

RESOLUTION NUMBER R- 267471

ADOPTED ON JAN 13 1987

WHEREAS, JIM KELLEY-MARKHAM appealed the decision of the Planning Commission in approving Conditional Use Permit No. CUP-86-0719 submitted by SAN DIEGO HOSPICE CORPORATION, a California corporation, Owner/Permittee, to construct and maintain a 46-unit hospice on approximately 8.37 acres at Vauclain Point, on a portion of Pueblo Lot 1118, Pueblo Lands of San Diego, Miscellaneous Map No. 36, located at the northerly end of Third Avenue, north of Arbor Drive and west of State Highway 163, in the Uptown Medical Complex Plan area, in the R-3000 and R1-40000 (portions HR) Zones; and

WHEREAS, said appeal was set for public hearing on January 13, 1987, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that this Council adopts the following findings with respect to Conditional Use Permit No. CUP-86-0719:

1. The proposed use will not adversely affect the neighborhood, General Plan or community plan, nor will it be detrimental to the health, safety and general welfare of persons residing or working in the area. The use of the site as a hospice is consistent with the community plan designation for

medical use in the area. Development will be limited to the flatter mesa portions of the site. The portions within the Hillside Review Overlay Zone will be left in nonbuilding area easements. The westerly slope will be retained by the City of San Diego for the development of a pedestrian path with landscaping and creation of a viewpoint at the northern end of Vauclain Point. The development is consistent with the adopted Uptown Medical Complex Plan and the Vauclain Point Community Plan Amendment.

2. The proposed use will comply with all of the relevant regulations in the Municipal Code. Municipal Code Section 101.0510, paragraph C.3.i., grants the Council authority, under conditions, to approve hospitals, intermediate care facilities and nursing homes by conditional use permit. The development, with the recommended conditions, will be consistent with the requirements of the Municipal Code in every respect.

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

BE IT FURTHER RESOLVED, that the appeal of JIM KELLEY-MARKHAM, is denied; the decision of the Planning Commission is sustained, and Conditional Use Permit No. CUP-86-0719 is hereby granted to SAN DIEGO HOSPICE CORPORATION, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JOHN W. WITT, City Attorney

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

FCC:cc:640
02/17/87
Or.Dept:Clerk
R-87-1460
Form=r.permit

CONDITIONAL USE PERMIT NO. CUP-86-0719

CITY COUNCIL

This Conditional Use Permit is granted by the City Council of The City of San Diego to SAN DIEGO HOSPICE CORPORATION, a California Corporation, Owner/Permittee, under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego.

1. Permission is granted to Owner/Permittee to construct and maintain a 46-bed hospice located on the northern end of Third Avenue, north of Arbor Drive, described as Portion of Pueblo Lot 1118, Pueblo Lands of San Diego, Miscellaneous Map No. 36, in the R-3000 and R1-40000 (Portion HR) Zones.

2. The facility shall consist of the following:

- a. A 46-bed hospice, in two buildings, including administrative offices, counseling offices, kitchen and other incidental uses; total square footage 72,000;
- b. A 54,000-square-foot, two-level 165-space parking structure;
- c. Off-street parking; and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. No fewer than 189 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated January 13, 1987, on file in the office of the Planning Department. Parking spaces shall be consistent with Division 8 of the Municipal Code and shall be permanently maintained and not converted for any other use. Parking spaces and aisles shall conform to Planning Department standards. Parking areas shall be marked.

4. Maximum single-event noise levels in interior residential areas of the proposed hospice shall not exceed 55 dBA. This will require attenuation of approximately 30 dBA of noise resulting from helicopter overflights. Construction plans shall be reviewed for acceptance by the City Noise Abatement Officer prior to the issuance of building permits.

5. Construction of the pedestrian path along the westerly slopes of the open space area on the west perimeter of the site shall be completed during the course of construction of the hospice, to the satisfaction of the City Parks and Recreation Department and Planning Department. Plans for this landscaping and pedestrian access project shall be processed separately under a Hillside Review Permit.

00315

6. A water main shall be provided extending northerly from 3rd Avenue capable of providing adequate fire flow with fire hydrants on-site, as required by the City Engineer.

7. An access road shall be constructed with a 26-foot curb-to-curb width in a 42-foot right-of-way producing a seven-foot curb-to-property-line distance on each side. A standard sidewalk will be required on the west side extending from the existing walkway on 3rd Avenue northerly to the cul-de-sac. A standard cul-de-sac, 30-foot curb radius and 37-foot property line radius shall be constructed on the northerly terminus of the road at the Hospice property line.

8. In connection with the granting of this CUP the permittee shall ensure that one of the following items will be accomplished in order to facilitate the walkway by the City:

- a. Hospice will grade a satisfactory walkway within the City property on the westside at the time of grading the hospice site in a manner satisfactory to the City Engineer.
- b. Grant to the City a right-of-entry on a portion of hospice property adjacent to the west property line to facilitate walkway construction and maintenance.

9. No subdivision map shall be required for the issuance of building permits for the hospice; however, the applicant shall apply for a subdivision map within six months of the issuance of this permit, to assure clear title in the future.

10. No permit for construction of any facility 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 Planning Department;
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

11. Before issuance of any building permits, complete grading and building plans shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 13, 1987, on file in the office of the Planning Department. No change, modifications or alterations shall be made unless appropriate applications for amendment of this permit shall have been granted.

12. Before issuance of any grading or building permits, a complete landscape plan, including a permanent irrigation system, shall be submitted to the Planning Director for approval. The plans shall be in substantial conformity to Exhibit "A," dated on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Such planting shall not be modified or altered unless this permit has been amended.

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

14. This Conditional Use Permit must be used within 36 months after the date of City approval or the permit shall be void. An Extension of Time may be granted as set forth in Section 101.0510K of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is considered by the Planning Commission.

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

16. After establishment of the project, the property shall not be used for any other purposes unless:

- a. Authorized by the Planning Commission or City Council; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. The permit has been revoked by the City.

17. This Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

18. This Conditional Use Permit is a covenant running with the lands 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.

19. All R1-40000(HR) - zoned portions of the site shall be placed in non-building area easements.

ADOPTED BY THE COUNCIL OF THE CITY OF SAN DIEGO, JANUARY 13, 1987

3340

JAN 13 1987

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

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal)

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

By *Maureen O'Connor*, Deputy.

Office of the City Clerk, San Diego, California

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