

ATTACHMENT 7

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
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

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

This Conditional Use Permit (CUP) is granted by the City Council of the City of San Diego to the YMCA of SAN DIEGO COUNTY, Owner and 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 Permit, permission is granted to Owner/ Permittee to operate an 18-bed transitional housing program in a 6-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, 6-unit, 5,102 square-foot apartment building for operation of:
 - An 18-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

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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.

STANDARD REQUIREMENTS:

1. Implementation of this permit 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 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 the Development Services Department; and
 - b. 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 agency.
6. Issuance of this Permit by the City of San Diego does not authorize the 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. 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 Permit have been granted.

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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 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 the special rights which the holder of the Permit is entitled as a result of obtaining this 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 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.

10. This CUP and corresponding use of this site shall expire on June 21, 2015. Upon expiration of this Permit, 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 Permit.

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

ENGINEERING REQUIREMENTS:

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

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

LANDSCAPE REQUIREMENTS:

14. 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.

15. 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.

16. 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:

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17. No fewer than seven (7) off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," on file in the Development Services Department. 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.
18. 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 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.
19. Any future requested amendment to this Permit 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.
20. All signs associated with this development shall be consistent with sign criteria established by Citywide sign regulations.
21. 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.
22. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
23. 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.
24. 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.
25. 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," on file in the Development Services Department.

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26. Only one transitional housing facility shall be permitted on the premises.
27. 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.
28. Sleeping areas shall not be used as a public or general passageway to another room, bath, or toilet.
29. The facility shall provide at least 5 square feet of living area per bed, not including sleeping space, dining areas, and kitchen areas.
30. The facility shall provide at least 8 square feet of storage area (closet or drawers) per bed.
31. The facility shall provide one full bathroom including sink, toilet, and shower or bathtub for every seven beds.
32. The facility shall provide at least one off-street parking space for each employee and one off-street parking space for every seven beds.
33. Conversion of an existing garage or reduction in the amount of off-street parking to provide a transitional housing facility is not permitted.
34. The facility shall not operate a licensed child care facility on site.
35. The facility shall provide accommodations for no more than 18 (at-risk youths) legal adults between the ages of 16 thru 21 at any time.

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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.

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