

(R-92-1922)

RESOLUTION NUMBER R-279948

ADOPTED ON MAY 12, 1992

WHEREAS, Michel Anderson for Community Services Corporation appealed the decision of the Planning Commission in denying Conditional Use Permit No. 91-0711 submitted by H&M Investment Partnership, Owners, and Community Services Corporation, Permittee, to convert two existing industrial buildings for the use of a private work furlough facility (Sorrento Valley Counseling Complex, located 11339 and 11353 Sorrento Valley Road and described as Lots 13 and 14 of Via Sorrento Valley Industrial Park, Unit No. 3, Map No. 5693, in the Torrey Pines Community Plan area, in the M-1A/FPF zone; and

WHEREAS, the matter was set for public hearing on May 12, 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. 91-0711:

1. The proposed use will fulfill an individual and/or community need and will not adversely affect the General Plan or the community plan. The 3.2-acre site is fully developed with two, two-story unoccupied buildings, good growing landscaping and a parking lot. No new building additions would occur with this permit. New construction is limited to tenant improvements,

fencing, landscaping and the addition of an outdoor recreation area.

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. Mitigation measures have been incorporated into the project which will reduce potential interior noise impacts to a level below significance. Special construction measures would be used to reduce interior noise levels. Building plans would be received by the Noise Abatement Office in the Building Inspection Department and the Environmental Analysis Section, Planning Department, to ensure an adequate reduction in noise levels.

The site is located in a developed industrial park. The County's Hazardous Materials Management Division lists eleven establishments within a one block radius of the project site which use, store or generate hazardous materials. The complete list is on file in the Development and Environmental Planning Division of the Planning Department. Hazardous materials in the area generally fall into four categories: acids, solvents, waste oil and inert, pressurized gases (nitrogen, helium and oxygen). Other materials are also present, including: paint sludge, welding gases, pressurized hydrogen, metal sludge (soldering waste), formaldehyde, lye, battery electrolyte, gasoline, diesel, biohazardous waste (treated on site), actinomycin, liquids with cyanide, epoxies and printing inks with heavy metals.

At any given time, these chemicals are stored as inventory and/or waste in small to moderate quantities. The County's list indicates that the hazardous materials are ingredients or byproducts of the business' processes rather than end products. Proper storage and handling of the hazardous materials, as required by federal, state and local law, would reduce the potential for health and human safety impacts.

3. The proposed use will comply with the relevant regulations in the Municipal Code. As previously stated in item number 1, no new construction would occur with this permit, all remodeling will occur inside of the existing buildings. However, the addition of landscaping, fencing and a recreation area is also proposed.

4. The facility will be located in a community plan area where it has been determined that public facilities and services are adequate.

The facility will be located in existing buildings in a community which maintains adequate infrastructure to serve this use. The facility is self-contained except for utilization of public transportation.

5. The proposed use will not result in an undue concentration of correctional placement centers, residential care facilities or social service facilities as defined by the San Diego Municipal Code.

The lot or premises is separated by a straight line radius of no less than one-quarter (1/4) mile to any type of residential care facility, social service facility, social welfare

institution or similar type of facility, measured from property line to property line.

6. The lot or premises occupied by the center is separated by a straight line radius of no less than one thousand (1,000) feet from a school, library, public park or recreation area, measured from property line to property line.

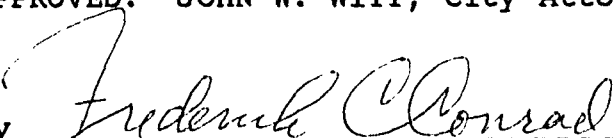
The facility is not located within three hundred (300) horizontal feet of a school, library, public park or recreation area, or a social welfare institution.

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 Michel Anderson for Community Services Corporation is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. 91-0711 is hereby granted to H&M Investment Partnership and Community Services 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:lc
06/25/92
Or.Dept:Clerk
R-92-1922
Form=r.permit

CONDITIONAL USE PERMIT AND
COASTAL DEVELOPMENT PERMIT NO. 91-0711
SORRENTO VALLEY COUNSELING COMPLEX

CITY COUNCIL

This Conditional Use Permit and Coastal Development Permit is granted by the Council of The City of San Diego to H&M INVESTMENT PARTNERSHIP, a California corporation, Owners, and to COMMUNITY SERVICES CORPORATION, a Nevada corporation, Permittee, pursuant to Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owners/Permittee to utilize two, two-story buildings as a privately operated community placement center, located at 11339 and 11353 Sorrento Valley Road, described as Lots 13 and 14 of Via Sorrento Valley Industrial Park Unit No. 3, Map No. 5693 in the M-1A/FPF Zone and Coastal Overlay Zone.
2. The work furlough facility shall consist of the following:
 - a. Two, two-story buildings containing 48,072 combined square feet;
 - b. Initial capacity of this facility will house 250 residents with a review in six months from date of occupancy to be brought before the City Council. If there is approval of the progress of the facility, then the operator can proceed to add the balance of 180 residents bringing the total to 438 maximum.
 - c. One hundred and ten (110) parking spaces;
 - d. Off-street parking; and
 - e. Accessory uses as may be determined incidental and approved by the Planning Director.
3. The Planning Commission shall review this facility's permit once a year for the first three years of the permit and biennially thereafter. The applicant shall deposit \$1,000 in an open account prior to scheduling the Planning Commission hearing unless the work furlough coordinator's position is established and fully operational, in which case the \$1,000 deposit will not be required. This Conditional Use Permit may be revoked by the City if there is a breach or violation or default in any of the conditions of this permit in accordance with established procedures in accordance with the Municipal Code. The Commission shall have the authority to amend or revoke a permit. The review shall be cost recoverable in accordance with the established schedule of fees and deposits for the Planning Department.

4. No fewer than 110 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated May 12, 1992, on file in the office of the Planning Department. Parking spaces shall be consistent with Chapter X, Article 1, 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. Street trees shall be installed 7' from face of curb in the right-of-way and be a minimum of 24" box.
5. The resident parking ratio shall not exceed one parking space per seven residents at any time. The facility operator shall be responsible for enforcing this condition and ensuring that the number of residents utilizing personal vehicles does not exceed the maximum allowed. Once the facility is fully operational, no more than 110 residents will be allowed to utilize personal transportation.
6. 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.
7. Before issuance of any building permits, complete building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated May 12, 1992, 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.
8. 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 May 12, 1992, 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.
9. 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.

10. This Conditional Use Permit and Coastal Development Permit must be used within 36 months after the date of approval or the permit shall be void. An extension of time may be granted as set forth in Section 105.0216 and 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.
11. Construction and operation of the approved use shall comply at all times with the regulations of this or any other governmental agencies.
12. 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.
13. 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. Cancellation or revocation may be instituted by The City of San Diego or Permittee.
14. 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.
15. The Permittee shall maintain records of resident population and must be made available to representatives of the Planning or Police Department on demand. In order to enforce the provisions of this permit, the Planning or Police Department will have the right to request such records at any time.
16. The Permittee shall maintain records of all vehicles being driven by residents of the facility and they must be made available to representatives of the Planning or Police Department on demand. In order to enforce the provision of this permit, the Planning or Police Department will have the right to request such records at any time.
17. Parking for the facility shall be provided in a parking lot. There shall be no resident or employee parking off-site or on the street. The parking lot shall be used only for the parking needs of the employees, residents and guests of the private detention facility 24 hours a day, seven days a week, as shown on Exhibit "A," dated May 12, 1992.

18. The parking lot must be conspicuously posted as being for the exclusive use of the Sorrento Valley Counseling Complex. 24 hours a day, seven days a week. The size, design and placement of said signs must be approved by the Planning Director prior to installation.
19. There shall be no loitering outside of the facility, in the 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 exits shown on Exhibit "A," dated May 12, 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 remains in the immediate vicinity of that exit.
21. There shall be a minimum of three uniformed custodial officers (monitors) 24 hours a day on duty at the facility at all times. In addition there shall be maintained a ratio of one additional uniformed custodial officer (monitor) per every 64 residents. There shall be a minimum of seven uniformed custodial officers (monitors) on duty at the facility when the maximum number of residents (438) is achieved.
22. The number of residents/beds allowed at the facility shall not exceed 438.
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 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 to initiate the evaluation process set forth in Penal Code section 6029. Provide a copy of the letter to the Planning Department.
26. The applicant shall comply with any changes, modifications, alterations or other requirements recommended by the State Board for compliance with Titles 15 and 24 of the CCR and submit proof to the Planning Department of such compliance.

27. The subject facility shall be subject to inspections by the State Board, or upon request by any other authorized city, county or state official to inspect the premises. The inspection report from the State Board shall be submitted to the Planning Department within seven days of receipt.
28. The San Diego County Board of Supervisors may establish a process whereby it, through its design, the work furlough administrator will contract with a private corporation or entities to provide work furlough as set forth in Penal Code section 1208. If the County establishes a process and requires mandatory participation, the applicant shall have six months to enter into the contract and comply with Penal Code sections 1208 and 6209 as well as the other terms of this CUP.
29. The applicant shall notify the City Planning Department of any revocation proceeding or cancellation by the County (work furlough administrator) or State Board of Correction against the facility.
30. No person convicted of an "EXCLUDABLE OFFENSE" may be accepted into The City of San Diego Correctional Placement Center. This prohibition applies whether the court order is a direct sentence or the placement is a condition of probation, and regardless of whether the offense is a felony or misdemeanor. The correctional center shall not accept or lodge any such person improperly placed by a court. Before occupancy of the premises, the applicants shall submit to the County Probation 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.

CITY OF SAN DIEGO
List of "Excludable Offenses"

- | | | |
|----|------------------------------------|-------------------------------|
| a. | Murder | PC 187 |
| b. | Gross Vehicular Manslaughter | PC 191.5 |
| c. | Voluntary Manslaughter | PC 192 |
| d. | Mayhem | PC 203, 205 |
| e. | Kidnapping | PC 207, 208, & 209 |
| f. | Robbery (including bank robbery) | PC 211 |
| g. | Assault with intent to rape or rob | PC 220 |
| h. | ADW on a peace officer | PC 245(c), (d) |
| i. | Rape | PC 261 |
| j. | Forcible sodomy | PC 286(c)-force
286(d) |
| k. | Lewd act on a child | PC 286, 288.5 |
| l. | Forcible oral copulation | PC 288a(c)-force,
288 a(d) |
| m. | Forcible penetration by foreign | PC 289(a),-force |

- object
- n. Arson PC 451
 - o. Grand theft firearm PC 487.3-firearm
 - p. Assault by life prisoner on non-inmate PC 4500
 - q. ADW by inmate PC 4501
 - r. Holding a hostage by prisoner PC 4503
 - s. Personal use of deadly weapon PC 12022(b)
 - t. Personal infliction of PC 12022.7
 - u. Exploding destructive device to injure PC 12303.3
 - v. Exploding destructive to murder PC 12308
 - w. Exploding destructive device with mayhem/GBI PC 12319(b)
 - x. Selling/furnishing drugs to minor HS 11353(c), 11380
(PC 667(e) limitation)
 - y. Sale or possession for sale of a controlled substance.
 - z. Any felony punishable by death or life.
 - aa. Attempt of any listed crime except assaults.
 - bb. Any sex offense wherein the victim is a child under the age of 18, including all offenses registerable as sex offenses under Section 290 of the Penal Code and also offenses involving child pornography as described in Sections 311 through 312.3 of the Penal Code. This exclusion applies for all offenses whether felony or misdemeanor.
 - cc. Any person the sentencing judge deems unacceptable for community access.
31. The applicant shall provide records to the County Probation Department 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.
 32. 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 a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this permit shall be void.
 33. This Permit shall not be valid until the Correctional Placement Center Ordinance (0-17748) has been adopted by the Coastal Commission and is effective within the Coastal Overlay Zone.
 34. An alternative transportation bulletin board shall be maintained in each building.
 35. Among the required parking spaces, a minimum of two car-pool parking spaces shall be provided. These spaces shall be clearly labeled and conveniently located.

36. A shuttle service shall be provided to bus and transportation centers at Genesee, near University Town Center, and UCSD and Carmel Valley Park and Ride.
37. Prior to issuance of a Certificate of Occupancy, proof of liability insurance shall be provided to the satisfaction of the Planning Director.
38. Environmental Mitigation and Monitoring Program: To mitigate the potential for noise impacts, the developer shall adhere to the following mitigation, monitoring and reporting program:
 - a. Special construction measures shall be used to reduce interior noise levels 45 dB(A) CNEL or below, based on future vehicular (230,000 average daily trips ADT on Interstate 5, 240,000 ADT on Interstate 805 and 33,300 ADT on Sorrento Valley Road) rail and air traffic volumes in the year 2010. Building plans shall be reviewed by the Noise Abatement Office in the Building Inspection Department and the Principal Planner, Environmental Analysis Section to ensure an adequate reduction in noise levels prior to issuance of building permits. A Structural Building Inspector from the Building Inspection Department shall inspect the site to ensure conformance with the approved plans prior to the issuance of a Certificate of Occupancy.
 - b. Fees and/or deposits shall be collected prior to the issuance of building permits, certificates of occupancy to ensure the successful completion of the monitoring program.
39. Prior to the issuance of any building permits, the applicant shall relocate the existing private identification sign from the public right-of-way to avoid visual obstruction to motorists entering and exiting from the project site.
40. The subdivider shall enter into an agreement with the City waiving the right to oppose special assessment proceedings initiated for any future street improvements for Sorrento Valley Road.
41. Prior to the issuance of any building permits, the applicant shall:
 - a. Ensure that building address numbers are visible and legible from the street (Uniform Fire Code (UFC) 10.208).

- b. Show the location of all fire hydrants on the plot plan (UFC 10.301).

Passed and adopted by the Council of The City of San Diego on May 12, 1992, by Resolution Nos. R-279948 and R-279949.

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.

H&M INVESTMENT PARTNERSHIP
a California corporation
Owners

By _____

COMMUNITY SERVICES CORPORATION
a Nevada corporation
Permittee

By _____

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

R.279948

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Passed and adopted by the Council of The City of San Diego on
by the following vote:

MAY 12 1992

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"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

(Seal)

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

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

By *Enrico Luzano*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R. 279948 Adopted MAY 12 1992