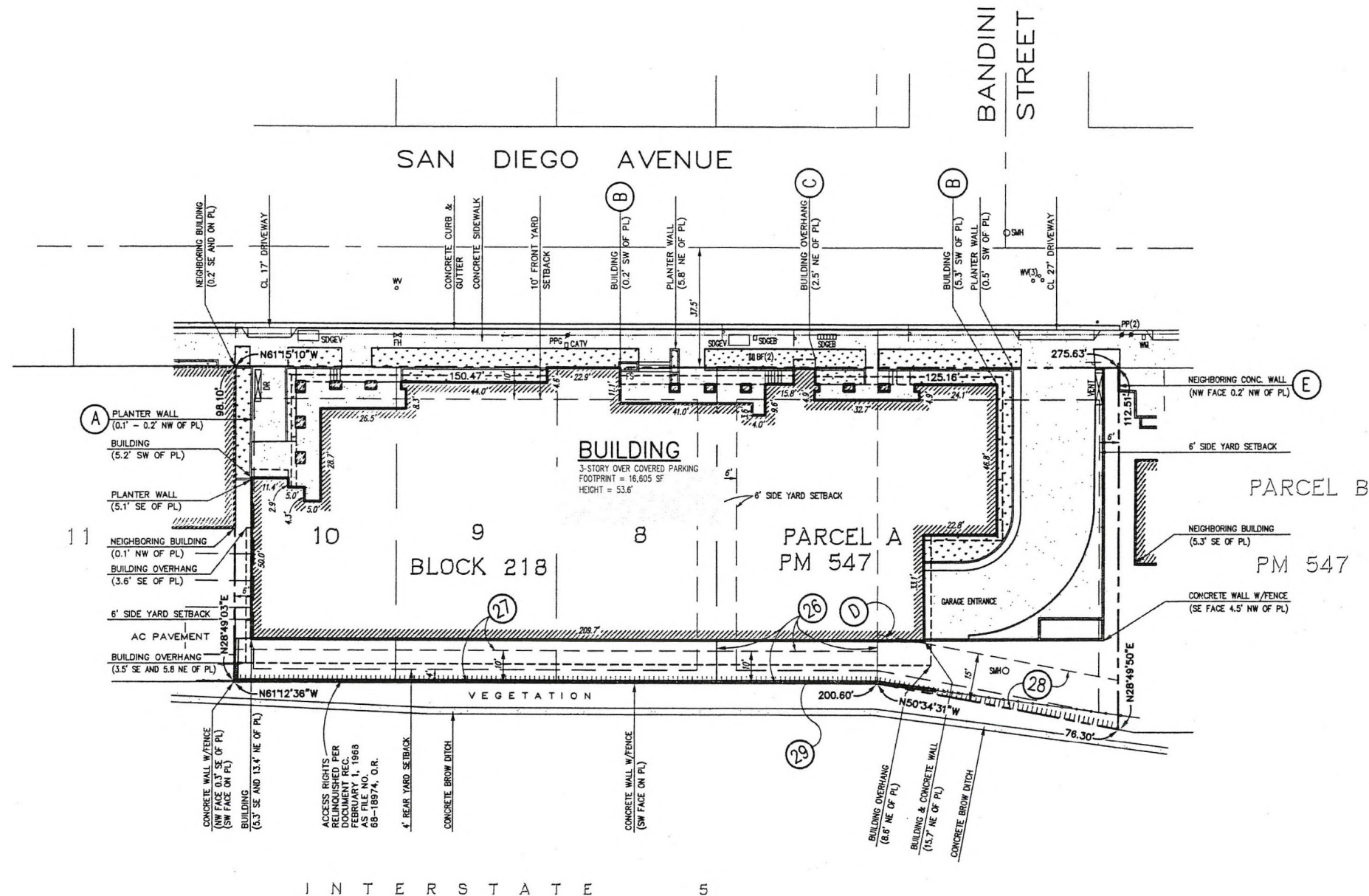
SFP 505-100

- AC - ASPHALTIC CONCRETE
- APN - ASSESSOR'S PARCEL NUMBER
- BF - WATER BACKFLOW
- CL - CENTERLINE
- EC - ELECTRICAL CLOSET
- GP - GAUROPOST
- NE - NORTHEAST
- NW - NORTHWEST
- PL - PROPERTY LINE
- PP - POWER POLE
- PPG - POWER POLE W/GUY WIRE(S)
- SE - SOUTHEAST
- SW - SOUTHWEST
- SMH - SEWER MANHOLE
- TR - TRANSFORMER
- UMH - UTILITY MANHOLE
- WM - WATER METER
- WV - WATER VALVE

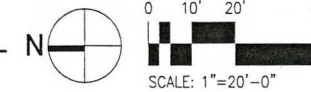
- PROPERTY BOUNDARY
- OVERHEAD POWER LINES
- WOOD FENCE
- ▲ POWER POLE
- ▲ SIGN POLE
- HANDICAP PARKING STALL
- CONCRETE
- LANDSCAPED AREA

STATEMENT OF ENCROACHMENTS:

- (A) PLANTER WALL ENCROACHES ONTO NEIGHBORING PROPERTY.
- (B) BUILDING ENCROACHES ONTO FRONT YARD SETBACK.
- (C) BUILDING OVERHANG ENCROACHES ONTO FRONT YARD SETBACK.
- (D) BUILDING ENCROACHES ONTO SEWER EASEMENT, ITEM #28.
- (E) CONCRETE WALL ENCROACHES ONTO SUBJECT PROPERTY.



1 ALTA SURVEY
1"=20'-0"



- (26) - AN EASEMENT FOR A SEWER LINES IN FAVOR OF THE CITY OF SAN DIEGO, RECORDED MARCH 6, 1964 AS INSTRUMENT NO. 42425 OF OFFICIAL RECORDS.
- (27) - AN EASEMENT FOR A SEWER LINES IN FAVOR OF THE CITY OF SAN DIEGO, RECORDED NOVEMBER 17, 1964 AS INSTRUMENT NO. 208953 OF OFFICIAL RECORDS.
- (28) - AN EASEMENT FOR A SEWER, WATER, DRAINAGE, GAS, ELECTRIC AND TELEPHONE FACILITIES IN FAVOR OF THE CITY OF SAN DIEGO, RECORDED FEBRUARY 3, 1968 AS INSTRUMENT NO. 31275 OF OFFICIAL RECORDS.
- (29) - THE FACT THAT OWNERSHIP OF SAID PROPERTY DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET, HIGHWAY, OR FREEWAY ADJUTING SAID LAND, SAID RIGHTS RELINQUISHED BY THE MAP OF SAID TRACT.
- (30) - AN EASEMENT FOR PUBLIC UTILITES, INGRESS AND EGRESS IN FAVOR OF SAN DIEGO GAS & ELECTRIC COMPANY, RECORDED SEPTEMBER 16, 1982 AS INSTRUMENT NO. 82-287435 OF OFFICIAL RECORDS. THE EXACT EXTENT AND LOCATION OF SAID EASEMENT IS NOT DISCLOSED OF RECORD AND IS NOT PLOTTED HEREON.

LAHAINA
ARCHITECTS

2307 Fenton Parkway
Suite 197-78
San Diego, CA 92101
(858) 692-3835

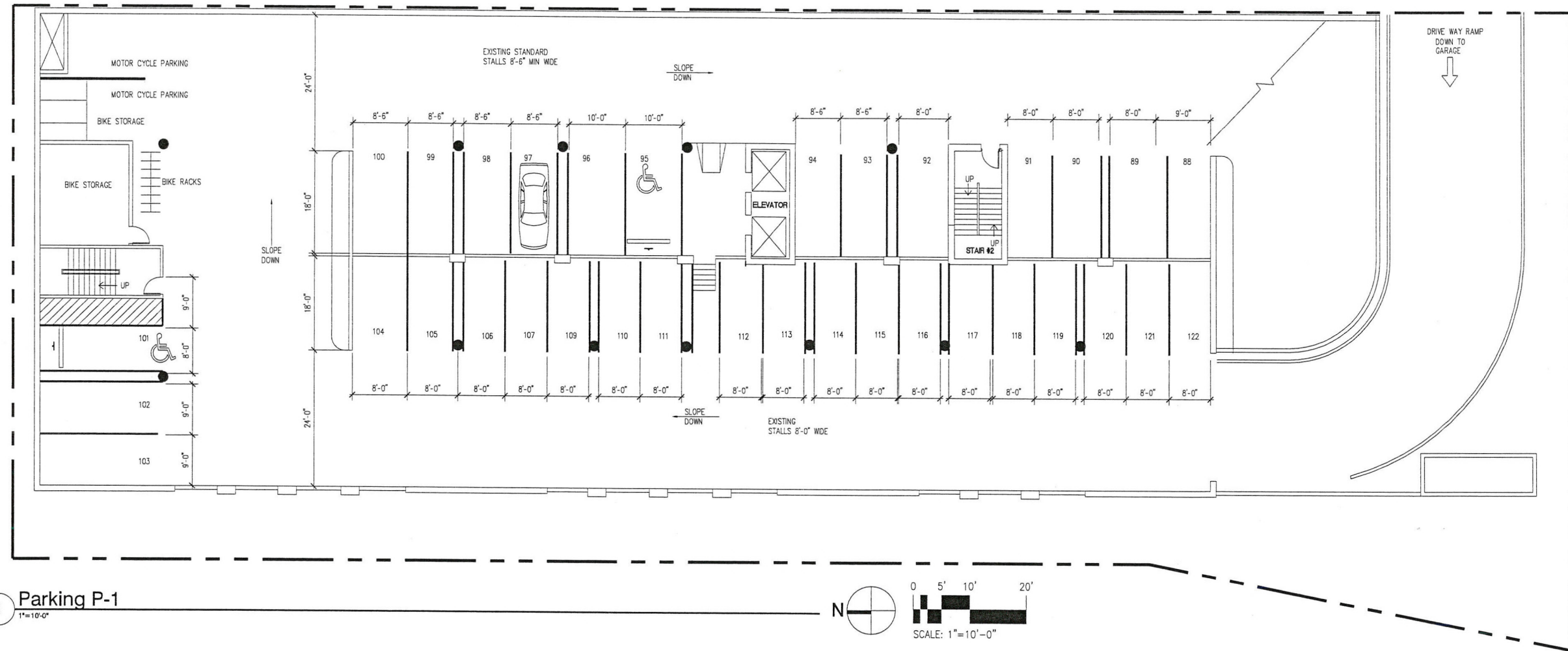
Revision 05: _____
Revision 04: _____
Revision 03: _____
Revision 02: _____
Revision 01: December 15, 2011
Original Date: October 10, 2011
Sheet: 2 of 8
DEP# _____

Project Name:
OLD TOWN - VA TRANSITIONAL
HOUSING FACILITY
2121 SAN DIEGO AVE
SAN DIEGO, CA 92110
Sheet Title:
A-0.2 SITE PLAN

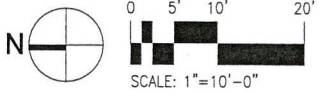
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1 Parking P-1
1"=10'-0"



LAHAINA
ARCHITECTS

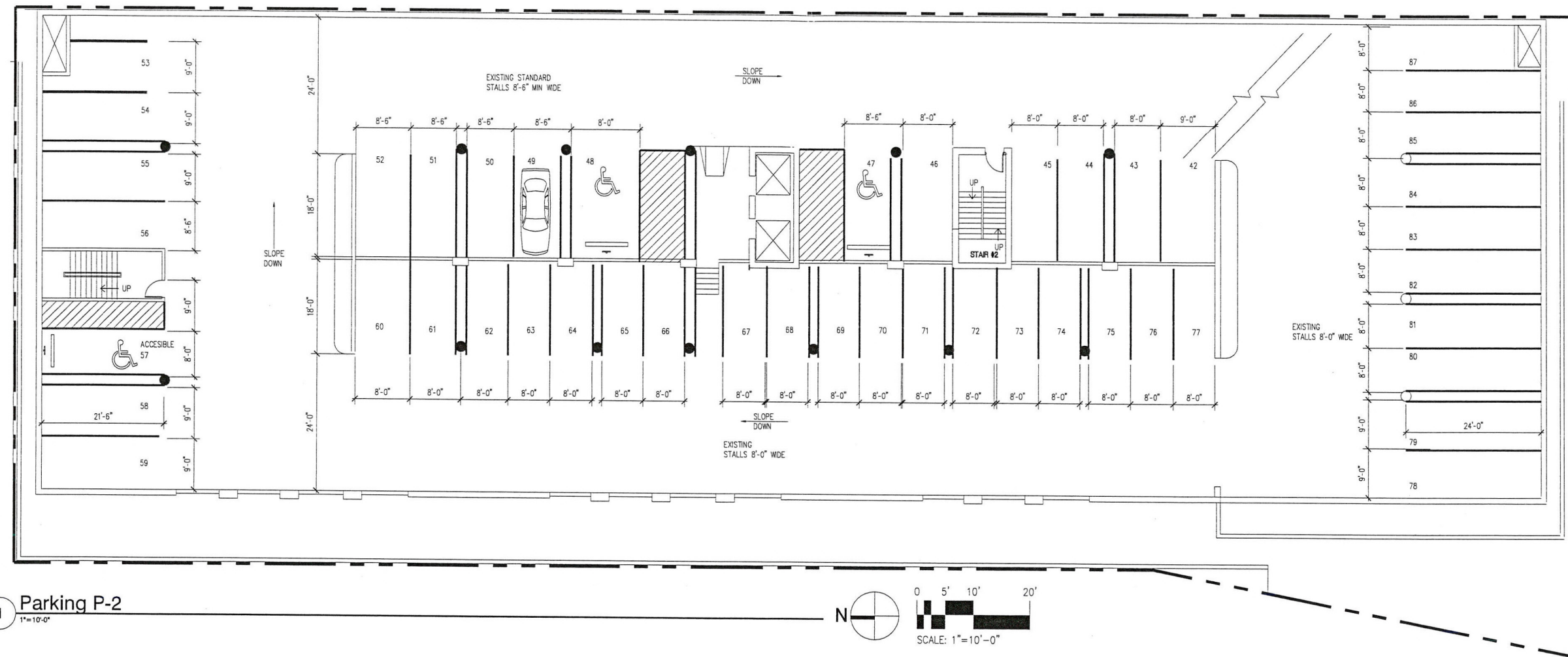
2307 Fenton Parkway
Suite 107-70
San Diego, CA 92101
(619) 692-3835

Project Name:
OLDTOWN - VA TRANSITIONAL
HOUSING FACILITY
2121 SAN DIEGO AVE
SAN DIEGO, CA 92110
Sheet Title:

A-P1 PARKING LEVEL 1 DEP#

Revision 05:	_____
Revision 04:	_____
Revision 03:	_____
Revision 02:	February 22, 2012
Revision 01:	December 15, 2011
Original Date:	October 10, 2011
Sheet	3 of 8

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LAHAINA
ARCHITECTS

2307 Fenton Parkway
Suite 107-70
San Diego, CA 92101
(858) 692-3835

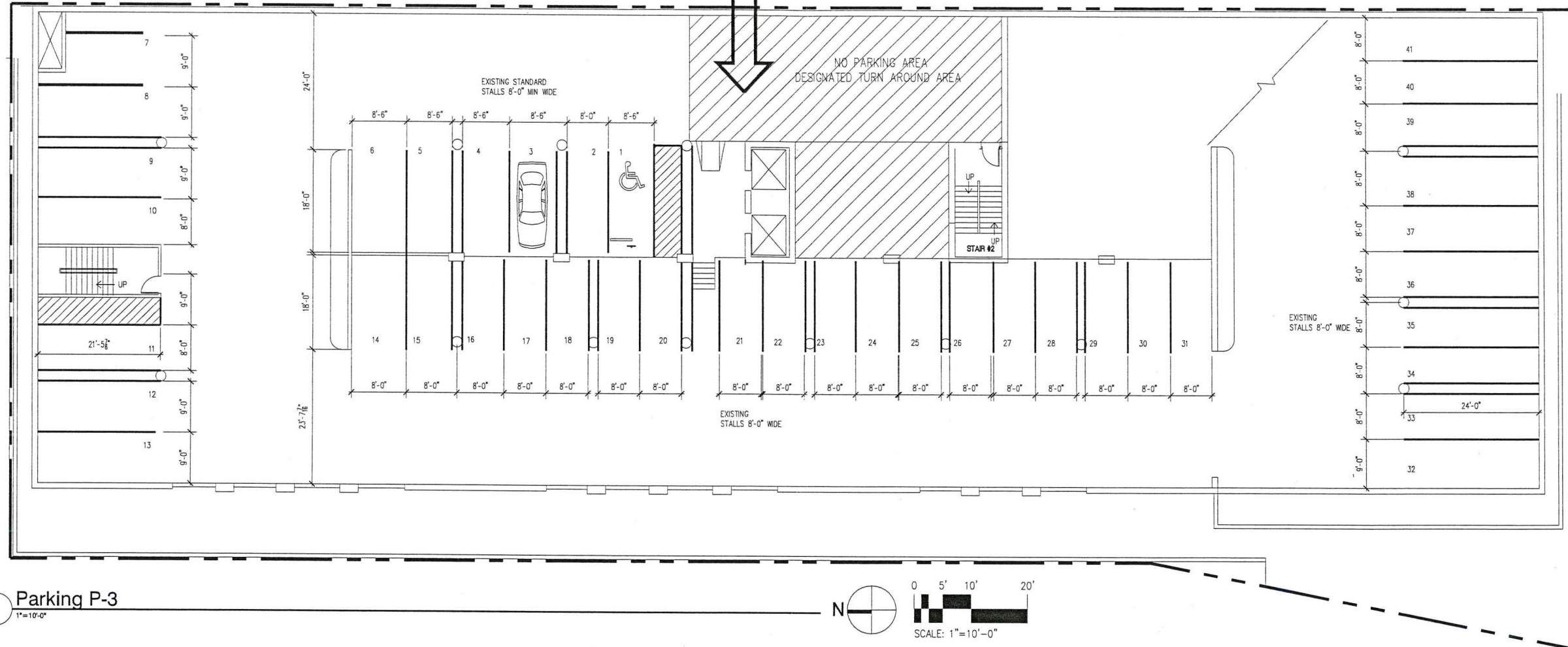
Project Name:
OLDTOWN - VA TRANSITIONAL
HOUSING FACILITY
2121 SAN DIEGO AVE
SAN DIEGO, CA 92110

Sheet Title:
A-P2 PARKING LEVEL 2

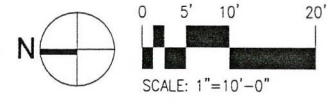
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Revision 04: _____
Revision 03: _____
Revision 02: February 22, 2012
Revision 01: December 15, 2011
Original Date: October 10, 2011
Sheet 4 of 8
DEP# _____

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(3) Aisles that do not provide through circulation shall provide a turnaround area at the end of the aisle that is clearly marked to prohibit parking and that has a minimum area equivalent to a parking space.



1 Parking P-3
1"=10'-0"



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LAHAINA
ARCHITECTS

2307 Fenton Parkway
Suite 107-78
San Diego, CA 92101
(658) 692-3835

Project Name:
OLDTOWN - VA TRANSITIONAL
HOUSING FACILITY
2121 SAN DIEGO AVE
SAN DIEGO, CA 92110

Revision 05:	_____
Revision 04:	_____
Revision 03:	February 22, 2012
Revision 02:	January 25, 2012
Revision 01:	December 15, 2011
Original Date:	October 10, 2011
Sheet Title:	A-P3 PARKING LEVEL3
DEP#:	5 of 8



444 West Ocean Boulevard | Suite 1410
 Long Beach, CA 90802
 562.436.9900 Phone | 562.436.9905 Fax

ARCHITECT:

CONSULTANT:

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REVISIONS:

NO.:	DATE:	DESCRIPTION:
1-19-12		TENANT REVIEW
1-25-12		CLIENT REVISIONS

PLAN CHECK:

PROJECT:

OLD TOWN VA
 TRANSITIONAL HOUSING
 FACILITY

2121 SAN DIEGO AVENUE
 SAN DIEGO, CA 92110

DRAWN BY: LL
 CHECKED BY: KN

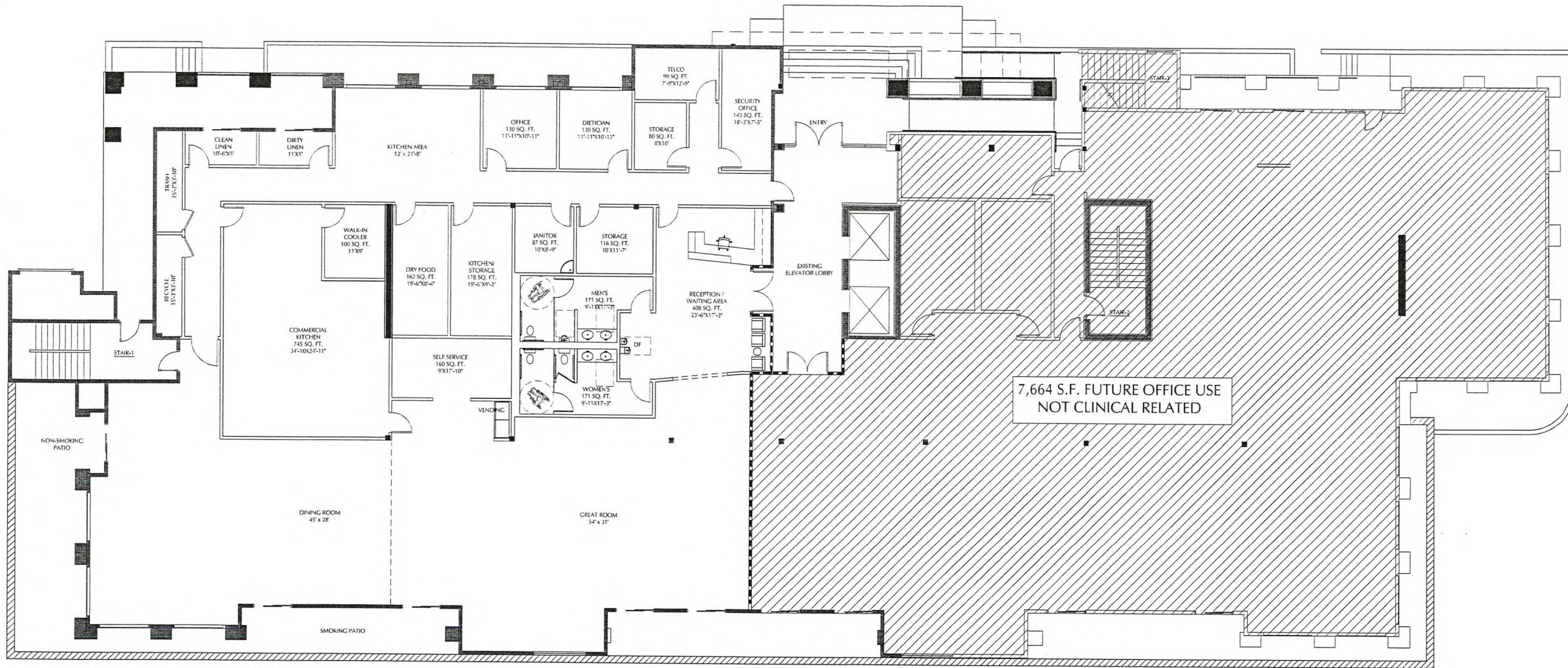
SHEET TITLE:
 SPACE PLAN
 1ST FLOOR

SHEET NUMBER:

6

PROJECT: 10049.01
 SCALE: 1/8" = 1'-0"
 DATE: 1/19/12

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1 SPACE PLAN (1ST FLOOR)

SYMBOLS LEGEND

- NEW INTERIOR DOOR TO MATCH EXISTING
- EXISTING PARTITION TO REMAIN
- NEW NON-BEARING PARTITION
- NEW FULL-HEIGHT FIRE PARTITION

1ST
 FLOOR

P:\KARDENT DESIGN\PROJECTS\0408 01 VA SAN DIEGO DONOR ELIMINATION PLANS BY KARDENT\1ST FLOOR\0408 01_1ST FLR SHEET 6.DWG

ARCHITECT:

CONSULTANT:

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REVISIONS:

NO.:	DATE:	DESCRIPTION:
1-	18-12	ISSUE FOR REVIEW
1-	25-12	CLIENT REVISIONS

PLAN CHECK:

PROJECT:

OLD TOWN VA
TRANSITIONAL HOUSING
FACILITY

2121 SAN DIEGO AVENUE
SAN DIEGO, CA 92110

DRAWN BY:

LL

CHECKED BY:

KN

SHEET TITLE:

SPACE PLAN
2ND FLOOR

SHEET NUMBER:

7

PROJECT:

10049.01

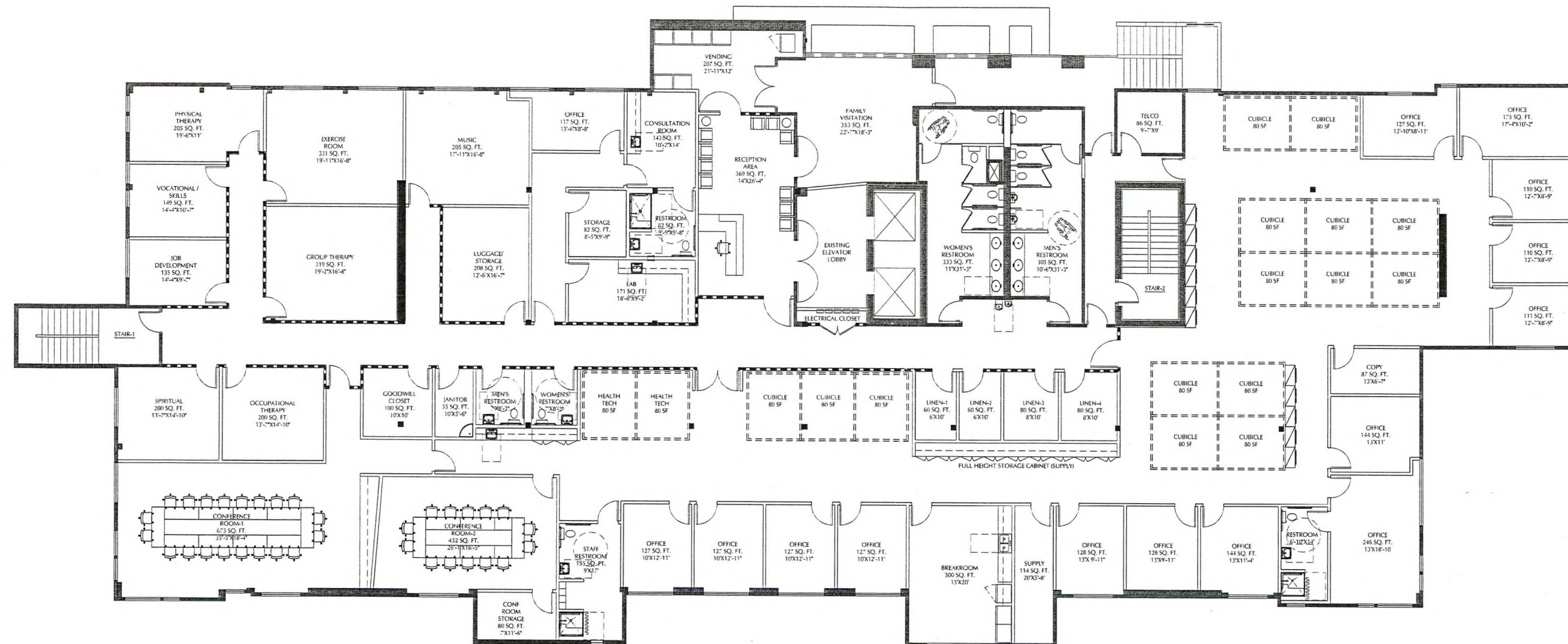
SCALE:

1/8" = 1'-0"

DATE:

1/19/12

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1 SPACE PLAN (2ND FLOOR)

SYMBOLS LEGEND

- NEW INTERIOR DOOR TO MATCH EXISTING
- EXISTING PARTITION TO REMAIN
- NEW NON-BEARING PARTITION
- NEW FULL-HEIGHT FIRE PARTITION

2ND
FLOOR



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REVISIONS:

NO.:	DATE:	DESCRIPTION:
1-	1-18-12	ISSUE FOR REVIEW
1-	1-25-12	CLIENT REVISIONS

PLAN CHECK:

PROJECT:

OLD TOWN VA
 TRANSITIONAL HOUSING
 FACILITY

 2121 SAN DIEGO AVENUE
 SAN DIEGO, CA 92110

DRAWN BY:

LL

CHECKED BY:

KN

SHEET TITLE:

SPACE PLAN
 3RD FLOOR

SHEET NUMBER:

8

PROJECT:

10049.01

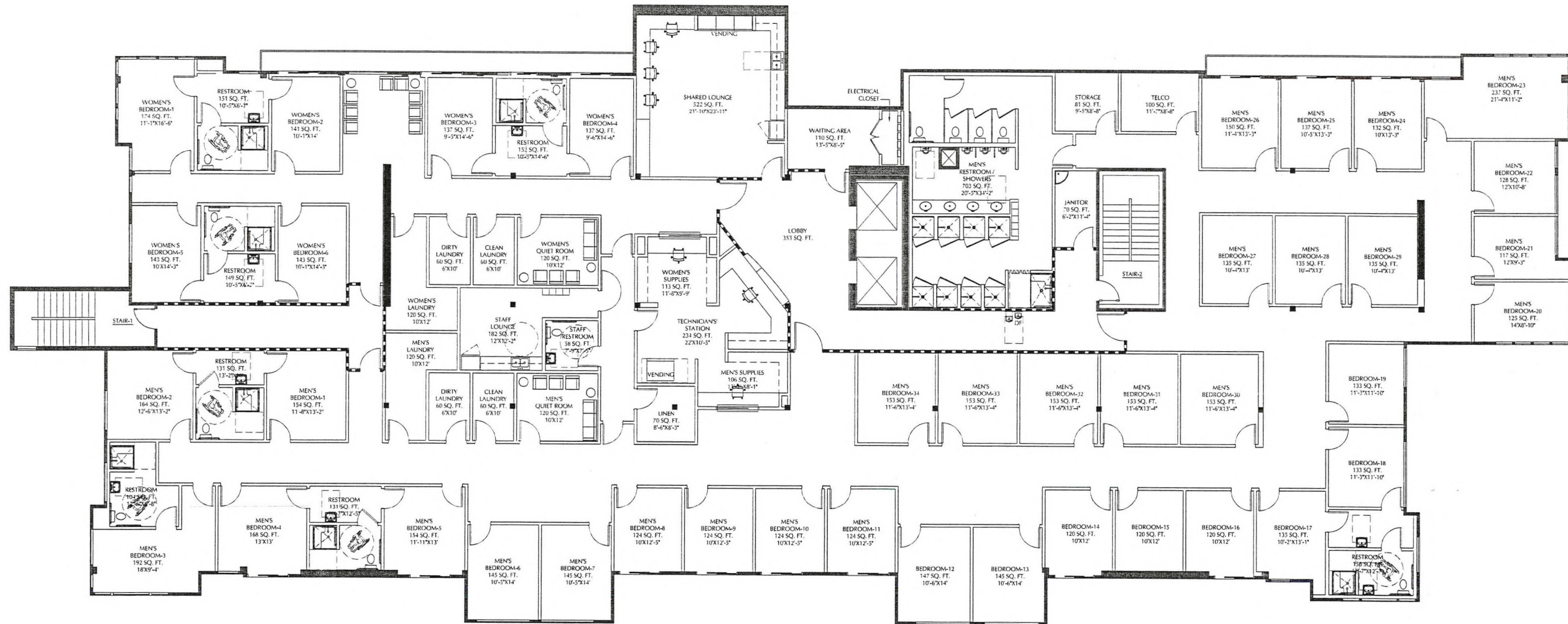
SCALE:

1/8" = 1'-0"

DATE:

1/19/12

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PROJECT: 10049.01 - OLD TOWN VA TRANSITIONAL HOUSING FACILITY - 3RD FLOOR SPACE PLAN - SHEET 8 OF 8

1 SPACE PLAN (3RD FLOOR)

SYMBOLS LEGEND

- NEW INTERIOR DOOR TO MATCH EXISTING
- EXISTING PARTITION TO REMAIN
- NEW NON-BEARING PARTITION
- NEW FULL-HEIGHT FIRE PARTITION

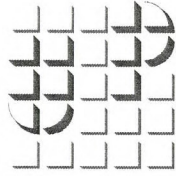
3RD
 FLOOR



DEVELOPMENT SERVICES

Project Chronology**Old Town Transitional Housing Project – Project No. 259358**

Date	Action	Description	City Review Time (Working Days)	Applicant Response (Working Days)
10/31/2011	First Submittal	Project Deemed Complete		
11/29/2011	First Assessment Letter		19 days	
01/31/2012	Second Submittal			38 days
02/21/2012	Second Assessment Letter		14 days	
03/08/2012	Third Submittal			12 days
03/20/2012	Third Assessment Letter		8 days	
04/11/2012	Fourth Submittal			15 days
04/30/2012	Final Assessment Letter		13 days	
04/30/2012	Environmental Exemption Determination – In-Fill – Section 15332			
06/19/2012	City Council Hearing	First available hearing date	35 days	
TOTAL STAFF TIME		(Does not include City Holidays or City Furlough)	89 days	
TOTAL APPLICANT TIME		(Does not include City Holidays or City Furlough)		55 days
TOTAL PROJECT RUNNING TIME		From Deemed Complete to City Council	144 days	



UPTOWN PLANNERS
Uptown Community Planning Group
May 1, 2012
MEETING MINUTES
Meeting Place: Joyce Beers Community Center

Meeting called to order at 6:00 p.m. by Vice Chair Jaworski.

Present: Jennifer Pesqueira, Matt Winter, Joe Naskar, Tom Fox, Bob Grinchuk, Ernie Bonn, Gary Bonner, Rhett Butler (6:10), Chris Ward, Ken Tablang, Neil Ferrier, Tony Winney, Beth Jaworski, Janet O'Dea (6:25)

Absent: Kim Adler, Don Liddell, Jim Mellos,

Approximately 100 people were in attendance.

I. Board Meeting: Parliamentary Items/ Reports:

During introductions, Acting Secretary Wilson pointed out this was likely the first Uptown Planners meeting chaired by a woman since Joyce Beers, the first chair of Uptown Planners, presided.

No board member agreed to be Secretary, so former board member Wilson agreed to continue to serve as Acting Secretary.

Approval of Agenda:

Motion by Ferrier, seconded by Winney, to approve the agenda as presented; passed by a unanimous vote of 12-0-1.

Approval of Minutes:

Motion by Bonn, seconded by Ferrier, to approve the draft minutes for the February 7, 2012 meeting; approved by a 12-0-1 vote; Ward, Jaworski abstaining.

Motion by Bonn, seconded by Ferrier, to approve the draft minutes for the February 16, 2012 special meeting; approved by a 11-0-3 vote; Ward, Grinchuk, Jaworski abstaining.

Motion by Ferrier, seconded by Bonner, to approve the draft minutes for the March 6, 2012 meeting; approved by a 11-0-3 vote; Ward, Grinchuk, Jaworski abstaining.

Motion by Bonn, seconded by Ferrier, to approve the draft minutes for the April 3, 2012 meeting; approved by a 13-0-1 vote; Jaworski abstaining.

Treasurer's Report:

Fox reported there was a total of \$375.00 in the bank account; Fox and former Treasurer Dahl will change the bank account into Fox's name over the next month.

Website Report:

Winney reported he is working with O'Dea on learning how to operate the website.

Chair/ CPC Report:

None

II. Non-Agenda Public Comment:

Aaron Byzak from UCSD provided an update on the traffic circulation study that his organization is sponsoring in the Hospital District. He announced a public workshop would take place on June 27, 2012 to discuss the study. Byzak also announced that Paul Viviano will be the new CEO of UCSD Hospital beginning in June 2012.

III. Representatives of Elected Officials:

Anthony Bernal, representing City Councilmember Todd Gloria, passed out the latest "District Three Dialogue"; he spoke about the increase in street repaving from prior years because of the improved financial status of the city; and announced a bike corral would be placed in Hillcrest.

Ian Clampett, representing City Councilmember Kevin Faulconer, also spoke about the improved finances of the city, and indicated more police officers would be on the streets as a result. He also indicated Councilmember Faulconer had personally participated in the repair of pot holes; and that 100 miles of streets had been repaved compared with seven miles last year. Faulconer had participated in the centennial celebration for the Spruce Street Bridge; and the Mike Gotch Bridge dedication as well.

Jason Weisz, now representing California Assemblymember Toni Atkins, announced a school scholarship program the state enacted that would be paid for through a new tax on corporations.

IV. Consent Agenda:

None

V. Potential Action Items: Projects:

2121 SAN DIEGO AVENUE ("OLD TOWN TRANSITIONAL HOUSING") – Process Five –
Five Points/ Middletown -- Conditional Use Permit for Transitional Military Housing in an existing; 46,926 sq. ft. acre site at 2121 San Diego Avenue in the MCCPD CL-6 Zone; AAOZ; FAA Part 77, North Bay Redevelopment Area.

The Old Town Transitional Housing project had been continued from the April 3, 2012 meeting of Uptown Planners; and in the interim the board requested: (1.) a determination by the City Attorney whether the project is transitional housing or a treatment facility; and (2.) the completion of environmental review which required the submittal of a geotechnical report showing whether there is an active fault under the project site.

Subsequently, the City Attorney, in a letter dated April 18, 2012, declined to make the determination requested by the board, and further indicated the issue may not be resolved prior to the City Council hearing that will decide whether to grant the CUP.

A Notice of Environmental Determination, dated April 30, 2012, indicated the project was exempt from CEQA because it was infill; this determination was made upon submittal of the geotechnical report sometime in April.

Public Comment:

Dr. Robert Smith and Debbie Dominick gave an update on the project; and Jessica Poole from Congresswoman Susan Davis' Office spoke about whether the federal funds designated for the Old Town Transitional Housing site could be used at a different location in San Diego. Poole indicated there was no guarantee they could be transferred, and that they must be used by the end of the year. If the federal funds were withdrawn, it would deprive 600-900 veterans of the program's benefits. Dr. Smith indicated the CUP could be made subject to a five year mandatory review. Jim Bartell, a consultant for the project, stated the applicant was willing to place conditions on the project, such as restricting smoking and an earlier curfew. Bartell also indicated the applicant was offering to tint both the project's east windows and the west windows of the Old Town Academy, and that there would also be 24/7 security.

Attorney Cynthia Morgan, representing the Old Town Academy, submitted a letter dated April 30, 2012 in response to the City Attorney's letter; the letter had been distributed to the board by E-mail prior to the meeting. Morgan also distributed a letter from the Foley & Lardner law firm dated May 1, 2012 at the meeting, which argued that the Veterans Administration had the discretion to find an alternate site in San Diego and retain the federal funding. Morgan requested the board reject the CUP for the specific reasons stated in the letters. Tom Donohue of the Old Town Academy also spoke, and expressed a fear that the Old Town Academy would be forced to close if the CUP was approved.

The Chair requested that comment from those in attendance be limited to the new information provided the board since the April meeting, and that those who spoke at the April meeting defer from speaking again.

Public comment was made by both supporters and opponents of the project: Among those speaking in favor were Tess Banko, Robin Williams, Gary Rossio, Ian Epley, Christine Hamel, Steve ---, from the project's advisory committee, Elsa Olesen; Simon P-----; among those speaking against were Michael Rosenbaum, Bob Daniels, Lisa Mortensen, Tom Gabrielli. Cindy Abair, of the VA, pointed out that federal contract regulations prevented the VA from finding an alternative location unless the CUP was rejected by the City Council; Jessica Poole, from Congressman Davis' Office, questioned if there would be enough time to process an RFP for a new site should that happen.

Board members made brief comments; those against indicated concerns regarding proximity of the proposed project to the charter school, land use incompatibility and opposition from the neighborhood; those in favor believed the use was compatible with both the school and neighborhood.

Motion by Butler, seconded by O'Dea, that: "Uptown Planners oppose the application for the Old Town Transitional Housing project CUP as presented." The motion passed by a vote of 9-4-1; voting in favor Butler, O'Dea, Pesqueira, Fox, Naskar, Grinchuk, Ward, Bonn, Tablang; voting against Winter, Winney, Bonner, Ferrier; non-voting Chair Jaworski abstained.

3232 GOLDFINCH STREET PUBLIC ROW VACATION – Process Five – Mission Hills – Public Right of Way Vacation to vacate a portion of Goldfinch Street at 3232 Goldfinch Street in the RS-1-7 Zone; FAA Part 77, AAOZ, AEOZ; NCCD #137941

Claude-Anthony Marengo presented the project on behalf of Morton Architects. It would partially vacate the southernmost portion of Goldfinch Street, which currently has a 20-foot curb to property line; the northern portion of Goldfinch Street has a five-foot curb to property line. Street vacation would bring a garage at 3232 Goldfinch Street into conformance with code.

City transportation planning staff does not support the partial street vacation; they want a full street vacation supported by all the property owners along the block. Marengo indicated that all the properties along that block of Goldfinch Street were also in violation of code; and was seeking to file a master permit that other non-conforming property owners may use in the future to obtain a similar street vacation. Some property owners along the street are hesitant to support the partial street vacation now because it might result in increased property taxes.

The owner of the property also spoke in favor of the vacation, and explained the original plans for a larger street along this section of Goldfinch Street have been abandoned.

During public comment, Ian Epley supported the proposed street vacation. Marlon Pangilinan, of long-range city planning, stated he did not oppose it.

Motion by Ferrier to approve the street vacation as presented; seconded by Winter; the motion passed 13-0-1; Butler, O'Dea, Pesqueira, Fox, Naskar, Grinchuk, Ward, Bonn, Tablang, Winter, Winney, Bonner, Ferrier; non-voting Chair Jaworski abstained.

3930 FIFTH AVENUE (“DBAR DESSERTS SIDWALK CAFÉ”) – Process Two – Hillcrest --
Neighborhood Use Permit for a 409 sq. ft. sidewalk café at 3930 Fifth Avenue in the CN-1A Zone;
FAA Part 77, Transit Area.

Nick Fotias, of Awbrey, Cook, McGill Architects, presented the project on behalf of the applicant. The only issue that planning staff raised in the assessment letter for the project was the requirement for a “clear path” of travel of 8 feet between the outdoor café railing and any above ground obstruction on the sidewalk. There was only a 7.6 feet clear path indicated from possible obstructions in the site plans. Fotias, and the applicant, Keegan Gerhard, indicated that some of the obstructions in question were not above the ground, and in one case involved measuring the clear path from the beginning of a tree grate, instead of the tree.

During board discussion, it was pointed out that the proposed railing extended further out than that of the other existing outdoor cafes along the west side of the 3900 block of Fifth Avenue. Several board members stated the alignment should be the same as the other existing outdoor cafes along the block. The applicant indicated he was favorable to having his railing match the existing alignment of other outdoor cafes, even though it might remove two seats from his cafe.

Motion by Butler, seconded by Grinchuk, to approve the project subject to the following condition: that the outdoor cafe railing be aligned with the existing outdoor café railing of the adjacent Snooze outdoor café and the other outdoor cafe railings along the west side of the 3900 block of Fifth Avenue. This would maintain the existing symmetry of the railing along the block. The motion passed by a 13-0-1 vote; Butler, O'Dea, Pesqueira, Fox, Naskar, Grinchuk, Ward, Bonn, Tablang, Winter, Winney, Bonner, Ferrier; non-voting Chair Jaworski abstained.

VI. Adjournment:

Meeting adjourned at approximately 8:00 p.m.

Respectfully submitted,
Leo Wilson, Acting Secretary



Ownership Disclosure Statement

Approval Type: Check appropriate box for type of approval (s) requested: Neighborhood Use Permit Coastal Development Permit
 Neighborhood Development Permit Site Development Permit Planned Development Permit Conditional Use Permit
 Variance Tentative Map Vesting Tentative Map Map Waiver Land Use Plan Amendment • Other _____

Project Title **Project No. For City Use Only**
 Veterans Administration Facility

Project Address:
 2121 San Diego Avenue

Part I - To be completed when property is held by Individual(s)

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property, with the intent to record an encumbrance against the property. Please list below the owner(s) and tenant(s) (if applicable) of the above referenced property. The list must include the names and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all individuals who own the property). A signature is required of at least one of the property owners. Attach additional pages if needed. A signature from the Assistant Executive Director of the San Diego Redevelopment Agency shall be required for all project parcels for which a Disposition and Development Agreement (DDA) has been approved / executed by the City Council. Note: The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process.

Additional pages attached Yes No

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Name of Individual (type or print):
 Owner Tenant/Lessee Redevelopment Agency
 Street Address:
 City/State/Zip:
 Phone No: Fax No:
 Signature : Date:

Project Title: Veterans Administration Facility	Project No. (For City Use Only)
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Part II - To be completed when property is held by a corporation or partnership

Legal Status (please check):

Corporation
 Limited Liability -or-
 General) What State? _____ Corporate Identification No. _____
 Partnership

By signing the Ownership Disclosure Statement, the owner(s) acknowledge that an application for a permit, map or other matter, as identified above, will be filed with the City of San Diego on the subject property with the intent to record an encumbrance against the property. Please list below the names, titles and addresses of all persons who have an interest in the property, recorded or otherwise, and state the type of property interest (e.g., tenants who will benefit from the permit, all corporate officers, and all partners in a partnership who own the property). A signature is required of at least one of the corporate officers or partners who own the property. Attach additional pages if needed. **Note:** The applicant is responsible for notifying the Project Manager of any changes in ownership during the time the application is being processed or considered. Changes in ownership are to be given to the Project Manager at least thirty days prior to any public hearing on the subject property. Failure to provide accurate and current ownership information could result in a delay in the hearing process. **Additional pages attached** Yes No

Corporate/Partnership Name (type or print):
 PV Old Town, LLC

Owner Tenant/Lessee

Street Address:
 4350 La Jolla Village Drive, Suite 110

City/State/Zip:
 San Diego, CA 92122 858-625-9243

Phone No: Fax No:
 (858) 625-0100

Name of Corporate Officer/Partner (type or print):
 Andrew M. Kaplan

Title (type or print):
 President of PacVentures, Inc. (Manager)

Signature Date:
 Nov 9, 2011

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

Corporate/Partnership Name (type or print):

Owner Tenant/Lessee

Street Address:

City/State/Zip:

Phone No: Fax No:

Name of Corporate Officer/Partner (type or print):

Title (type or print):

Signature : Date:

ACKNOWLEDGMENT

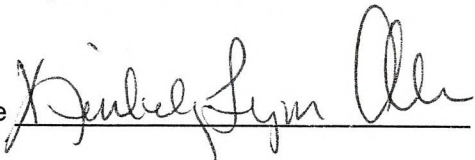
State of California
County of San Diego)

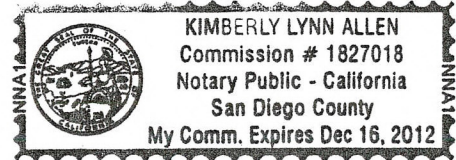
On November 9, 2011 before me, Kimberly Lynn Allen, Notary
(insert name and title of the officer)

personally appeared Andrew M. Kaplan,
who proved to me on the basis of satisfactory evidence to be the pers on(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same in
his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the pers on(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of Cali fornia that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature  (Seal)



Black, Laura

From: Andrew Kaplan [akaplan@pacventures.com]
Sent: Thursday, May 03, 2012 8:07 AM
To: Black, Laura; 'Cindy Eldred'
Subject: RE: Ownership Detail - PV Old Town, LLC.

Follow Up Flag: Follow up
Flag Status: Flagged

Yes. PacVentures, Inc. is the sole manager. I am now the Chief Executive Officer of PacVentures, Inc. If you need the info, Kevin Wechter is the President of PacVentures. There are no other officers of PacVentures beside me and Kevin.

Andrew M. Kaplan
PacVentures, Inc.
4350 La Jolla Village Drive, Suite 110
San Diego, California 92122
Telephone: 858.625.0100

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From: Black, Laura [mailto:LBlack@sandiego.gov]
Sent: Wednesday, May 02, 2012 3:47 PM
To: Andrew Kaplan; 'Cindy Eldred'
Subject: Ownership Detail - PV Old Town, LLC.
Importance: High

Hi Andrew,
I need a list of all officers of PV Old Town, LLC to provide to the City Council to ensure there are no conflicts with any the council members hearing the item.
Currently, I have the ownership disclosure statement that shows Andrew Kaplan – President of PacVentures, Inc. (Manager)
If that is the only officer of the LLC, please email confirmation that there is only one officer.
Thanks, Laura

Laura C. Black, AICP
Development Project Manager
Development Services Department
Affordable/In-Fill Housing and
Sustainable Buildings Expedite Program
1222 First Avenue, MS 501
San Diego, CA 92101
Phone: 619.236.6327
Fax: 619.446.5499
Email: lblack@sandiego.gov