

**DATE ISSUED:** October 13, 2004

**ATTENTION:** Planning Commission, Agenda of October 21, 2004

**SUBJECT:** CONSIDERATION OF A REQUEST FOR EXTENSION OF  
CONDITIONAL USE PERMIT 86-0955 FOR THE NEIL GOOD DAY  
CENTER LOCATED AT 299 17<sup>TH</sup> STREET - PROCESS FOUR

**OWNER/  
APPLICANT:** City of San Diego

**STAFF CONTACT:** Brad Richter, CCDC Principal Planner  
Jeff Zinner, CCDC Associate Project Manager

## **SUMMARY**

**Issue(s)** - Should the Planning Commission grant the proposed extension of Conditional Use Permit 86-0955 subject to specific conditions?

**Staff Recommendation** - Grant the extension subject to the conditions proposed by staff.

**Centre City Development Corporation (CCDC) Planning Committee Recommendation** - At its July 7 meeting, the Planning Committee of the CCDC Board endorsed the staff recommendations with the modifications that the CUP be extended and for two years, and that the additional proposed conditions involving the creation of a community input group and the provision of community outreach teams to pick up litter and discourage loitering be subject to available City funding.

**Community Planning Group Recommendation** - On July 14, 2004, the Centre City Advisory Committee (CCAC) recommended by a vote of 15-7 approval of the staff recommendation in this report with the exception that the extension be for a period of one year with no further extensions available. The Center would then be required to be closed after this one-year extension.

**Environmental Review** - This request is Categorically Exempt from review under the California Environmental Quality Act, Class I - Existing Facilities, as the request is for an extension of an existing Conditional Use Permit for a facility that has been in continuous operation for 13 years.

**Fiscal Impact** - None with this action. The City contracts for the operation of the Day Center at an annual cost of approximately \$350,000.

**Code Enforcement Impact** - None with this action.

**Housing Impact Statement** - The proposal is to extend the Conditional Use Permit for a day center serving the homeless population.

## **BACKGROUND**

The Neil Good Day Center is located on the east side of 17<sup>th</sup> Street just south of K Street, along the west side of Interstate 5. The site is located between the on- and off-ramps to the freeway and is leased by the City of San Diego from the State of California Department of Transportation (Caltrans) for the operation of a day center for the homeless. The facility was constructed at a cost of approximately \$890,000, with approximately \$600,000 contributed by the Redevelopment Agency. It was completed in 1991, and in 2001 \$35,000 worth of maintenance and repairs were completed on the facility. Title to the improvements is vested in the City of San Diego.

The commencement date of the lease is November 1, 1990. The original term of the lease was for a period of 5 years. The lease provides for up to five 5-year options to renew at the same terms and conditions. Provisions of the lease state that the premises shall be used “only for emergency shelter and feeding program purposes as set forth in Streets and Highways Code section 104.18 during daylight hours and for no other purpose whatsoever without obtaining prior written consent of the Landlord and concurrence of the Federal Highway Administration.”

The Center is operated by Alpha Project for the Homeless under contract to the City of San Diego. The contract is subject to renewal on an annual basis. The Center provides services to the Downtown homeless population such as mail service, laundry, showers, job referrals, and counseling. This use is consistent with the definition of an “emergency shelter ... during daylight hours” as required by the lease.

Conditional Use Permit 86-9055 was granted by the City Council on July 6, 1987 to the State of California (Owner) and the Regional Task Force on the Homeless (Permittee) by Resolution Number R-268774. A condition of the original permit was that it be used within 36 months after the date of City approval or the permit shall be void. Due to the construction period for the facility, this date was extended until July 6, 1991. The term of the CUP was for a period of five years, effectively commencing July 7, 1991 with a corresponding expiration date of July 6, 1996.

The permit also states that it shall be reviewed yearly by the Planning Director in a noticed public forum, with a report forwarded to the Planning Commission. When the Centre City Redevelopment Plan, Community Plan and Planned District Ordinance were adopted in late 1992, the City transferred its planning and zoning responsibilities for downtown to the Centre City Development Corporation (CCDC). While the City renewed its contract with the operator (Alpha Project) on an annual basis, annual reviews of the CUP were not conducted. On December 23, 1996, a letter was sent to the Alpha Project from a CCDC staff member indicating that "Centre City Development Corporation is in the process of scheduling a hearing to determine whether the Conditional Use Permit issued for the Neil Good Day Center should be extended...until the public hearing process and review is complete, the existing permit is valid." However, the staff member left CCDC shortly thereafter and no hearing was ever scheduled.

The City Attorney's office has opined that the appropriate course of action, at this time, would be to move forward and process the City of San Diego's request for the extension of CUP 86 - 0955 in accordance with Process Four, which requires a noticed public hearing before the Planning Commission, with appeals possible to the City Council.

### **EAST VILLAGE FOCUS PLAN**

In 1994, the Redevelopment Agency adopted the East Village (formerly Centre City East) Focus Plan, which established goals and policies for the future redevelopment of this neighborhood. As the area was heavily impacted by the numerous social service uses in the neighborhood, the Focus Plan includes extended discussion of these uses. Attached are the pertinent sections from the Focus Plan discussing the Neil Good Day Center, which state that the community prefers the relocation of the Center, but in the interim recommended that the following actions occur:

1. Strict enforcement of drug laws.
2. Provision of day facilities in other locations outside the Centre City area.
3. A program which utilizes the job skills of the homeless users in achieving community goals.
4. Job placement for skilled and unskilled individuals.
5. Increased funding of homeless programs.

Actions specific to the Center included the co-location of day use homeless facilities with residential care facilities to allow persons the opportunity to remain on site 24 hours a day and to schedule and implement the reuse of the facility.

The East Village Focus Plan advocates the distribution of services for the homeless throughout the City to avoid the over-concentration of high-impact services in one area, as has happened in East Village over time; that no new high-impact social service facilities be located in the East Village; and, that high-impact social services be encouraged to move towards 24-hour care facilities to reduce their impact on the neighborhood.

## **DISCUSSION**

The City of San Diego has applied for an extension of the existing CUP for the Day Center originally approved in 1987. The property is located in the Commercial Services Land Use District, which requires the approval of a CUP for Community Care Facilities, including Homeless Day Centers. The discretionary review of CUP applications is intended to ensure that the proposed use will not be detrimental to the health, safety, or welfare of persons residing or working in the area.

Typically CUPs in Centre City are heard by the CCDC Hearing Officer. However, because of the type of use this CUP goes directly to the Planning Commission for its public hearing, with an appeal to City Council available.

CCDC staff has met with the representatives of the City's Community and Economic Department which administers the contract for the Center, toured the Center, and spoken with representatives from the neighborhood. In addition, CCDC staff has on-going interaction with representatives from the City, including the Police Department, and the various community groups regarding homeless issues. On May 18, 2004, staff conducted a public workshop in the East Village that was attended by approximately 90 people. The approximately 30 speakers included representatives of Alpha Project, homeless patrons of the Center, representatives of East Village Association (EVA) and East Village Community Action Network (EV CAN), and nearby residents including some from the Sherman Heights neighborhood across the freeway. Testimony included support for the Center and the services it provides as well as concerns over problems associated with the homeless population in the area.

The Center provides a safe haven for the homeless population during the daytime, providing laundry service, showers, mail service, storage, and contacts with job training programs and other support services. The Center serves approximately 500 people a year, primarily chronically homeless adults, an estimated 60% of which are dually-diagnosed (mentally ill, substance dependent). The Center provides an alternative location for the homeless other than the surrounding neighborhoods, parks, and freeway rights-of-way. By providing a safe environment, the facility also provides a place where the homeless can clean up and prepare for job interviews and other programs.

While in the long term it may be more appropriate for the Center to relocate to another location further away from the existing, and rapidly growing, residential neighborhood of East Village (as well as existing residential neighborhoods to the east and south), the loss of this Center in the short term, without alternative locations and facilities available, would likely result in greater adverse impacts and a greater homeless population on the streets and in the area. Due to the high concentration of other social services in the East Village, there will continue to be a strong attraction for the homeless in this area with or without this Center.

As everyone acknowledges, there needs to be a comprehensive approach formulated for the East Village and the homeless population in general, especially one that is funded and implemented in a timely manner. The City's Community and Economic Development Department is currently preparing a "10-Year Plan to End Chronic Homelessness," which will address the wide-ranging problems associated with homelessness and make specific recommendations for programs, facilities, and funding sources for implementation.

As a result, staff is recommending that the CUP be extended for a period of two years to enable this Plan to be adopted and implementation to be commenced, at which time the CUP can be re-evaluated to determine whether the facility should close at this location or be converted into either a 24-hour facility or other type of neighborhood serving facility.

Under Section 126.0305 of the San Diego Municipal Code, the following four findings must be made in order to approve a conditional use permit, as follows:

1. *The proposed use or development will not adversely affect the applicable land use plan.*

The facility has operated at this location for 13 years and, while there have been administrative problems in the past, there have been recent improvements made in the operation of the center. The Commercial Services District is one of three land use districts downtown that allows such facilities for the homeless, and the proposed conditions of approval will allow the Center to continue while minimizing adverse impacts to other existing, and planned, uses in the area.

2. *The proposed use or development will not be detrimental to the public health, safety, and welfare.*

As discussed earlier, the Center is a component of the facilities that are needed to address the needs of the homeless population. The Center provides a safe haven with needed services for the homeless population, allowing them to shower, use the restroom facilities, have laundry cleaned, and prepare for job interviews and other programs in an effort to obtain needed work and housing in order to get off the street. By enabling homeless individuals to find methods of getting off the street, problems associated with homelessness can be reduced. The proposed additional conditions under which the Center will operate will help reduce those problems identified as being associated with the Center directly.

3. *The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code.*

The proposed conditions include, and go beyond, those required by the Land Development Code for such facilities. The extension of the CUP will result in the Center being in full compliance with all applicable City regulations.

4. The proposed use is appropriate at the proposed location.

The facility has operated in this location for 13 years and staff is recommending several new conditions which should further improve its operation and reduce adverse impacts to the neighborhood. The long-term appropriateness of the Center at this location will be evaluated as part of the 10-Year Plan to End Chronic Homelessness. Staff is recommending a 2-year extension for the Center to allow for this Plan to be adopted and implementation commenced, at which time the CUP can be re-evaluated in a more comprehensive context.

Submitted by:

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BRAD RICHTER  
PRINCIPAL PLANNER

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JEFF P. ZINNER  
ASSOCIATE PROJECT MANAGER

Attachments: A - Project Drawings including Vicinity Map, Site Plan, and Floor Plan  
B - Conditional Use Permit 86-0955  
C - Proposed Conditions of Approval  
D - East Village Focus Plan Excerpts  
E - Recommendation Comparison Chart  
F - Correspondence Received

**NEIL GOOD DAY CENTER  
PROPOSED CONDITIONS OF APPROVAL  
OCTOBER 13, 2004**

1. The City shall maintain, and be in compliance with, the lease with the California State Department of Transportation for the property.
2. The City shall operate a day center which provides showers, locker rooms, laundry facilities, and counseling offices for the adult homeless population. No one under the age of 18 shall be permitted in the Center.
3. No meals or food shall be provided to the homeless, or others, at this location.
4. There shall be no overnight accommodations for the homeless provided.
5. The center may be open between the hours of 6 a.m. and 6 p.m. The specific hours of operation shall be established under the City contract with the operator of the facility, and be established after consultation with the community group established under Condition #7 below.
6. The facility shall provide at least one security person on-site 24 hours a day. The security person shall wear a uniform (consisting of a shirt and/or jacket at a minimum) which clearly identifies the person as security personnel for the facility.
7. A community group shall be established by the City to give regular input on the operation of the center. The community group shall be formed within 60 days of the approval of this permit and shall consist of members of neighboring residential projects; local community, neighborhood and business organizations; nearby community planning groups; and a staff member from the representative City Council member's or Mayor's office, if appropriate. The group shall consist of between 6-12 members. The City shall meet with the group at fairly regular intervals a minimum of 3 times a year. If an earlier meeting is requested by the group based on an urgent matter, the City staff shall reasonably attempt to accommodate the request.
8. The operator shall create a plan for the use of client teams to remove litter in the neighborhood and to discourage loitering in the immediate area. The plan shall include minimum two-person teams that will walk the area bounded by Interstate 5 to the east, Imperial Avenue to the south, 16th Street to the west, and J Street to the north a minimum of three times a day, including at the opening of the facility, 30 minutes after the closing of the facility, and once during the day. The teams shall be responsible for picking up trash in the area, attempting to converse with people loitering in the area, encouraging them to seek assistance from nearby social service providers, as appropriate. The teams shall wear clothing which identifies them as from the Center.
9. At least two parking spaces shall be provided on-site for employees of the facility.

10. A sign shall be posted at the project entrance identifying the facility, listing the services offered and hours of operation, rules for persons entering the facility, and a contact number for the facility and for the City Department responsible for administering the contract for the facility.
11. Additional trees shall be planted within the yard of the facility to provide additional shade and vegetation. The landscaping shall not obscure views into the facility from police vehicles on the street.
12. All fencing, structures, and open spaces shall be kept free of graffiti and in good condition at all times. All storage shall be within the building, within storage containers, or otherwise screened from views from the neighborhood.
13. Patrons of the facility shall be advised by the facility staff of all rules of the facility and be discouraged from loitering in the area before, during, or after the hours of operation.
14. The facility shall provide adequate security lighting for the facility and open areas, including the sidewalk immediately adjacent to the facility.
15. This permit shall be valid for a period of two years. The Permittee may request an extension of this Permit, and consideration of such extension shall include an evaluation of the facility's contribution towards the goals of the "10-Year Plan to End Chronic Homelessness" prepared and adopted by the City.
16. If at any time the City or CCDC receive complaints that are validated as violations of the terms of the Permit or the activities permitted under the Permit constitute a "public nuisance" as defined by the City of San Diego Municipal Code, then a public hearing shall be scheduled before the Planning Commission to review the Permit. If after holding a duly noticed public hearing, it is determined that violations of the Permit exist or that any or all aspects of the activities permitted by this Permit constitute a public nuisance, then the conditions of the Permit may be modified or extended, or the Permit revoked.
17. The City shall include all operational conditions of this Permit in the annual contract for the operation of the center, and no provisions of the contract shall conflict with this Permit.
18. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
19. This permit is a covenant running with the lands and shall be binding upon, and inure to the benefit of, the Permittee and any successor or successors, and the interest of any successor shall be subject to each and every condition set out.