

(R-99-750)

RESOLUTION NUMBER R-291000

ADOPTED ON NOVEMBER 24, 1998

WHEREAS, United States Mission (Randall McEndree), Owner/Permittee, filed an application with The City of San Diego for a permit to operate a Residential Care Facility to provide shelter, food, and clothing for the homeless in three existing buildings, located at 2611, 2621 and 2623 G Street and 643 26th Street, and legally described as Lots 33 and 34 in Block 38 of Parrish and Loomis Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 288, filed in the Office of the County Recorder of the County of San Diego, March 31, 1886, in the Southeastern San Diego Community Plan area, in the R-3000 zone; and

WHEREAS, the matter was set for public hearing on November 24, 1998, 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/Southeastern San Diego Development Permit [CUP/SEDP] No. 98-0691:

CONDITIONAL USE PERMIT FOR RESIDENTIAL CARE FACILITIES FINDINGS:

1. The proposed use complies with all the property development regulations of the underlying zone, including but not limited to setbacks, yards, floor area ratio, height and parking, unless a variance to the above standards is granted in conjunction with the Conditional Use Permit.

Project approval is conditional on the project complying with property development regulations of the underlying zone, and regulations for Residential Care Facilities, for landscaping,

and for developments within the Southeastern San Diego Planned District, including setbacks, yards, floor area ratio, height and parking.

2. The proposed use is consistent with the goals and recommendations of the adopted community plan and the City's Progress Guide and General Plan.

Project approval is conditional on project consistency with the goals and recommendations of the adopted community plan and the City's Progress Guide and General Plan.

3. Sleeping areas meet the following criteria:

a. A minimum of seventy square feet of sleeping area per resident, exclusive of closet or storage space.

Project approval is conditional on the project being limited to ten residents, or a minimum of seventy square feet of sleeping area per resident, exclusive of closet or storage space.

b. No room commonly used for other purposes shall be used as a sleeping area. Such rooms shall include but shall not be limited to living rooms, dining rooms, family rooms, dens, recreation rooms, hallways, stairways, unfinished attics, basements, garages, storage areas, sheds or similar attached or detached buildings.

Project approval is conditional on the project meeting the above requirements.

c. No sleeping area shall be used as a public or general passageway to another room, bath or toilet.

Project approval is conditional on the project meeting this requirement.

d. A minimum of eight square feet of storage (closet or drawers) area shall be provided for each bed.

The proposed 561 square feet of storage and closet space is adequate for the proposed facility. Project approval is conditional on the project meeting this requirement.

4. The facility shall provide one full bathroom (toilet, sink, shower and/or bathtub) per seven beds.

The facility's five bathrooms are adequate to serve the residents to meet this requirements.

5. The facility shall not cause a reduction in required on-site parking or conversion of a garage.

No changes, additions, or modifications are proposed. Project approval is conditional on the provision of three on-site parking spaces in a manner consistent with the Municipal Code, which is the minimum required for this facility.

6. The facility shall be required to provide one parking space per employee and one parking space for every seven beds, unless the Planning and Development Review Department determines that additional parking spaces are required.

Project approval is conditional on the provision of three on-site parking spaces, which is the minimum required by the Municipal Code for this facility.

SOUTHEASTERN SAN DIEGO DEVELOPMENT PERMIT FINDINGS:

1. The proposed use and project design meet the general purpose and intent of Chapter X, Division 17, of the San Diego Municipal Code, complies with the recommendations of the Southeastern San Diego Planned District for this site, and will not adversely affect the Southeastern San Diego Community Plan, the City's Progress Guide and General Plan or other applicable plans adopted by the City Council in effect for this site.

The project site and buildings are existing. Project approval is conditional on the project complying with property development regulations of the underlying zone for this use, and with the regulations for Residential Care Facilities, for landscaping, and for developments within Southeastern San Diego Planned District, including setbacks, yards, floor area ratio, height and parking. Project approval is also conditional on project consistency with the goals and recommendations of the Southeastern San Diego Community Plan and the City's Progress Guide and General Plan.

2. The proposed development shall be compatible with existing and planned land uses on adjoining properties and shall not constitute a disruptive element to the surrounding neighborhood and community. Architectural harmony with the surrounding neighborhood and community shall be achieved as far as practicable.

The project site and building are existing. Project approval is conditional on the project complying with property development regulations of the underlying zone for this use, and with the regulations for Residential Care Facilities, for landscaping, and for developments within Southeastern San Diego Planned District, including setbacks, yards, floor area ratio, height and parking. Project approval is also conditional on project consistency with the goals and recommendations of the Southeastern San Diego Community Plan and General Plan of the City. The purpose of the Residential Care Facilities regulations are to "address the impacts they (the uses) have on neighborhood character." The project is also a locally designated historic site. Based on all of the above statements, the project will be consistent in style and in harmony with other uses in the surrounding neighborhood and community.

3. 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.

Project approval is conditional on the project complying with property development regulations of the underlying zone, and with the regulations for Residential Care Facilities, for landscaping, and for developments within the Southeastern San Diego Planned District. The purpose of the Residential Care Facilities regulations are to "address the impacts they (the uses) have on neighborhood character." Therefore, based on the above statements, the project 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.

4. The proposed use will comply with the relevant regulations of the Municipal Code in effect for this site.

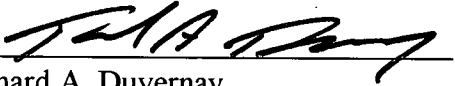
Project approval is conditional on the project complying with property development regulations of the underlying zone, and with the regulations for Residential Care Facilities, for landscaping, and for developments within the Southeastern San Diego Planned District.

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

BE IT FURTHER RESOLVED, that Conditional Use Permit/Southeastern San Diego Development Permit No. 98-0691 is granted to United States Mission (Randall McEndree), Owner/Permittee, with the occupancy limited to ten people for a duration of five years with a one year review, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By


Richard A. Duvernay
Deputy City Attorney

RAD:lc
08/17/99
Or.Dept:Clerk
R-99-750

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT/
SOUTHEASTERN SAN DIEGO DEVELOPMENT PERMIT NO. 98-0691
UNITED STATES MISSION
CITY COUNCIL**

This Conditional Use Permit/Southeastern San Diego Development Permit [CUP/SEDP] No. 98-0691 is granted by the Council of The City of San Diego to United States Mission (Randall McEndree) Owner and Permittee, pursuant to San Diego Municipal Code sections 101.0581 and 103.1703. The 9,060 square-foot site is located at 2611, 2621, and 2623 G Street, and 643 26th Street in the R-3000 zone of the Southeastern San Diego Community Planning Area. The project site is legally described as Lots 33 and 34 in Block 38 of Parrish and Loomis Addition, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 288, filed in the Office of the County Recorder of the County of San Diego, March 31, 1886.

Subject to the terms and conditions set forth in this permit, permission is granted to Randall McEndree (United States Mission), Owner and Permittee to operate a Residential Care Facility to provide shelter, food, and clothing for the homeless in three existing buildings, described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated November 24, 1998, on file in the Office of Planning and Development Review. The facility shall include:

- a. Three buildings for the operation of a Residential Care Facility.
 - b. Landscaping (planting, irrigation and landscape related improvements); and
 - c. Off-street parking facilities; and
 - d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.
1. The City Council will be informed by Planning and Development Review annually of the facility's compliance with this Conditional Use Permit.
 2. The permit shall be utilized within 36 months the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will

automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

3. This conditional use permit shall expire five years from the effective date of this permit (November 24, 2003).
4. No permit for the occupancy or operation of any facility or improvement described herein 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 Planning and Development Review; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
5. Unless this permit has been revoked by The City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.
6. This 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.
7. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
8. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

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. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body

shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

ENGINEERING REQUIREMENTS:

9. Drainage shall not flow to adjacent properties.
10. Prior to building occupancy, the applicant shall conform to the SDMC section 62.0203, "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

FIRE PREVENTION:

11. Provide building address numbers visible and legible from the street or road fronting the property (UFC 901.4.4).

PLANNING/DESIGN REQUIREMENTS:

12. Submit plans that are consistent with the City of San Diego *Applicant's Guide to Permit/Project Applications*. The project reflected in the submittal shall be consistent with the following Municipal Code regulations for Residential Care Facilities:
 - a. No fewer than three off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated November 24, 1998, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.
 - b. Off-street parking areas shall be:
 - (1) Provided at the rate of one parking space per employee and one parking space for every seven beds.
 - (2) Designed to minimize their visual impact on the site and surrounding neighborhood. Shrub planting, low walls or trees can be used to partially screen and still allow an opportunity for surveillance.
 - c. The facility shall provide the following:
 - (1) Occupancy shall be limited to 10 residents.
 - (2) A minimum of 8 square feet of storage (closet or drawers) area shall be provided for each bed.
 - (3) One full bathroom (toilet, sink, shower and/or bathtub) is required per seven beds.

- (4) Living area (exclusive of sleeping, dining and kitchen areas) shall be provided at a ratio of five square feet per bed.
 - (5) No room commonly used for other purposes shall be used as a sleeping area. Such rooms shall include but not be limited to living rooms, dining rooms, family rooms, dens, recreation rooms, hallways, stairways, unfinished attics, basements, garages, storage areas, sheds, or similar attached or detached buildings; and
 - (6) No sleeping area shall be used as a public or general passageway to another room, bath, or toilet.
13. All fences constructed on site shall be of wrought iron, wood, concrete or other masonry materials. Plant materials, including thorned species, may be used in lieu of fencing where appropriate. Plant material fencing shall be installed and maintained in accordance with the Landscape Technical Manual. All other applicable fence regulations of the Municipal Code shall apply.
 14. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
 15. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
 16. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
 17. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
 18. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
 19. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated November 24, 1998, on file in the Office of Planning and Development Review.

LANDSCAPE REQUIREMENTS:

20. The project shall be consistent with landscape related items of the following applicable documents: Southeast San Diego Planned District Ordinance, Project First Class Urban Design Program, Citywide Landscape Regulations, Landscape Technical Manual. Submit plans consistent with the City of San Diego *Applicant's Guide to Permit/Project Applications*. The plans shall contain all, but not be limited to, the following:
- a. Provide street trees on both 26th and G Streets at a rate of one 24" box tree for every 30 linear feet of frontage.
 - b. Provide approximate points, a combination of trees and shrubs shall be planted in the vehicle use area (VUA) or within five feet of the project perimeter to achieve the minimum street yard points as required by the underlying zone. Trees within the VUA shall be a 24" box or greater.
 - c. A 24" box tree in a minimum of 40 square feet of landscaped area shall be installed wherever necessary so that no designated parking space is no more than 30 feet from the base of a tree.
 - d. Provide wheel tops in all parking spaces that abut a landscape area that is five feet or less in width. The wheel tops shall be located in a minimum of two feet from the landscape areas. Show all wheel tops on the site and landscape concept plan. In lieu of wheel tops, a curblin may be installed instead.
 - e. Provide a separation between vehicular use area and the street curb by a landscape area other than hard scape of a depth totaling less than eight feet measured perpendicular to the curb. This area must contain an effective visual screen for a minimum of 80 percent of the VUA frontage. The screen must be at least 30" in height. The screen may be achieved through the use of berms, walls, or plant material. This landscape area may be reduced to a depth of three feet if a site wall measuring at least three feet in height is provided.
 - f. Provide one 24" box tree on each side and in the rear of each building. A minimum of 40 square feet of landscape area shall be provided around any required tree and the minimum horizontal distance between any tree and building shall be eight feet, measured to the centerline of the tree.
 - g. Locate all trees a minimum of ten feet from all driveways.
 - h. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

- i. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.
- j. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within thirty days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the Council of The City of San Diego on November 24, 1998, by Resolution No. R-291000.

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AUTHENTICATED BY THE CITY MANAGER

By _____

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.

UNITED STATES MISSION
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

8/20/99

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