

RESOLUTION NO. 206528  
Conditional Use Permit No. 358-PC

SEP 14 1972

WHEREAS, CHILDREN'S HEALTH CENTER, a California corporation, Owner, hereafter referred to as "Permittee," filed an application for a permit to operate the pediatric hospital project and to construct and operate a children's guidance and development clinic, located south of Frost Street, west of Berger Avenue, between Interstate 805 and State Highway 163, described as portion of Pueblo Lots 1199 and 1202, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-5 and LC Zones; and

WHEREAS, on July 5, 1972, the Planning Commission of The City of San Diego made its findings of facts, which are set forth in Resolution No. 358-PC, and granted a conditional use permit to Permittee to operate the pediatric hospital project and to construct and operate a children's guidance and development clinic, and filed said decision in the office of the City Clerk on July 19, 1972; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, CHILDREN'S HEALTH CENTER, by Tucker, Sadler & Bennett, Architects & Engineers, Inc., agents, appealed one of the conditions of said conditional use permit heretofore approved by the Planning Commission; and

WHEREAS, said appeal was set for public hearing on August 24, September 7, and September 14, 1972, 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, the City Council, in considering said appeal, is empowered by the provisions of Municipal Code Section 101.0506, paragraph E.4., to affirm, reverse, or modify in whole or in part any determination of the Planning Commission, subject to the limitations as are placed upon the Planning Commission by the Municipal Code; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, as follows:

All of the following facts exist with respect to Conditional Use Permit No. 358-PC.

1. The proposed use at the particular location is necessary to provide a service which will contribute to the general well-being of the community.

2. Such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

3. The proposed use will comply with the regulations and conditions specified in the Code for such use.

4. The granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any governmental agency.

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

BE IT FURTHER RESOLVED, that by a vote of 7 to 0, the appeal of Permittee is hereby granted and this Council does hereby grant to CHILDREN'S HEALTH CENTER, a California corporation, Conditional Use Permit No. 358-PC in the form and with the terms and conditions as set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad, Chief Deputy

FCC:nr  
9-18-72

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206528

CITY COUNCIL

CONDITIONAL USE PERMIT NO. 358-PC

This conditional use permit is granted by the Council of The City of San Diego to CHILDREN'S HEALTH CENTER, a California corporation, hereafter referred to as "Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0507 of the San Diego Municipal Code.

1. Permission is hereby granted to Permittee to operate the pediatric hospital project and to construct and operate a children's guidance and development clinic, located south of Frost Street, west of Berger Avenue, between Interstate 805 and State Highway 163, described as portion of Pueblo Lots 1199 and 1202, more particularly described in Appendix "A" attached hereto and made a part hereof, in the R-1-5 and LC Zones.

2. The pediatric hospital project shall include, and the term "Project" as used in this conditional use permit shall mean the total of the following facilities:

A 90-bed pediatric hospital and the following incidental service establishments:

- a. Speech and Hearing Center
- b. Physical and Occupational Facilities
- c. Outpatient Clinic
- d. Gift Shop
- e. Administrative Offices
- f. Child Guidance Clinic (one story building)

- g. Child Development Clinic (three story building)
- h. Maintenance Building
- i. Helistop
- j. Gait Analysis Laboratory
- k. Intensive care unit
- l. Dining room addition
- m. Storage facilities
- n. Consultation offices

3. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" dated July 5, 1972, on file in the Office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom.

4. Prior to the issuance of any building permits a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" dated July 5, 1972, on file in the Planning Department. Approved planting shall be installed prior to the issuance of any occupancy permit on any building.

5. The Permittee shall at such time as the extension of Berger Avenue is assured both as to right-of-way and improvements from the southerly line of the property to a connection with Birmingham Drive:

**206528**

a. Grant without costs to City the necessary right-of-way through subject property (not to exceed a 60 foot width) at a location on the easterly portion of the subject property, approximately the west line of the State of California slope easement; and

b. Participate in the cost of the improvement of Berger Avenue between Frost Street and the southerly line of subject property in accordance with applicable Council policies relative to the distribution of street improvement costs on a benefit basis.

6. Prior to the issuance of any occupancy permit for the three story Child Development Clinic and the one story Child Guidance Clinic, not less than 330 off-street parking spaces shall be provided on the subject property in the appropriate locations as shown on Exhibit "A" dated July 5, 1972. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be marked. Parking spaces and aisles shall conform to the Planning Department standards. No charge shall be made at any time for the use of these off-street parking spaces.

7. A six foot solid fence or wall or appropriate screen landscaping as approved by the Planning Director shall be installed along the southerly boundary of the subject property.

8. No vehicular parking shall be permitted at any time on any of the private roadways within this development.

9. Prior to use of the helistop the following shall be accomplished:

a. Permanent wind indicators such as a wind cone, flag or other suitable device shall be installed adjacent to the helistop.

b. A fence not less than three feet in height with a single gate shall be installed completely around the helistop, in the approximate location shown on Exhibit "A."

c. Fire protection equipment shall be provided at the helistop by provision of at least two 16-pound dry chemical extinguishers.

d. The applicant shall submit to the Planning Department a letter of approval of the helistop operations from the F.A.A. and the California Aeronautics Division.

10. Whenever the helistop is being used for take-off or landings, an attendant shall be on duty to assist in operations and to man the fire protection equipment referred to in Condition 9.c. above.

11. The helistop shall be marked as prescribed by F.A.A. regulations.

12. The helistop shall comply at all times with the Heliport Regulations set forth under Section 68.0209 of the Municipal Code of The City of San Diego.

13. The Permittee shall comply with the General Conditions for Conditional Use Permits attached hereto and made a part hereof.

Passed and adopted by the Council of The City of San Diego on September 14, 1972.



GENERAL CONDITIONS FOR CONDITIONAL USE PERMITS

1. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit A, dated July 5, 1972, on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

2. Prior to the issuance of any building permits, a complete landscaping plan, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit A, dated July 5, 1972, on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

3. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

4. Substantial construction of the project shall have commenced and shall be proceeding within one year from the effective date of this conditional use permit or any extension of time as may be granted herein by The City of San Diego pursuant to the terms set forth in Section 101.0507 and Section 101.0508 of the San Diego Municipal Code.

5. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

6. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed within 90 days of the Council's decision. In no event shall this condition be construed to extend the time limitation set forth in 4 above; i.e., the time commences to run on the date that the City Council granted this conditional use permit.

b. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

7. After the establishment of the project as provided herein, the subject property shall not be used for any other purposes unless specifically authorized by the Planning Commission, or

City Council, or both unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

8. The property included within this conditional use permit shall be used only for the purposes and under the terms and conditions as set forth in this permit unless the permit shall have been revoked by The City of San Diego.

9. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0506. An appeal from the decision of the Planning Commission may be taken to the City Council within ten days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0506.

10. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

135-S-PC

APPENDIX "A"

The Easterly  $1\frac{1}{2}$  acres of the South  $\frac{1}{2}$  of the following described property: Beginning at the Southeast corner of Pueblo Lot 1202 in the City of San Diego, County of San Diego, State of California, according to map by James Pascoe in 1870; thence West along the South line of said Lot 160 rods to the Southwest corner thereof; thence North along the West line of said Lot 80 rods to a point halfway between the Northwest and Southwest corners of said Pueblo Lot 1202; thence East and parallel with the South line of said Lot, 160 rods to the East line of said Lot; thence South along the East line of said Pueblo Lot to the point of beginning. The West line of said Easterly  $1\frac{1}{2}$  acres being parallel with the Easterly line of said Pueblo Lot 1202.



Acknowledgment

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

On this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before  
me, the undersigned, a Notary Public in and for said County and  
State, personally appeared \_\_\_\_\_,  
known to me to be the \_\_\_\_\_ and  
\_\_\_\_\_ known to me to be the  
\_\_\_\_\_ of \_\_\_\_\_

the corporation that executed the within instrument and known  
to me to be the persons who executed the same on behalf of said  
corporation and acknowledged to me that said corporation  
executed the same, pursuant to its bylaws or a resolution of  
its Board of Directors.

WITNESS my hand and official seal.  
(Notary Stamp)

\_\_\_\_\_  
Notary Public in and for the County  
of San Diego, State of California

SEP 14 1972

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_,  
by the following vote:

RECEIVED  
CITY CLERK'S OFFICE  
1972 OCT -2 PM 1:31  
SAN DIEGO, CALIFORNIA

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
Mayor of The City of San Diego, California.

(Seal)

EDWARD NIELSEN  
City Clerk of The City of San Diego, California.

By *Kathryn M Noel*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number **206528** Adopted **SEP 14 1972**

*eh*