

RESOLUTION NUMBER R-294151

ADOPTED ON NOVEMBER 14, 2000

WHEREAS, San Diego Youth and Community Services, Inc., Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit [CUP] to relocate a seventeen-bed emergency youth shelter known as the San Diego Youth and Community Services Emergency Youth Shelter to an existing building located at 3427 4th Avenue, and legally described as Lot 1, Block 6 of Loma Grande Subdivision, Map 692, in the Mid-City Planned District of the Uptown Community Planning area, in the NP-1 zone; and

WHEREAS, the matter was set for public hearing on November 14, 2000, 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 CUP Permit No. 40-0766:

1. The proposed development will not adversely affect the applicable land use plan.

The proposed emergency youth center facility is consistent with the Uptown Community Plan's Commercial Land Use designation, as well as the Community Plan's Urban Design Guidelines which encourage adaptive reuse of existing structures. Approval of the proposed facility will result in both interior improvement to the building and exterior site improvements, including but not limited to, the provision of landscaping in the parking lot to provide shade and to filter views of the east-facing building facade, repair of sidewalks, and improvements to meet ADA access requirements. This facility, together with the site improvements and permit conditions, conforms with many of the Uptown Community Plan's overall goals including providing a variety of housing types for all ages, incomes, and social groups; revitalizing commercial districts; increasing the availability of off-street parking; establishing and maintaining a high level of community facilities and services to meet the needs of the community; and enhancing the diverse and unique character of the community.

2. The proposed development will not be detrimental to the public health, safety, and welfare.

The proposed emergency youth center will move into and occupy an existing building which over the past twenty-five years has been occupied by the U.C.S.D. Department of Psychiatry as an outpatient counseling clinic. San Diego Youth & Community Services [SDYCS], who will own and operate this facility, has successfully operated residential facilities, group homes, and transitional living apartments in various neighborhoods throughout San Diego for thirty years. SDYCS has been successful in building and maintaining excellent relationships with neighbors, local businesses, the police department, and other public agencies and the general public.

An integral part of SDYCS's operation incorporates a Communications Plan which includes notifying all residential and commercial neighbors within three to four blocks of SDYCS's intent to locate a program in the neighborhood. Neighbors are given the name and telephone number of an SDYCS staff person, and encouraged to meet them in person at their convenience. Upon occupancy all neighbors and business owners are invited to visit the site and receive a personal tour. They are given access to staff (twenty-four hours) if they have a concern or complaint about the program and/or its clients. A written record is kept of every complaint. Outreach staff stay in contact with neighbors and businesses at least three times each week. Administrative and outreach staff are required to actively participate in local planning groups, service provider coalitions, community block watch groups, business groups, San Diego Police Department community policing efforts, and all community forums. All youth at the facility are required to participate in community service projects during their stay including graffiti removal, window washing for local businesses, community clean-up projects, and visiting senior citizens.

This facility will also implement Loitering Control and Litter Control Plans. Youth are required to be at the shelter at 6:00 p.m. Upon arrival, they are required to stay inside the facility until 8:00 a.m. when they are taken by bus to school. When they leave school at 2:00 p.m. they are free to return to the shelter, but not allowed to loiter outside. The population at the shelter averages from eight to ten youth on any given day. The proposed project is designed to be very "low visibility" in the neighborhood. There will be no signage on the facility. The facility is staffed by trained professionals twenty-four hours a day. If anyone is seen loitering at the facility, that person is approached by an SDYCS staff person, engaged in conversation, and then asked to leave. SDYCS has an excellent relationship with the San Diego Police Department, its beat officer, and Vice Unit. Littering will also be carefully monitored. The property and surrounding neighborhood will be inspected each day. Any debris left on or near the property will be immediately removed. SDYCS's good-neighbor, low profile approach to operating their facility, therefore, will not be detrimental to the public's health, safety, and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the San Diego Municipal Code.

The proposed emergency youth shelter has seventeen beds, and the average number of youth at the facility on a given night is between eight and ten. Youth stay at the shelter for

anywhere between one night to two months while arrangements are being made to place them in more structured residential programs, reunite them with their families, process their emancipation paperwork, or refer them to a foster home or transitional living apartment. The facility and program are in compliance with the development standards and locational criteria of the SDMC, including requirements for sleeping area; waiting area; toilets; parking; hours of operation; on-site supervision; kitchen, dining and living areas; communication, loitering, and litter control plans, and; landscaping.

4. The proposed use is appropriate at the proposed location.

The emergency youth center will move into and occupy an existing building located at 3427 4th Avenue. This building was previously occupied (over the past twenty-five years) by the U.C.S.D. Department of Psychiatry and operated as an outpatient counseling clinic. The facility is an 8,300 square foot, two story, concrete block and stucco commercial building that, with tenant improvements, will be uniquely suited for the proposed emergency youth center facility. The facility will be located in an existing building within the Uptown area that has a long-established land use history associated with care facilities and counseling. The building is located within SDYCS's target area and is large enough to accommodate the facility's plan to re-locate and expand its supportive services to this population. The project site is located in an area zoned (NP-1) for business and professional offices, and allows a mixture of office and residential use at high density. The project site is located on the corner of two major thoroughfares, is in close proximity to public transit, and conforms architecturally and visually with existing land uses in the immediate vicinity.

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 No. 40-0766 is granted to San Diego Youth and Community Services, Inc., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:mdw:lc
06/19/01
Or.Dept:Clerk
R-2001-1504
Form=permitr.frm
Reviewed by Mike Westlake

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
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 NO. 40-0766
SAN DIEGO YOUTH AND COMMUNITY SERVICES
EMERGENCY YOUTH SHELTER

CITY COUNCIL

This Conditional Use Permit [CUP] is granted by the Council of the City of San Diego to San Diego Youth & Community Services, Inc. [SDYCS], Owner and Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 10,275 square-foot site is located at 3427 4th Avenue in the NP-1 zone of the Mid-City Planned District of the Uptown Community Planning area. The project site is legally described as Lot 1, Block 6 of Loma Grande Subdivision, Map 692.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner and Permittee to operate an emergency shelter for homeless youth described and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated November 14, 2000, on file in the Development Services Department. The project shall include:

- a. The operation of a seventeen bed, emergency shelter for youth ages 12-17, with on-site and off-site support services;
- b. Landscaping (planting, irrigation and landscape related improvements);
- 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 SDMC in effect for this site.

1. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, 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:

1. The Permittee signs and returns the Permit to the Development Services Department; and
2. The Permit is recorded in the office of the San Diego County Recorder.

3. 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.

4. 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.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by the City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 *et seq.*).

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated November 14, 2000, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. 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 entitled 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" conditions(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 proposed 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.

PLANNING/DESIGN REQUIREMENTS:

10. No fewer than ten 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 14, 2000, on file in the Development Services Department. A maximum number of parking spaces in a tandem configuration should be two spaces. 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.

11. There shall be compliance with the regulations of the underlying zone unless a deviation or variance to a specific regulation is approved or granted as a 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.

12. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone which are in effect on the date of the submittal of the requested amendment.

13. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

14. 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.

15. The second floor meeting room shall be made available, by reservation only, to recognized community groups at the sole discretion of SDYCS.

LANDSCAPE REQUIREMENTS:

16. No change, modification or alteration shall be made to the project unless appropriate application or amendment to this permit has been granted by the City.

17. Prior to issuance of any construction permits for structures, construction documents showing hardscape improvements, planting, and irrigation design shall be submitted to the City Manager for approval. Construction documents shall be consistent with the Land Development Manual Landscape Standards and shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated November 14, 2000, on file in the Development Services Department.

18. Prior to issuance of any engineering or construction permits for right-of-way improvements along Walnut Street, a licensed, consulting arborist shall be retained to determine appropriate technique for protection of existing street trees. A letter outlining recommendations for the trees

shall be submitted by the arborist to the City for review by landscape planning staff and the Street Tree Division. Any tree pruning or root pruning associated with the right-of-way improvements will only occur under the guidance of a licensed, certified arborist, and a No Fee Street Tree Permit shall be obtained before commencing work. A re-alignment of the sidewalk may be considered so as to create a larger permeable area around the trees. Any repair or replacement of sidewalk shall be to the satisfaction of the City Engineer.

19. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

20. The Permittee, or subsequent owner, shall be responsible for the maintenance of all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual unless long-term maintenance will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

21. If any required landscape (including, but not limited to, existing or new plantings, hardscape, and landscape features) indicated on the approved construction document plans is damaged or removed during demolition, it shall be repaired or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage.

INFORMATION ONLY:

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this permit, may protest the imposition within ninety days of the approval of this permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the Council of the City of San Diego on November 14, 2000, by Resolution No. R-294151.

6/19/01

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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.

**SAN DIEGO YOUTH & COMMUNITY
SERVICES, INC.**
Owner/Permittee

By _____

By _____

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

6/19/01

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