

(R-89-1884)

RESOLUTION NUMBER R-273013

ADOPTED ON MARCH 7, 1989

WHEREAS, Pacific Furlough Facility, by Michel Anderson; Earlie E. Williams; Yvette Rico; Dolores M. Celia; and Barrio Station, Inc., by Rachael Ortiz, appealed the decision of the Planning Commission in approving, with amendments, Conditional Use Permit No. 88-0817 submitted by Siraaj Enterprises, Inc., a California corporation, Owner, and Pacific Furlough Facility, a partnership, Permittee, for a work furlough facility in an existing 10,000 square-foot building located at 2727 Boston Avenue between 27th and 28th Streets, in the Area B Zone of the Barrio Logan Community Plan area, and an associated off-site parking lot; and

WHEREAS, the matter was set for public hearing on March 7, 1989, 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 this Council adopts the following findings with respect to Conditional Use Permit No. 88-0817:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Barrio Logan Community Plan. The proposed use will be located in an existing industrial building that will be remodeled

in the interior. The exterior will visibly retain the appearance of an industrial building. Provision of this type of facility will not adversely affect the General Plan. The types of non-dangerous offenders and the provision of strict security will reduce the potential for any impacts on the adjacent neighborhood.

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The Planning Department has conditioned this project to restrict certain types of offenders from being assigned to this program. In addition, the permit restricts the number of residents who have cars on the premises. Finally, there have been no reported incidents on the existing facility on National Avenue.

3. The proposed use will comply with the relevant regulations in the Municipal Code. All of the development regulations of the Municipal Code have been met and/or exceeded.

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

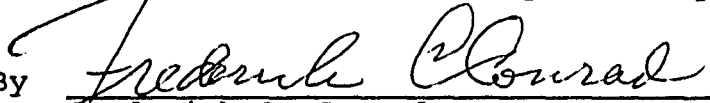
BE IT FURTHER RESOLVED, that the appeals of Pacific Furlough Facility, by Michel Anderson; Earlie E. Williams; Yvette Rico; Dolores M. Celia; and Barrio Station, Inc., by Rachael Ortiz are denied; the decision of the Planning Commission is sustained and Conditional Use Permit No. 88-0817 is hereby granted with the conditions by the Planning Commission and subject to the approval of the alternative parking lot to be reviewed by the Planning

Department to Pacific Furlough Facility, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that the Planning Department is hereby directed to come back with a list of facilities which are not in compliance and bring them forward for hearing, and make a strong effort to reduce the number of residential care units in the Barrio Logan area.

BE IT FURTHER RESOLVED, that the City Manager is hereby directed to notify the judges and the courts when there is a violation of a conditional use permit.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

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03/05/89
CUP 88-0817
Or.Dept:Clerk
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CONDITIONAL USE PERMIT NO. 88-0817

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of the City of San Diego to SIRAAJ ENTERPRISES, INC., A California corporation, Owner, and Pacific Furlough Facility, a Partnership, Permittee, pursuant to Section 101.0510 of the Municipal Code of the City of San Diego.

1. Permission is granted to Owner/Permittee to utilize an existing shell building as a private residential detention center and utilize a vacant lot as a parking lot for the facility, located at 2727 Boston Avenue between 27th and 28th Streets, described as Lots 13-16, Block 19, Reed and Hubbels Addition, Map No. 327, in the Area B Zone of the Barrio Logan Planned District. An auxiliary parking lot location is to be submitted to the Planning Department for review and approval.
2. The facility shall consist of the following:
 - a. One 10,000-square-foot, 87 bed residential density facility;
 - b. A landscaped parking lot maintaining a minimum 21 parking spaces with a solid fenced perimeter;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Commission.
3. No fewer than ten off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated March 7, 1989, on file in the office of the Planning Department. The lot shall maintain a minimum of 21 parking spaces. Parking spaces shall be consistent with Division 8 of the Zoning Regulations of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked at all times. Landscaping located in any parking area shall be permanently maintained and not converted for any other use.
4. No permit for operation, of any facility shall be granted nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the permit to the Planning Department;
 - b. The Conditional Use Permit is recorded in the office of the County Recorder.
5. All outdoor lighting shall be so shaded and adjusted that the light is directed to fall only on the same premises as light sources are located.
 6. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510.k. of the Municipal code. Any extension of time shall be subject to all standards and criteria in effect at the time of extension is applied for.
 7. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
 8. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the Planning Commission; or
 - b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
 - c. The permit has been revoked by the City.
 9. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit. This Conditional Use Permit shall be reviewed by the Planning Commission every two years after its effective date.
 10. This Conditional Use Permit is a covenant running with the subject property and shall be binding upon the Permittee and any successor or successors, and the interests of any successor shall be subject to each and every condition set out in this permit and all referenced documents.
 11. The housing of persons convicted of dangerous crimes and child or sex related crimes shall not be permitted on the premises, and the housing of such persons shall constitute a violation of this permit. The following offenses shall be permitted to be assigned to this facility:
 1. Possession of designated controlled substance
 2. Possession for sale of designated controlled substance

3. Transportation, sale of designated controlled substance
4. Possession of marijuana
5. Cultivation, harvesting of marijuana
6. Possession of marijuana for sale
7. Possession of a controlled substance
8. Possession for sale of controlled substance
9. Transportation, sale of controlled substance
10. Under the influence of a controlled substance
11. Perjury
12. Carrying a concealed weapon
13. Carrying loaded firearm
14. Failure to appear
15. Falsifying evidence
16. Conspiracy
17. Failure to pay child support
18. Violation of custody
19. Accessory
20. Bookmaking
21. Fighting, offensive words
22. Controlled substance brought into jail
23. Forgery
24. Making, possessing, uttering fictitious instruments
25. Petty theft
26. Grand theft
27. Receiving stolen property
28. Obstructing, threatening executive officer
29. Auto theft
30. Possession of license
31. Driving on a suspended license
32. Duty to stop at scene of accident
33. Turning movement and required signals
34. Basic speed law
35. Stop requirement
36. Reckless driving
37. Driving under the influence of alcohol or drugs

Before occupancy of the premises, the applicant shall submit to the Planning Department letters from the judges of the presiding criminal departments of the San Diego municipal and superior courts and the chief probation officer of San Diego County, stating that they have been made aware of the limitations on the classification of offenders who can be housed on these premises, pursuant to this permit, and that they have or will advise their colleagues concerned with sentencing of these offenders.

12. The applicant shall coordinate with the San Diego Police Department to create a program whereby the Police Department will provide at three-month intervals, a report to the Planning Department detailing any negative occurrences or violations on site at either the residential facility or parking lot. If the Planning Department receives notice of

violations on either site, this Conditional Use Permit shall be brought before the Planning Commission immediately for review.

13. The applicant shall provide records to the Planning Department at three month intervals indicating the following:
 - a. Resident population
 - b. Sentence offense analysis
14. Upon the approval of an auxiliary parking lot location, the applicant shall provide a copy of the lease and any subsequent lease renewals for the approved parking lot. In the event the lease is not renewed, this CUP shall become void unless the applicant has initiated an amendment of this permit for another parking lot location. Said amendment must be approved prior to the expiration of the lease for the approved parking lot. Should the lease terminate prior to 1994, this Conditional Use Permit shall be void unless the applicant has applied for an amendment of this permit for another parking lot location and said application is approved.
15. Prior to the issuance of occupancy permits for the facility, the applicant shall provide for the approval of the Planning Director, a complete and detailed landscape and irrigation plan for the auxiliary parking lot. Said plan shall include the following:
 - a. Location, sizes, species of all landscape;
 - b. A detail of the proposed view obscuring fencing and gate; and
 - c. Design of signs limiting the use of the parking lot to inmates and their visitors.
16. Prior to the issuance for building permits, the applicant shall provide for approval of the Planning Director, a revised site plan illustrating the location of the trash enclosure. The trash enclosure shall be architecturally compatible with the existing building, maintain solid six-foot walls and a solid metal gate.
17. There shall be no loitering outside of the detention facility or in the auxiliary parking lot at any time. No inmates shall be permitted outside the building on the premises except for ingress and egress.
18. The facility shall employ not less than four security personnel on-duty 24-hours per day, seven days per week.

19. This Conditional Use Permit shall limit the number of resident vehicles to no more than 21. Applicant shall provide verification at three-month intervals that no more than 21 vehicles are associated with residents of the facility.
20. In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void.

Passed and Adopted by the City Council on March 7, 1989.

FCC:lc
04/05/89
r-89-1884-p

Passed and adopted by the Council of The City of San Diego on MAR 7 1989,
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
J. Bruce Henderson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR,
Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR,
City Clerk of The City of San Diego, California.

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-273013 Adopted MAR 7 1989