

# CITY OF SAN DIEGO COUNCIL DOCKET



## COUNCIL PRESIDENT

**Sherri Lightner • First District**

## COUNCIL PRESIDENT PRO TEM

**Marti Emerald • Ninth District**

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**Todd Gloria • Third District**  
**Myrtle Cole • Fourth District**  
**Mark Kersey • Fifth District**  
**Chris Cate • Sixth District**  
**Scott Sherman • Seventh District**  
**David Alvarez • Eighth District**

**Andrea Tevlin**  
**Independent**  
**Budget Analyst**

**Jan Goldsmith**  
**City Attorney**

**Liz Maland**  
**City Clerk**

**Council Chambers, 12<sup>th</sup> Floor, City Administration Building**

**Monday, March 16, 2015**

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
MONDAY, MARCH 16, 2015, AT 2:00 PM  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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This information will be made available in alternative formats upon request, as required by the Americans with Disabilities Act (ADA), by contacting the City Clerk at (619) 533-4000 or <mailto:cityclerk@sandiego.gov>. Requests for disability-related modifications or accommodations required to facilitate meeting participation, including requests for auxiliary aids, services or interpreters, require different lead times, ranging from five business days to two weeks. Please keep this in mind and provide as much advance notice as possible in order to ensure availability. Assistive Listening Devices (ALDs) are available in Council Chambers upon request.

Pursuant to California Senate Bill 343 (Section 54957.5(b) of the Brown Act), late-arriving documents related to City Council meeting agenda items which are distributed to the legislative body prior to and during the Council meeting are available for public review in the Office of the City Clerk on the second floor of the City Administration Building, 202 C Street, San Diego, CA 92101. This relates to those documents received after the agenda is publicly noticed and during the 72 hours prior to the start of the meeting. Please note: Approximately one hour prior to the start of the Council Meeting, the documents will be available just outside Council Chambers in the lobby of the 12th floor of the City Administration Building in a binder labeled “SB 343.” Late-arriving materials received during the City Council meeting are available for review by making a verbal request of City Clerk staff located in Council Chambers.

**ROLL CALL**

**INVOCATION**

**PLEDGE OF ALLEGIANCE**

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY, CITY CLERK COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUESTS FOR CONTINUANCE**

The Council will consider requests for continuance based on when the item was noticed to be heard.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-200: Bay View Hotel Senior Living (509 Park Boulevard) - Conditional Use Permit/Neighborhood Use Permit (CUP/NUP) No. 2013-25 and Proposed Waiver of the Single Room Occupancy housing replacement requirement - Public Hearing. (East Village Neighborhood of the Downtown Community Plan Area. District 3.)

**ITEM DESCRIPTION:**

12th & A Hotel Partners, L.P. (“Applicant”) has submitted a request for Conditional Use Permit/Neighborhood Use Permit (CUP/NUP) No. 2013-25 to allow a 69-unit Senior Housing Project within the existing Bay View Hotel (also known as the Palms Hotel) located at 509 Park Boulevard in the East Village Neighborhood of the Downtown Community Plan (DCP) area. The Project requires approval of a CUP for the senior housing and to allow uses not otherwise permitted within a historical resource. An NUP is required to allow the expansion of a Previously Conforming Structure.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2015-446)

Adopting the following findings with respect to Conditional Use Permit/Neighborhood Use Permit (CUP/NUP) No. 2013-25:

Neighborhood Use Permit - Section 126.0205

1. The proposed use or development will not adversely affect the applicable land use plan. The proposed rehabilitation and expansion of the building will not adversely affect the applicable land-use plan as the Downtown Community Plan (DCP) encourages the rehabilitation and reuse of historical resources as well as promotes the retention of significant elements as a cultural and sustainability goal. The proposed rehabilitation and expansion is consistent with the goals and policies of the DCP for historical resources and is allowed under the Centre City Planned District Ordinance (CCPDO) with approval of an NUP.
2. The proposed use or development will not be detrimental to the public health, safety, and welfare. The proposed rehabilitation of the Bay View Hotel includes the reconstruction of two towers and a third-floor section original to the building and includes a new rooftop addition and sunroom. The proposed modifications are consistent with the Secretary of the Interior Standards (Standards) and will restore an important building in downtown San Diego’s history. A variety of life and safety upgrades are also being completed as part of the rehabilitation and expansion, therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

3. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code. The CCPDO and Land Development Code (LDC) specifically contain regulations to allow the reconstruction and expansion of a previously conforming structure with approval of an NUP. The proposed rehabilitation and new construction comply with the City's Historical Resource Regulations and are consistent with the Standards. With approval of an NUP, the Project will meet all applicable regulations.

4. The proposed use is appropriate at the proposed location. The Project site is located within the RE District, which allows the proposed use with approval of a CUP/NUP. The proposed Project will rehabilitate a designated historical building for uses consistent with the DCP and CCPDO. Therefore, the proposed rehabilitation and expansion of the Bay View Hotel is appropriate at the proposed location.

#### Conditional Use Permit - Section 126.0305

1. The proposed use or development will not adversely affect the applicable land use plan. The proposed Project includes the rehabilitation of an existing designated historical resource into a comprehensive senior housing facility with a total of 69 units and a total of 97 beds providing independent living, assisted living, and memory care. The facility will also include a variety of on-site services for seniors including health and exercise programs, computer classes, and social and recreational activities. Parking requirements for the Project are established as part of the CUP review process. Due to the historical nature of the existing building, parking cannot be accommodated on site. Therefore, the facility will not be required to provide off-street parking for the Project. The facility will provide much needed senior housing within the DCP area. The DCP encourages the creation of a range of housing opportunities suitable for urban environments and accommodating a diverse population. In addition, the Project proposes to retain and rehabilitate an important historical resource for downtown San Diego. The DCP encourages the rehabilitation and reuse of historical resources as a cultural and sustainability goal. Therefore, the Project as proposed does not adversely affect the applicable land use plan.

2. The proposed use or development will not be detrimental to the public health, safety, and welfare. The senior housing facility will provide much needed housing for a growing senior population within the downtown area. The proposed development will include the rehabilitation of a historical resource and will include a variety of accessibility upgrades and improvements consistent with the California Building Code, Life Safety Requirements. Therefore, the proposed senior housing facility will not be detrimental to the public health, safety, and welfare.

3. The proposed use or development will comply to the maximum extent feasible with the regulations of the Land Development Code. The proposed senior housing facility is located within the RE District, which accommodates primarily residential development with small scale businesses, offices, services, and ground-floor active commercial uses subject to size and area limitations. Senior housing facilities are permitted with approval

of a CUP, subject to reasonable conditions of approval. The facility is also located within the CS overlay zone, which requires a minimum of 60 percent active commercial uses along the Park Boulevard street frontage; however, the CCPDO allows historical resources to be occupied by uses otherwise not allowed by the underlying zoning, subject to specific conditions as outlined later in the report. The facility as proposed will comply with these conditions and will operate in conformance with the regulations of the Land Development Code (LDC), the DCP, and the CCPDO to the maximum extent feasible.

4. The proposed use is appropriate at the proposed location. The Project site is located within the RE District, which allows the proposed use with approval of a CUP/NUP. The location for the proposed senior housing facility is appropriate as it is surrounded by primarily residential uses, a variety of commercial uses within walking distance and within close proximity to transit.

Conditional Use Permit (Historical Buildings Occupied by Uses Otherwise Not Allowed)  
- Section 156.0315(h)

1. The building must be designated as a historical resource by the City of San Diego Historical Resources Board before approval of the Conditional Use Permit. The property at 509 Park Boulevard is locally designated as HRB Site No. 1132 - Bay View Hotel. It was built in 1869 as a wood-sided hotel and was the second and largest hotel built in the initial phase of Alonzo Horton's New San Diego. The building's design is primarily in the Victorian style and is located prominently at the corner of Island Avenue and Park Boulevard. The building is three stories high and features wood and brick exterior walls with a flat roof. The building features a number of multi-level bay windows at both street frontages. The building was designated by the Historic Resources Board on February 27, 2014, under Criterion A - exemplifies or reflects special elements of the City, a community's or a neighborhood's historical, archaeological, cultural, social, economic, political, aesthetic, engineering, landscaping or architectural development and under Criterion C- embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the use of natural materials or craftsmanship. The Bay View Hotel has also been identified as eligible for National Register designation as an individual property through survey evaluation.

2. The use of the building shall be compatible with the uses in the surrounding area or shall be consistent with the purpose for which the building was originally designed. The area surrounding the Bay View Hotel is primarily mixed-use residential. The site is currently occupied by 27 apartment units and 74 SRO units and is being converted into 69 senior housing units. The areas surrounding the Bay View Hotel are primarily mixed-use residential and senior housing is a compatible land use. The Bay View Hotel was originally constructed and designed as one of the first hotel buildings downtown and subsequently housed the Rockwood Home for the Aged. While not originally designed as a senior housing facility, the building was utilized and has accommodated similar land uses over the years, which have become an important part of the building's history. With the approval of the appropriate discretionary permits including the CUP and NUP, as well

as with the applicable conditions of approval, the proposed use will be compatible with the surrounding uses and consistent with the purpose for which the building was originally designed.

3. The site shall be maintained in, or restored to, its original or historical appearance, in accordance with Chapter 14, Article 3, Division 2 (Historical Resources Regulations). As part of this Project, the Applicant proposes to rehabilitate the building in accordance with the Standards. The proposed rehabilitation has been reviewed by HRB staff and considers the proposed rehabilitation to be a minor alteration or improvement consistent with Chapter 14, Article 3, Division 2, of the City's Historical Resources Regulations and the Standards. The proposed repairs and alterations will preserve a historical resource, allow a contemporary use, and will not damage or destroy materials, features or finishes that are important in defining the building's historic character.

4. Any facilities that are constructed as part of the new use shall be designed to be similar in scale and style with the historical use, and cause no more than a minor alteration to the *historical resource* in accordance with Historical Resources Regulations unless the *development* is approved through a Site Development Permit or Neighborhood Development Permit in accordance with Chapters 11 through 14 of this Code. The proposed Project includes rehabilitation of the historical building in accordance with the Standards. The rehabilitation scope includes replication of two original towers and rear third-floor area, as well as a roof-top addition of approximately 2,652 square feet. The rehabilitation also includes repair and restoration of ornamental features, historical material and restored color scheme. The proposed scope of work brings the building closer to its original design and is considered to be no more than a minor alteration consistent with the Historical Resource Regulations. The proposed modifications do not require approval of a Site Development or Neighborhood Development Permit under Chapters 11 through 14, of the San Diego Municipal Code.

The above findings are supported by the minutes, maps and exhibits, all of which are herein incorporated by reference.

Declaring that Conditional Use Permit/Neighborhood Use Permit No. 2013-25 is granted to 12th & A Hotel Partner, L.P. Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

**NOTE:** This item is not subject to the Mayor's veto.

**STAFF SUPPORTING INFORMATION:**

**FISCAL CONSIDERATIONS:**

The Applicant is requesting a waiver of the housing replacement fee in the amount of \$2,169,838 for 47 units, or \$46,167 per unit.

**PREVIOUS COUNCIL AND/OR COMMITTEE ACTION:** N/A

Phillips/Graham

Primary Contact\Phone: Lucy Contreras\619-533-7132

City Attorney Contact: Thomas, Shannon M.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Per Section 22.0101, Rule 2.6.2, of the San Diego Municipal Code, comments are limited to two minutes per speaker. Speakers may not allocate their time to other speakers. If there are eight (8) or more speakers on a single issue, the maximum time allotted for that issue will be sixteen (16) minutes. Non-Agenda Comment is taken toward the end of the Monday afternoon Council session.

**CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the Closed Session Agenda. Public testimony on Closed Session items is taken in Open Session on Mondays, except when there is no Monday meeting. Public testimony on Closed Session items is always taken prior to the actual Closed Session. Closed Session may take place any time after public testimony, but is typically held on Tuesdays at 9:00 a.m. The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the Closed Session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

**Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Allow for questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in Closed Session; 4) Refer matters discussed to Closed Session.

**NON-DOCKET ITEMS**

**ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES**

**ADJOURNMENT**