

CITIZENS' OVERSIGHT  
PROJECTS (COPS)

CITIZENSOVERSIGHT.ORG

PO Box 252  
EL CAJON, CA 92022  
619-820-5321



June 20, 2008

To: Development Services Department of the City of San Diego  
Re: FORM DS-3031 – Appeal of Permit 157613  
(COPS REF: T00036-C00011)

The form is attached and the following description is included here. Thank you in advance for your kind attention to this request. I am returning the check to you for the refund of my prior appeal on permits for this same development. Your office stated that the window for appeal had elapsed. Although we do not agree with the concept of a window of time that questions can be raised about the conduct of our government, we will instead apply the refund check to this new appeal, while reserving all rights in the prior matter.

DESCRIPTION OF GROUNDS OF APPEAL RE PERMIT 157613

With the understanding that this appeal may not fit within the normal processing mechanisms of the department, a thorough reply is nevertheless requested. We also refer to permit 150059 in the same development (3951).

1. This application is to build a “simulator/ride” that will be used for warfare training, including training of military operations using firearms. The additional information about the use of the simulator has been revealed by admissions by the true applicant, Blackwater Worldwide. The building zone allows for vocational school, but it is clear that the establishment of a warfare training facility does not fit within that definition. The intent of allowing vocational training within an industrial park generally used for manufacturing and warehousing is to allow training employees of those same industries in that area. It was not intended as a blank check for any type of training. For example I understand that a preschool would require additional public scrutiny. It does not make sense that a warfare training facility should be processed at the Phase 1 “ministerial” level of approval while a preschool would require more public review.
  - A. What is the definition of “vocational School”?
  - B. Is there any sort of instruction that does NOT fit within it, given the concept that warfare training may be included within the definition?
2. Paramilitary training is illegal in California, per CALIF. PENAL CODE SECTION 11460, “Any two or more persons who assemble as a paramilitary organization for the purpose of practicing with weapons shall be punished by imprisonment in a county jail for not more than one year or by a fine of not more than one thousand dollars (\$1,000), or by both that fine and imprisonment...” We understand that Blackwater does operate as a paramilitary organization in other regions.

- A. Is this law now being violated by Blackwater in Otay Mesa?
  - C. How will we be able to monitor their activities to make sure they are in compliance?
  - D. Who is responsible for this review?
  - E. Does “paramilitary training” also fit within the term “vocational school”?
3. This permit, as well as the prior permit (150059) in this development (3951) referred to the changes were being applied to the “extg (existing) warehouse for extg Southwest Law Enforcement facility”. The first phrase of this sentence appears to be true, in that the approved use of the building was as a warehouse. However, Southwest Law Enforcement had dissolved their relationship with Blackwater Worldwide by the time this permit application was submitted, according to Blackwater V.P. Brian Bonfiglio in other admissions. And there was never an occupancy permit granted for the use of “Training Facility” by Southwest Law Enforcement, and therefore, it appears to not be the case that it was an existing use. It appears to COPs that the use of the concept of “existing” was incorrectly applied in these permits as a way to gradually sneak an inappropriate use of the facility.
- A. What is the definition of the term “existing” on these permits?
  - B. Does “existing” require that an occupancy permit be granted and a business license be issued?
4. The prior permit (150059) in this development (3951) stated “Add indoor firing range” on the application (form DS-3032) but the computer records stated “Building permit to add modular training unit inside extg warehouse for extg Southwest Law Enforcement Facility,” and did not use the term “Firing Range.”
- A. Why was the scope changed from “Add indoor firing range” to “Building permit to add modular training unit inside extg warehouse for extg Southwest Law Enforcement Facility”?
  - B. Did Blackwater request this change of the Project Manager, Jama Vega?
  - C. How much discretion is allowed when the project is added to the computer data records?
  - D. Are all “indoor shooting ranges” called “modular training units” when they are added to the computer records?
5. We understand that the “ride/simulator” was constructed without any permits being issued, and the permits were issued after the completion of the project.
- A. Is this the normal mode of operation for permits?
  - B. Is the contractor (Raven Development) or the developer (Blackwater) subject to any fines or other punitive measures?

Thank you for your kind review of these questions and your thorough reply. Your reply will be available to the public on a permanent basis at <http://www.CitizensOversight.org>.

Sincerely,

Raymond Lutz  
Coordinator  
Citizens’ Oversight Projects (COPs)