

(R-90-1031)

RESOLUTION NUMBER R-274829

ADOPTED ON DECEMBER 5, 1989

WHEREAS, Richard E. Stern and George R. Macartie, appealed the decision of the Planning Commission in approving Conditional Use Permit No. 89-0524 submitted by PDS Associates, a limited partnership, Owner, and Robbie Edwards, an individual, Permittee, to operate a correctional/rehabilitation program for 42 residents within an existing 6,000 square foot two-story building to be renovated, located at 502 Tenth Avenue, in the Centre City Community Plan area, in the CSX zone; and

WHEREAS, the matter was set for public hearing on December 5, 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. 89-0524:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the Centre City Community Plan. The proposed facility conforms to the commercial service designation of the community and General Plan.

2. The proposed use, because of the conditions that have been applied to it, will not be detrimental to the health, safety

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and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. A condition of the permit is that the facility has a binding contract for a correctional/rehabilitation program with a governmental agency to aid in control of the facility.

3. The proposed use will comply with the relevant regulations in the Municipal Code. The proposed facility does not comply with the location criteria established for residential care facilities, however, this project was exempt from the newly adopted ordinance.

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

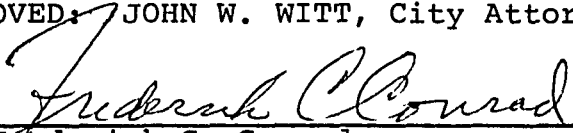
BE IT FURTHER RESOLVED, that the appeals of Richard E. Stern and George R. Macartie are denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. 89-0524 is hereby granted to PDS Associates, a limited partnership, Owner, and Robbie Edwards, an individual, Permittee, 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 staff is hereby directed to report to the Public Services and Safety Committee (1) with standards for correction facilities as opposed

to social service facilities, and (2) with a selection process for determining locations for these facilities.

APPROVED: JOHN W. WITT, City Attorney

By



Frederick C. Conrad
Chief Deputy City Attorney

FCC:lc
12/28/89
Or.Dept:Clerk
R-90-1031
Form=r.permit

CONDITIONAL USE PERMIT NO. 89-0524

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to PDS Associates, a Limited Partnership, Owner, and Robbie Edwards, an individual, Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to operate a correctional/rehabilitation program for up to 42 residents in an existing 6,000 square foot building located at 502 Tenth Avenue, on the northwest corner of Tenth Avenue and Island Street, described as Lot G, Block 100, Horton's Addition, City of San Diego, in the CSX zone.
2. The facility shall consist of the following:
 - a. A 6,000 square foot existing two-story building with 2,000 square feet of outdoor recreational area;
 - b. Up to 42 residents;
 - c. Off-street parking; and
 - d. Accessory uses as may be determined incidental and approved by the Planning Director.
3. No fewer than ten (10) off-street parking spaces shall be maintained on the property within a maximum distance of 600 feet from the facility in the approximate location shown on Exhibit "A," dated December 5, 1989, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 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 occupancy 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. Before issuance of any building permits, building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated December 5, 1989, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications, findings of substantial conformance or amendment of this permit shall have been granted.
6. Before issuance of any building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated December 5, 1989, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended and is to be maintained in a disease-, weed- and litter-free condition at all times.
7. 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.
8. 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 of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.
9. This conditional use permit is for a five (5) year period from the effective date and shall be void on December 5, 1994.
10. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
11. After establishment of the project, the property shall not be used for any other purposes unless:
 - a. Authorized by the City Council; 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.
12. 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.

13. This Conditional Use Permit is a covenant running with the lands 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.
14. Prior to the issuance of a certificate of occupancy, the Owner/Permittee shall provide evidence that the facility has a binding contract for a correctional/rehabilitation program with a government agency consistent with this permit to the satisfaction of the Planning Director.
15. Prior to the issuance of a certificate of occupancy, the Owner/Permittee shall submit parking agreement(s) for a minimum of ten (10) standard size parking spaces for a time period greater or equal to that of the facility's government contract, and located within a radial distance of not greater than 600 feet from the subject property to the satisfaction of the Planning Director.
16. The correctional/rehabilitation program shall be for, but not limited to parole violators, prostitution, drug use, alcohol abuse and other misdemeanors to the satisfaction of the Planning Director. The program shall prohibit the acceptance of any violent crime or sex offenders.
17. Participants of the program shall be prohibited from driving a motor vehicle to or from the facility. If participants are allowed to drive, additional parking must be provided to the satisfaction of the Planning Director.
18. A minimum of one (1) staff member is to be awake and on duty at all times.
19. The proposed security, alarms on all exterior exists and closed circuit TV monitors, is to be installed and maintained at all times.
20. The exterior of the building shall be maintained for the life of the permit to the satisfaction of the Planning Director.
21. Participants of the program shall not loiter around the surrounding sidewalks and streets.
22. Surrounding streets and sidewalks shall be maintained in a litter/trash-free condition at all times.
23. The permit is subject to a yearly review, the first year review shall be by the City Council, with the following reviews by the Planning Director. The yearly reviews shall be for adherence to the conditions of this permit.

24. All exterior signage shall be limited to a maximum of six (6) square feet to the satisfaction and approval of the Planning Director.

25. 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 Council of The City of San Diego on December 5, 1989.

FCC:lc
02/09/90
r-90-1031-p

AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

Notary Public in and for the County
of San Diego, State of California

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

PDS Associates, a Limited Partnership
Owner

By _____

Robbie Edwards, an Individual
Permittee

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
Form=p.ack

R- 274829

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DEC 05 1989

Passed and adopted by the Council of The City of San Diego on.....
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"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
H. Wes Pratt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Linda Bernhardt	<input checked="" type="checkbox"/>	<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 *Lena Mattin* Deputy.

Office of the City Clerk, San Diego, California

Resolution Number *R-274829* Adopted **DEC 05 1989**