

RESOLUTION NO. 222724
CONDITIONAL USE PERMIT NO. 554-PC

R.79-1818
JAN 30 1979

WHEREAS, SCRIPPS CLINIC AND RESEARCH FOUNDATION, a California corporation, Owner, hereafter referred to as "Permittee," filed an application to consolidate existing permits into one permit to allow for a research office, medical office and research labs space with parking and landscaping on a four-acre site in the R-3 Zone. The property is located on the east side of Prospect Street between La Jolla Boulevard and Cuvier Street, in the La Jolla Community Plan area, and is more particularly described as Lots 1 through 26, a portion of Lot 33, and Lots 34 through 50, Block 17, La Jolla Park, Map No. 352; and

WHEREAS, on December 7, 1978, the Planning Commission of The City of San Diego made its findings of fact, denied said Conditional Use Permit No. 554-PC, and filed said decision in the office of the City Clerk on December 14, 1978; and

WHEREAS, pursuant to the provisions of Section 101.0506 of the San Diego Municipal Code, SCRIPPS CLINIC AND RESEARCH FOUNDATION, appealed the decision of the Planning Commission; and

WHEREAS, said appeal was set for public hearing on January 30, 1979, and 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

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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. 554-PC:

1. The proposed use at this particular location is necessary and desirable to provide service and facilities which will contribute to the general well-being of the neighborhood and the community. The Council believes the proposed research use will maintain the existing buildings which are culturally and historically desirable rather than utilize the property for new development and/or construction under the existing R-3 Zone. The research use would, under this permit, consolidate the entire ownership to one permit which would be in the best interest of the neighborhood and community, as much as any future modification to the site would require additional amendments to this permit.

2. The proposed use under the circumstances of this particular case should not be detrimental to the health, safety or general welfare of persons living or working in the vicinity or injurious to property or improvements existing (or future) in the vicinity. The Council does not believe the proposed research use would be any more detrimental to the community than the previous medical clinic use which was a more intense use than the proposed research use.

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The Council believes that limiting the number of employees on site to 450 would be of benefit to the community inasmuch as less vehicular traffic would be generated by this proposed use.

3. The proposed use would comply with the regulations and conditions specified in the Municipal Code for such use. The applicant has indicated the proposed use will be dry research which requires office space of the type available in the old clinic building. Since hospital and research activities have already been granted conditional use permits at this location, the proposed use follows the previously permitted uses. The Council believes the off-street parking existing on site of 112 spaces for a maximum of 450 employees is sufficient for this type of use.

4. The granting of this conditional use permit would not adversely affect the General Plan of the City or the La Jolla Community Plan which designate the subject property for cultural complex and medium density residential development. The La Jolla Community Plan states within the public facilities element: the La Jolla Museum of Contemporary Art, the Recreation Center, the Women's Club, Bishop's School, Scripps Clinic and Research Foundation, and two large churches which are situated near the intersection of Silverado and Prospect Streets. It is desirable that such facilities be encouraged to continue their activities in their present locations, and that similar facilities whose activities are compatible be encouraged to locate there in the future. The Council believes that inasmuch as the proposed use of the

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existing facilities would not result in any exterior modifications to the site at this time, the proposed uses would be in compliance with the intent of the La Jolla Community Plan.

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 the appeal of SCRIPPS CLINIC AND RESEARCH FOUNDATION is granted and Conditional Use Permit No. 554-PC is hereby approved with the following conditions:

1. No less than 225 offstreet parking spaces shall be provided and maintained on or within walking distance of the subject property. Areas and driveways shall be marked. The location of the parking spaces and aisles shall be approved by the Planning Director. The project shall be limited to a maximum number of employees on site of 450.

2. The Permittee shall act in good faith to support and participate in the formation of any special assessment district for the construction, acquisition, and operation of parking facilities or improvements in the downtown La Jolla area under any special assessment proceedings, whether conducted pursuant to the Improvement Act of 1911 or the Municipal Improvement Act of 1913, or any other applicable state or local law.

3. Permittee shall not allow any dangerous chemicals to be discharged into any surface drainage system of the City of San Diego.

APPROVED: JOHN W. WITT, City Attorney

By Frederick C. Conrad
Frederick C. Conrad
Chief Deputy City Attorney

FCC:clh

5/4/79
Or.Dept.:Clerk

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CONDITIONAL USE PERMIT NO. 554-PC

CITY COUNCIL

This Conditional Use Permit is granted by the Council of The City of San Diego to VILLAGE GREEN, LTD., a limited partnership, and SCRIPPS CLINIC AND RESEARCH FOUNDATION, a California corporation, hereafter referred to as "Owner/Permittee," for the purposes and under the terms and on the conditions as set out herein pursuant to the authority contained in Section 101.0506 of the Municipal Code of The City of San Diego.

1. Permission is hereby granted to Owner/Permittee to utilize existing facilities on site for research office space, medical office space and research laboratory space, located south of Cuvier Street between Prospect Street and Coast Boulevard South, described as Lots 1 and 2, Lots 4 through 26, Lots 34 through 50, and a portion of Lot 33, Block 17, La Jolla Park, Map No. 352, in the R-3 Zone.

2. The facility shall include, and the term "Project" as used in this Conditional Use Permit shall mean the total of the following facilities:

- a. Existing clinic and research floor area of 203,870 gross square feet.
- b. Existing uses, and any residential uses permitted in the underlying applicable zone.
- c. Offstreet parking.
- d. Incidental accessory uses as may be determined and approved by the Planning Director.

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3. No less than 225 off-street parking spaces shall be provided and maintained on or within walking distance of the subject property. Areas and driveways shall be marked. The location of the parking spaces and aisles shall be approved by the Planning Director.

4. The project shall be limited to a maximum number of employees on site of 450.

5. The Permittee shall act in good faith to support and participate in the formation of any special assessment district for the construction, acquisition, and operation of parking facilities or improvements in the downtown La Jolla area under any special assessment proceedings, whether conducted pursuant to the Improvement Act of 1911 or the Municipal Improvement Act of 1913, or any other applicable state or local law.

6. The Permittee shall act in good faith to study and, to the extent feasible, construct, improve and maintain off-street parking spaces on the subject property in addition to the spaces required under paragraph 3 above, including, but not limited to, a parking structure.

7. Permittee shall not allow any dangerous chemicals to be discharged into any surface drainage system of the City of San Diego.

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

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ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO ON JANUARY 30, 1979.

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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 October 19, 1978, 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 October 19, 1978, 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.

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4. Substantial construction of the project shall have commenced and shall be proceeding within 18 months 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

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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.

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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 _____ of the partners of the partnership that executed the within instrument, and acknowledged to me that such partnership executed the same.

WITNESS my hand and official seal.
(Notary Stamp)

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

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

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Passed and adopted by the Council of The City of San Diego on JAN 30 1979,
 by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Bill Lowery	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Fred Schnaubelt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larry Stirling	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lucy Killea	<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)

CHARLES G. ABDELNOUR
 City Clerk of The City of San Diego, California.

By *Rita Andrews*, Deputy.

Office of the City Clerk, San Diego, California	
Resolution Number	<u>222724</u> Adopted <u>JAN 30 1979</u>