

RESOLUTION NUMBER R- 311430

DATE OF FINAL PASSAGE DEC 04 2017

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING CONDITIONAL USE PERMIT NO. 2045415 FOR THE YMCA TURNING POINT- PROJECT NO. 556696.

ITEM # 204
12/4/17

WHEREAS, YMCA of San Diego County, a California Nonprofit Corporation, Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit to allow continued operation of an 18-bed transitional housing program in an existing six-unit apartment complex known as the YMCA Turning Point project, located at 4262 Swift Avenue in the CT-2-3 Zone of the Central Urbanized Planned District and in the Corridor Neighborhood of the City Heights Community of 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, in the City of San Diego, according to Map thereof No. 1036, filed in the Office of the San Diego County Recorder, March 8, 1907; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on December 4, 2017, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, on September 18, 2017, the City of San Diego, as Lead Agency, through the Development Services Department, made and issued an Environmental Determination that the project is exempt from the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.) under CEQA Guideline Section 15301 (Existing Facilities); and there was no appeal of the Environmental Determination filed within the time period provided by San Diego Municipal Code Section 112.0520; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 2045415:

CONDITIONAL USE PERMIT-SAN DIEGO MUNICIPAL CODE (SDMC)
SECTION 126.0305

(a) The proposed development will not adversely affect the applicable land use plan. The site is located at 4262 Swift Avenue on the west side of Swift Avenue between El Cajon Boulevard to the north and Orange Avenue to the south. The site is located in the CT-2-3 Zone of the Central Urbanized Planned District and in the Corridor Neighborhood of the City Heights Community of the Mid-City Communities Plan area. The project site is designated Commercial/ Residential Transition Zone at a density of 21-25 dwelling unit per acre. The community plan does not specifically address transitional housing facilities, however, subsidized housing, social services, and residential care facilities are encouraged to be located along transportation corridors. El Cajon Boulevard is designated as a six-lane major street within the community plan, and the site is located within the Transit Area Overlay Zone and the Transit Priority Area. Transitional housing for seven or more persons is permitted within the zone with a Process Five Conditional Use Permit pursuant to San Diego Municipal Code (SDMC) Section 141.0313.

The subject property is currently improved with an existing 5,102 square-foot, six-unit apartment complex constructed in 1990. The building was then operating as an apartment complex until the year 2003, when the Young Men Christian Association (YMCA) Youth and Family Services program purchased the building. The YMCA purchased the complex to relocate the Turning Point Transitional Living Program into the residential complex. From December of 2003 to June 15, 2005, the YMCA rented the apartments to participants of the Turning Point Program and provided social services to them at a separate off-site location. On June 15, 2005, the City Council approved Conditional Use Permit No. 83865, pursuant to Resolution No. R-300558, which allowed for the services to be provided on-site and the permit included an expiration date of June 21, 2015.

The YMCA of San Diego County is seeking to obtain a new Conditional Use Permit to continue operating the 18-bed transitional housing program in the existing apartment complex. The project implements the provisions of the designated residential zone and will not adversely

affect the goals and recommendations in the Mid-City Communities Plan. The proposed project would help implement the Housing Element goal to ensure the provision of sufficient housing for all income groups to accommodate San Diego's anticipated share of regional growth over the next Housing Element Cycle (2013-2020). The project would also help implement Housing Element policies to actively support providers of social services in establishing additional short-term and temporary housing as well as permanent supportive housing. The YMCA Turning Point Transitional Housing Program will provide an opportunity for at risk youths to live in a safe apartment environment while helping them develop the skills necessary to live a self-sufficient and independent life. The proposed development will not adversely affect the applicable land use plan.

(b) The proposed development will not be detrimental to the public health, safety, and welfare. The YMCA of San Diego County is seeking to obtain a new Conditional Use Permit to continue operating the 18-bed transitional housing program in the existing apartment complex. 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 24-hour on-site facility manager.

The permit for the project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the SDMC in effect for this project. Such conditions are necessary to avoid adverse impacts to the health, safety and general welfare of persons residing or working in the surrounding area. The project will comply with the development conditions in effect for the subject property as described in Conditional Use Permit No. 2045415, and other regulations and guidelines pertaining to the subject property per the SDMC. Therefore, the proposed development would not be detrimental to the public health, safety and welfare.

(c) The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code. The subject property is currently improved with an existing 5,102 square-foot, six-unit apartment complex constructed in 1990. The building was then operating as an apartment complex until the year 2003, when the YMCA Youth and Family Services program purchased the building. The YMCA purchased the complex to relocate the Turning Point Transitional Living Program into the residential complex. From December of 2003 to June 15, 2005 the YMCA rented the apartments to participants of the Turning Point Program and provided services to them at a separate off-site location. On June 15, 2005, the City Council approved Conditional Use Permit No. 83865, pursuant to Resolution No. R-300558, which allowed for the services to be provided on site and the permit included an expiration date of June 21, 2015. The YMCA of San Diego County is seeking to obtain a new Conditional Use Permit to continue operating the 18-bed transitional housing program in the existing apartment complex.

The YMCA is proposing no structural or architectural changes to the apartment complex and is not requesting nor requires any deviations from the development regulations. Therefore, with the approval of the Conditional Use Permit, the proposed development will comply with the regulations of the Land Development Code.


(d) The proposed use is appropriate at the proposed location. As outlined in Finding (a) listed above, the YMCA Turning Point Transitional Living Program has been operating in the residential structure since 2003, and is located in an area that encourages residential care facilities to be located along transportation corridors. El Cajon Boulevard is designated as a six-lane major street within the community plan, and the site is located within the Transit Area Overlay Zone and the Transit Priority Area. Therefore, the proposed use is appropriate at the proposed location.

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

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 2045415 is granted to YMCA of San Diego County, a California Nonprofit Corporation, Owner/Permittee under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By



Corrine L. Neuffer
Deputy City Attorney

CLN:als
11/15/2017
Or.Dept:DSD
Doc. No.: 1628079

Attachment: Conditional Use Permit No. 2045415

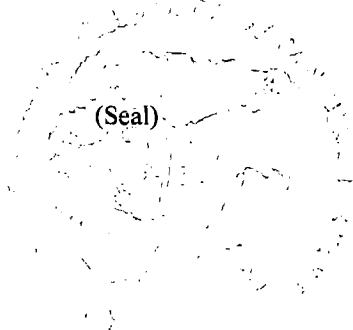
Passed by the Council of The City of San Diego on DEC 04 2017, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage DEC 04 2017.

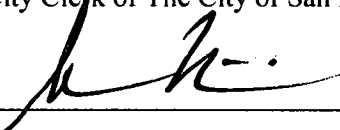
(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:



KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

Resolution Number R-

311430

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

**WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24007338 SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT NO. 2045415
YMCA TURNING POINT-PROJECT NO. 556696
CITY COUNCIL**

This Conditional Use Permit No. 2045415 is granted by the City Council of the City of San Diego to YMCA of San Diego County, a California Nonprofit Corporation, Owner and Permittee, pursuant to San Diego Municipal Code (SDMC) Section 126.0305. The 0.14-acre site is located at 4262 Swift Avenue in the CT-2-3 Zone of the Central Urbanized Planned District and in the Corridor Neighborhood of the City Heights Community of 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, in the City of San Diego, according to Map thereof No. 1036, filed in the Office of the San Diego County Recorder, March 8, 1907.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow continued operation of an 18-bed transitional housing program in an existing six-unit apartment complex; described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated December 4, 2017, on file in the Development Services Department.

The project shall include:

- a. Operation of an 18-bed transitional housing program in an existing six unit, 5,102 square-foot apartment complex. One apartment will serve as an office and residence for the on-site manager, and the remaining five units with nine bedrooms will each house two residents. The program is an 18-month transitional living program designed to assist and support at-risk youths through various stages of personal, professional and academic growth. Participants in the program are those that have aged out of the foster care system (at-risk youths) and other at-risk youths (youths without stable housing).
- b. Off-street parking;

- c. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act (CEQA) and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by December 4, 2020.
2. This Conditional Use Permit (CUP) and corresponding use of this site does not have an expiration date and shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
3. 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:
 - a. The Owner/Permittee signs and returns the Permit to the Development Services Department; and
 - b. The Permit is recorded in the Office of the San Diego County Recorder.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
5. The continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Owner/Permittee for this Permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 (ESA) and any amendments thereto (16 U.S.C. § 1531 et seq.).
7. All of the conditions contained in this Permit have been considered and were determined necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If 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 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.

8. The Owner/Permittee shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, Owner/Permittee shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and Owner/Permittee regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

ENGINEERING REQUIREMENTS:

9. The Owner/Permittee, within one year of the issuance of this Permit, shall record an irrevocable offer of dedication for an additional 2.5 feet of the adjacent alley, satisfactory to the City Engineer.

LANDSCAPE REQUIREMENTS:

10. 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.

11. 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.

12. 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:

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 shall not be stored higher than any adjacent wall or fence.
15. 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," on file in the Development Services Department.
16. Only one transitional housing facility shall be permitted on the lot or premises.
17. The facility shall provide at least 70 square feet of sleeping space for each resident, not including closet or storage space, multipurpose rooms, bathrooms, dining rooms, and halls.
18. Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
19. The facility shall provide at least five square feet of living area per bed, not including sleeping space, dining areas, and kitchen areas.
20. The facility shall provide at least eight square feet of storage area (closet or drawers) per bed.
21. The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
22. The facility shall provide at least one off-street parking space for each employee and one off-street parking space for every seven beds.
23. Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted.
24. The facility shall not operate a licensed child care facility on-site.
25. The facility shall provide accommodations for no more than 18 legal adults. Individuals who are under the age of 18 must be legally emancipated.

26. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

27. 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.

TRANSPORTATION REQUIREMENTS

28. The automobile, motorcycle and bicycle parking spaces must be maintained in accordance with the requirements of the SDMC. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing authorized by the appropriate City decision maker in accordance with the SDMC.

INFORMATION ONLY:

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- 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 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 December 4, 2017, and by Resolution No. R.311430

.Permit Type/PTS Approval No.: CUP No. 2045415
Date of Approval: DEC 04 2017

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**The undersigned Owner/Permittee, by execution hereof, agrees to each and every condition of
this Permit and promises to perform each and every obligation of Owner/Permittee hereunder.**

**YMCA OF San Diego County,
a California Nonprofit Corporation
Owner/Permittee**

By _____
Print Name:
Title:

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**