

(R-92-1496)

RESOLUTION NUMBER R-279481

ADOPTED ON FEBRUARY 25, 1992

WHEREAS, Ronald Slayen, appealed the decision of the Planning Commission in approving Conditional Use Permit No. 89-0731 submitted by Mid-City Corporation, a California corporation, Owner/Permittee, to construct and operate a privately operated work furlough facility, located at 4025 Pacific Highway on the southeast corner of Pacific Highway and Bandini Street, and is more particularly described as Lots 1 through 4 of Block 234 and Lots 181 through 184 of Block 210, Middletown (Jackson) Partition Map No. 4134-R, in the Midway Community Plan area, in the M-1 zone; and

WHEREAS, the matter was set for public hearing on February 25, 1992, 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. 89-0731:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. Work furlough facilities where properly regulated, fulfill a community need by reducing demand for jail space and/or provide detention for offenders who would otherwise be

released. The General Plan will not be affected because the use is allowed at this location with the granting of a Conditional Use Permit. The site is physically separated from residential areas by a freeway.

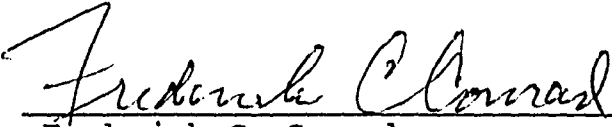
2. The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area and will not adversely affect other property in the vicinity. The surrounding neighborhood is composed of industrial uses. Conditions contained within the Conditional Use Permit restricts certain types of offenders from being assigned to this facility. The residents at the facility are required to park only in the adjacent parking lot. No on-street or off-site parking shall be allowed. The applicant is required to provide a van shuttle service for offenders requiring assistance to public transportation facilities and/or to their place of employment. The applicant is also required to complete all required modifications to the facility within 180 days of CUP approval. This includes removing all ineligible resident violators. If all of the modifications are not completed within the required time period, this CUP will terminate.
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, with the exception of the required parking and required one-quarter mile separation.

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 appeal of Ronald Slayen, is denied; the decision of the Planning Commission is sustained, and Conditional use Permit No. 89-0731 is hereby granted to Mid-City Corporation, a California corporation, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By 
Frederick C. Conrad
Chief Deputy City Attorney

FCC:pev
03/27/92
Or.Dept:Clerk
R-92-1496
Form=r.permit

CONDITIONAL USE PERMIT NO. 89-0731

CITY COUNCIL

This conditional use permit is granted by the Council of The City of San Diego to MID-CITY CORPORATION, a California Corporation, Owner/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 warehouse building as a privately operated work furlough facility, located at 4025 Pacific Highway, described as Lots 1 through 4 of Block 234 and Lots 181 through 184 of Block 210, Middletown (Jackson) Partition Map No. 4134-R, in Midway Community Plan area, in the M-1 zone.
2. The facility shall consist of the following:
 - a. One, 9,978 square-foot, 84 bed work furlough facility;
 - b. Adjoining parking lot with off-street parking for 20 vehicles;
 - c. Transportation services for residents.
 - d. Accessory uses as may be determined incidental and approved by the Planning Director;
3. No fewer than 20 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated February 25, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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 legal 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.

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6. This conditional use permit must be used within thirty-six (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 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 Director; 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.
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. If any existing hardscape or landscape indicated on the approved plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind per the approved plans.
12. Parking for the facility shall be provided in the adjacent parking lot. There shall be no resident or employee parking off-site or on the street. The associated parking lot shall be used only for the parking needs of the employees and residents of the work furlough facility between the hours of 5:30 p.m. and 7:30 a.m. weekdays and 24 hours a day on weekends; and for the immediate loading and unloading of materials at the two service entrances for adjoining buildings shown on Exhibit "A," dated February 25, 1992. There shall be no storage of materials in the parking lot by any adjoining tenants.

13. Prior to the issuance of any building permits the applicant must submit signed agreements between the property owner and all tenants of Lots 1 and 2 of Block 234 and Lots 181 and 182 of Block 210 indicating said tenants are aware that:
 - a. The parking spaces of the parking lot are for the exclusive use of the Mid-City Work Furlough Facility residents and employees between the hours of 5:30 p.m. and 7:30 a.m. weekdays and 24 hours a day on weekends.
 - b. Delivery vehicles may park directly in front of the existing roll up doors for immediate loading and unloading only.
 - c. No materials/merchandise may be placed in the parking lot at any time.
14. The parking lot must be conspicuously posted as being for the exclusive use of the Mid-City Corporation between the hours of 5:30 p.m. and 7:30 a.m. weekdays and 24 hours a day on weekends. The size, design and placement of said signs must be approved by the Planning Director prior to installation.
15. Prior to final legal occupancy of the premises for use as a work furlough facility the parking lot shall be striped and paved in conformance with Section 101.0816 of the Municipal Code.
16. The permittee shall maintain records of all vehicles being driven by residents of the facility. In order to enforce the provision of this permit, the Planning Department will have the right to request such records at any time.
17. Prior to the issuance of building permits, the operator of the facility shall provide proof that a van shuttle service for the residents in the need of transportation to and from work has been obtained and will be utilized. This is to offset the required number of parking spaces.
18. Prior to the issuance of 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 constructed of solid six-foot walls and a solid metal gate.
19. There shall be no loitering outside of the facility, in the auxiliary parking lot or in or on nearby sidewalk and street areas at any time. No inmate shall be permitted outside the building except for ingress and egress and any activity organized or supervised by the provider such as exercise.

20. Audible alarms shall be installed at all secondary exists shown on Exhibit "A," dated February 25, 1992. All alarms must remain activated at all times and may only be deactivated by security personnel to allow entry or exit in the presence of said personnel. Alarms may be deactivated for extended periods only if security personnel are specifically stationed at the exit and remain in the immediate vicinity of that exit.
21. The number of beds allowed at the facility shall not exceed 84.
22. Prior to the issuance of any building permits, the applicant shall assure, by permit and bond, the following items in a manner satisfactory to the City Engineer:
 - a. Provide a curb and pedestrian ramp at the corner of Bandini Street and Pacific Highway adjacent to this site.
 - b. Install sidewalks along Bandini Street adjacent to this site.
23. The permittee/applicant shall comply with all requirements of the Uniform Building Code ("UBC") and secure all necessary building permits prior to construction.
24. In order to enforce the provisions of this permit, representatives of The City of San Diego shall have the right to inspect the subject premises at any time. This includes the right to inspect any part of the building's interior, the building exterior and the parking lot.
25. Prior to the issuance of building permits, the applicant shall submit a "Letter of Intent" to the State Board of Corrections (hereinafter referred to as the State Board) to initiate the evaluation process set forth in Penal Code (PC) section 6029 and provide a copy of the letter to the Planning Department.
26. Prior to the issuance of building permits, the applicant shall submit to the State Board plans and specifications for the construction or retrofitting of the facility that meet the physical plant requirements for a Type IV Detention Facility as set forth in Title 24 of the California Code of Regulations ("CCR").
27. The applicant shall comply with any changes, modifications, alterations or other requirements recommended by the State

Board for compliance with Title 24 of the CCR and submit proof to the Planning Department of such compliance.

28. The facility shall be subject to inspections by the State Board annually, or upon request by any other authorized city, county or state official to inspect the premises.
29. The San Diego County Board of Supervisors may establish a process whereby it, through its designee, the work furlough administrator, will contract with a private corporation or entities to provide work furlough as set forth in PC section 1208. Once the County has established such a process, the applicant shall have six (6) months to enter into the contract and comply with PC section 1208 as well as the other terms of this CUP.
30. The applicant shall notify the City Planning Department of any revocation proceeding or cancellation by the County (work furlough administrator) against the facility.
31. The applicant shall **not** house/nor accept for placement persons convicted of the following offenses:
 - a. All violent crimes (as defined in the Penal Code, see Determinative Sentencing Laws).
 - b. Threatening certain state officials or judges--PC section 76.
 - c. Resisting arrest/removal of a weapon--PC section 148.
 - d. Gross vehicular manslaughter while intoxicated--PC section 191.5.
 - e. Manslaughter--PC section 192.
 - f. Mayhem--PC sections 203 and 205.
 - g. Kidnapping--PC section 207.
 - h. Robbery--PC section 211.
 - i. Assault or battery--PC sections 240-245.3.
 - j. Shooting at an inhabited dwelling--PC section 246.
 - k. Rape--PC sections 261-264.1.
 - l. Willful cruelty to children--PC sections 273a-273g.
 - m. Sodomy--PC section 286.

- n. Lewd or lascivious acts with a child under age 14--PC sections 288-289.
- o. Lewd or obscene conduct--PC section 314.
- p. Drawing, exhibiting or using a firearm--PC sections 417(a)(1)-417.8.
- q. Arson--PC sections 451(a)-453(b).
- r. Annoying or molesting a child under 18--PC section 647.6.
- s. Burglary--PC section 459.
- t. Unlawful carrying and possession of concealed weapons and other weapons violations--PC sections 12020-12582.
- u. Offenses involving controlled substances--Health and Safety Code sections 11352, 11353, 11353.5, 11353.7 and 11379.
- v. Driving under the influence causing bodily harm--Vehicle Code section 23153.
- w. Any other crime requiring mandatory custody.
- x. Crimes committed while previously incarcerated.

Before occupancy of the premises, the applicant shall submit to the Planning Department copies of letters to 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 limitations on the types of offenders who can be housed on the premises, pursuant to this permit.

- 32. The applicant shall provide records to the Planning Department Project Manager at one month intervals indicating the following:
 - a. Resident population
 - b. A copy of commit order, docket or court order placing each resident in the facility.
- 33. This conditional use permit may be revoked by the City if there is a breach or violation of default in any of the conditions of this permit. This conditional use permit shall be reviewed by the Planning Commission every year

after its effective date. The applicant shall deposit \$1,000 in an open account (in order to cover the expenses of conducting the review) prior to scheduling the Planning Commission hearing every year.

34. Placement in this facility of an individual, pursuant to such individual's court ordered probation, and who is convicted of a crime which is enumerated in item 31, shall be grounds for violating the conditions set forth in this permit. Residents currently housed within the facility that are convicted of crimes not allowed by adoption of this permit must be removed from the premises within (thirty) 30 days of the effective date of this permit.
35. Prior to the issuance of building permits, the applicant shall provide a modified floor plan to reflect the provisions of bathroom facilities for visitors of Mid-City Work Furlough Facility. Separate bathrooms shall be provided for male and female visitors. The bathrooms shall be separate from the facility residents and shall be restricted for visitor use only. Signage shall be posted indicating the bathrooms are for visitors.
36. The applicant shall provide a modified floor plan to reflect the provision of bathroom facilities that comply with the requirements of the State Board of Corrections.
37. Prior to the issuance of building permits, the applicant shall provide a modified floor plan that illustrates a kitchen facility including dry and cold storage, a food preparation area, a refrigerator, a stove, an oven and a sink.
38. Bathroom and kitchen facilities shall be constructed and in place; in addition, all code violations must be corrected within 180 days (September 28, 1992) from the date of approval of this CUP.
39. The facility shall employ not less than four (4) security personnel on-duty 24-hours per day, seven (7) days per week.

Passed and adopted by the Council of The City of San Diego on February 25, 1992, by Resolution No. R-279481.

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.

MID-CITY CORPORATION
Owner/Permittee

By _____

By _____

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

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Passed and adopted by the Council of The City of San Diego on FEB 25 1992
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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<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 checked="" type="checkbox"/>	<input 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.

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

(Seal)

By Maureen O'Connor Deputy.

Office of the City Clerk, San Diego, California

Resolution R-279481 Adopted FEB 25 1992
Number.....