

RESOLUTION NUMBER R-300558

ADOPTED ON JUNE 21, 2005

WHEREAS, the YMCA of San Diego County, Owner/Permittee, filed an application with the City of San Diego for Conditional Use Permit [CUP] No. 83865 for permission to operate an eighteen-bed transitional housing program in an existing six-unit apartment complex known as the YMCA Turning Point Project, located at 4264 Swift Avenue, and legally described as Lots 39 and 40, Block 38 of Subdivision of Blocks H and I, Teralta, Map No. 1036, in the Central Urbanized Planned District of the Mid-City Communities Plan area, in the CT-2-3 zone; and

WHEREAS, the matter was set for public hearing on June 21, 2005, 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 it adopts the following findings with respect to CUP No. 83865:

A. **CONDITIONAL USE PERMIT FINDINGS – MUNICIPAL CODE SECTION [SDMC] 126.0305**

1. **The proposed development will not adversely affect the applicable land use plan.** The Mid-City Communities Plan identifies the subject property within a transition zone designated for commercial and residential development of twenty-one - twenty-five dwelling units per acre. The proposal is to convert an existing six-unit apartment building into transitional housing for at risk youth. The facility will house no more than eighteen persons including one on-site manager. The facility will also have up to four employees that do not reside at the facility. According to the Residential Element of the Community Plan, it is recommended that subsidized housing, residential care facilities, and other facilities related to social services along transportation corridors where these uses can be served by transit. The proposed project site is located approximately 260 feet south of the El Cajon Boulevard transit corridor which would provide residents of the proposed transitional housing facility convenient public transit access.

The proposed use is consistent with the Mid-City Communities Plan Land Use Designation and the CT-2-3 (Commercial-Transitional) zone within the Central Urbanized Planned District Ordinance. The use and development regulations of CT-2-3 zone allows the site to be developed according to the use and development regulations of the RM-2-5 zone which permits Transitional Housing Facilities for more than seven persons with a CUP. The proposed project complies with the development regulations of the zone and as conditioned will not adversely affect the Mid-City Communities Plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The YMCA Turning Point program is designed to carefully and thoroughly screen all program applicants to ensure that applicants with a history of violence are not accepted into the program. The program also maintains a zero-tolerance policy for drug use and/or threats or acts of violence by the program participants. In order to enforce this policy, the program will conduct random drug testing on a regular basis. Program site cleanliness standards will be strictly enforced through inspections. Safety and cleanliness of the program site will be regularly monitored and enforced by a twenty-four hour on-site facility manager. For these reasons, the proposed project will not be detrimental to the public health, safety and welfare.

3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code. The proposed project complies with all the Transitional Housing requirements in SDMC section 141.0313. The program facility shall provide:

- i. At least seventy-square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls;
- ii. Sleeping areas shall not be used as a public or general passageway to another room, bath or toilet;
- iii. At least five-square feet of living area per bed, not including sleeping space, dining areas and kitchen areas;
- iv. One full bathroom including sink, toilet and shower or bathtub for every seven beds; and,
- v. At least one off-street parking space for each employee and one off-street parking space for every seven beds.

4. The proposed use is appropriate at the proposed location. The Mid-City Communities Plan identifies the subject property within a transition zone designated for mixed-use, commercial, or residential development of twenty-one – twenty-five dwelling units per acre. The proposed program will operate out of an existing six-unit apartment building. No changes are proposed to the existing structure. Furthermore, the location of the proposed transitional housing program is consistent with the recommendation contained in the Residential Element of

the Plan which calls for facilities, such as the one proposed to be located in close proximity to a transportation corridor.

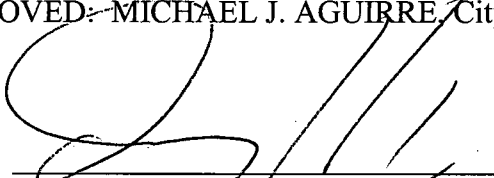
Further, Transitional Housing is a permitted use with a CUP subject to specific conditions regarding space requirements, restroom facilities and parking. The project complies with those requirements and, as conditioned, is appropriate at the proposed location.

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 recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 83865 is granted to the YMCA of San Diego County, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:ai
06/30/05
Or.Dept:DSD
R-2005-1409

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER: 42-2547

CONDITIONAL USE PERMIT NO. 83865
YMCA TURNING POINT – PROJECT NO. 30734
CITY COUNCIL

This Conditional Use Permit [CUP] is granted by the Council of the City of San Diego to the YMCA of San Diego County, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 126.0305. The 6,250 square-foot site is located at 4262 Swift Avenue in the CT-2-3 zone of the Central Urbanized Planned District within the Mid-City Communities Plan Area. The project site is legally described as Lots 39 and 40, Block 38 of Subdivision of Blocks H and I, Teralta, Map No. 1036.

Subject to the terms and conditions set forth in this CUP, permission is granted to Owner/Permittee to operate an eighteen-bed transitional housing program in a six-unit apartment complex, described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated June 21, 2005, on file in the Development Services Department.

The facility shall include:

- a. Rehabilitate the existing two-story, six-unit, 5,102 square-foot apartment building for operation of:
 - An eighteen-bed Transitional Housing Program for those that have aged out of the foster care system and other at risk youth;
 - One apartment to serve as an office and residence for on-site manager;
- b. Landscaping (planting, irrigation and landscape related improvements);
- c. Off-street parking spaces; 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 CUP, and any other applicable regulations of the SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Implementation of this CUP 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 CUP within thirty-six months will automatically void the CUP 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 operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this CUP be conducted on the premises until:
 - a. The Permittee signs and returns the CUP to the Development Services Department; and
 - b. The CUP is recorded in the office of the San Diego County Recorder
3. Unless this CUP has been revoked by the City of San Diego, the property included by reference within this CUP shall be used only for the purposes, and under the terms and conditions set forth in this CUP unless otherwise authorized by the City Manager.
4. This CUP 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 CUP and all referenced documents.
5. The utilization and continued use of this CUP shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this CUP by the City of San Diego does not authorize the Permittee for this CUP 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 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 permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this CUP have been granted.
9. All of the conditions contained in this CUP have been considered and have been determined to be necessary in order to make the findings required for this CUP. It is the intent of



the City that the holder of this CUP is required to comply with each and every condition in order to be afforded the special rights which the holder of the CUP is entitled as a result of obtaining this CUP.

10. In the event that any condition of this CUP, on a legal challenge by the Owner/Permittee of this CUP, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this CUP 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 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.

11. This CUP and corresponding use of this site shall expire on June 21, 2015. Upon expiration of this CUP, the facilities and improvements described herein shall be removed from this site and the property shall be restored to its original condition preceding approval of this CUP.

12. Prior to the expiration date of this CUP, the Owner/Permittee may submit a new permit application to the City Manager for consideration with review and a decision by the appropriate decision maker at that time.

ENGINEERING REQUIREMENTS:

13. The Owner/Permittee shall assure by permit and bond, the replacement of damaged portions of alley, full width, all satisfactory to the City Engineer.

14. The Owner/Permittee shall dedicate 2.5-feet in the alley along the property.

LANDSCAPE REQUIREMENTS:

15. 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 CUP.

16. The Owner/Permittee or subsequent Owner shall be responsible for the maintenance of all street trees and landscape improvements (right-of-way landscaping) consistent with the Landscape Standards Manual.

17. The Owner/Permittee or subsequent Owner shall have the responsibility to install all required landscape and obtain all required landscape inspections. A No Fee Street Permit shall be obtained for the installation, establishment and on-going maintenance of all street trees.

PLANNING/DESIGN REQUIREMENTS:

18. No fewer than seven off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit A. 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.
19. 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 a condition of approval of this CUP. Where there is a conflict between a condition (including exhibits) of this CUP 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 CUP establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.
20. Any future requested amendment to this CUP shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
21. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
22. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.
23. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
24. 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.
25. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, mechanical ventilator, or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed, architecturally integrated structure whose top and sides may include grillwork, louvers, and latticework.
26. The Owner/Permittee shall fully comply with the Citywide Storage Standards for Trash and Recyclable Materials (SDMC) 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.

27. Only one transitional housing facility shall be permitted on the premises.
28. The facility shall provide at least seventy-square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
29. Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
30. The facility shall provide at least five-square feet of living area per bed, not including sleeping space, dining areas, and kitchen areas.
31. The facility shall provide at least eight-square feet of storage area (closet or drawers) per bed.
32. The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
33. The facility shall provide at least one off-street parking space for each employee and one off-street parking space for every seven beds.
34. Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted.
35. The facility shall not operate a licensed child care facility on site.
36. The facility shall provide accommodations for no more than eighteen (at-risk youths) legal adults between the ages of sixteen thru twenty-one at any time.

INFORMATION ONLY:

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

APPROVED by the City Council of the City of San Diego on June 21, 2005, and Resolution No. R-300558.