

RESOLUTION NUMBER R-269102

ADOPTED ON AUGUST 11, 1987

WHEREAS, JACKSON & ASSOCIATES, by Mark A. Krasner, Esq., of Seltzer, Caplan, Wilkins & McMahon, appealed the decision of the Planning Commission in denying Conditional Use Permit No. CUP-86-0720.1 submitted by ALAN HASSO, an individual, Owner, and JACKSON & ASSOCIATES, a California limited partnership, and the REGENTS OF THE UNIVERSITY OF CALIFORNIA, Permittee, for the construction of a 52,860-square-foot, three-story clinical office building with basement, on Lots 18 and 19, and a portion of Lot 20 of Gilbert's Hillcrest Addition according to Map No. 2244, located on the north side of Albatross Drive between Montecito Way and Arbor Drive, in the Uptown Community Plan area, in the R-400 Zone; and

WHEREAS, the matter was set for public hearing on August 11, 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-86-0720.1:

1. The proposed use of the site will not adversely affect the neighborhood, the Uptown Medical Complex plan, or the General Plan. While the project site is designated for medium-high

density residential and parking structure uses, the Uptown Medical Complex Plan also recognizes the UCSD Medical Center's need to expand the existing campus in Hillcrest. The proposed use of the site for an office building and outpatient clinic to specifically serve the UCSD Medical Center is ideal for the University's needed expansion because of its close proximity, and ability to utilize extra parking currently located on the existing campus. Furthermore, the project would help in providing additional medical facilities and increased efficiency of operation for the UCSD Medical Center which serves the surrounding neighborhood and City at large.

2. The proposed project would not be detrimental to the health, safety and general welfare of people living or working in the area. The design of the project is intended to make efficient usage of the site and provide a building that will meet the needs of the University while maintaining compatibility with the surrounding neighborhood. The project proposes variances to allow increased site coverage and reduced setbacks, but is below the maximum floor area ratio and building height for the R-4000 Zone. The building design incorporates stepped forms and high quality building materials, and the landscaping incorporates large plant sizes and three-foot berming which serve to provide a building scale with buffering that is compatible with R-400 zoning. Through specialized building design and landscaping, the medical office proposal will be compatible with the surrounding area, which includes recently constructed residential complexes of similar scale, while aiding the transition for medium/high


density residential to the taller hospital buildings that are existing on the campus, and those planned in the future. The project also proposes to utilize University parking which will eliminate any adverse parking impacts to the surrounding neighborhood.

3. The proposed use will comply with all relevant regulations for such use. San Diego Municipal Code Section 101.0510.C.3.d. grants the Council authority to allow hospital uses.

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 JACKSON & ASSOCIATES, is granted; the decision of the Planning Commission is overruled, and Conditional Use Permit No. CUP-86-0720.1 is hereby granted to ALAN HASSO, JACKSON & ASSOCIATES and the REGENTS OF THE UNIVERSITY OF CALIFORNIA, 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
Chief Deputy City Attorney

FCC:cc:600
09/14/87
Or.Dept:Clerk
R-88-384
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CONDITIONAL USE PERMIT NO. 86-0720.1
CITY COUNCIL

This Conditional Use Permit (CUP) is granted by the City Council of The City of San Diego to ALAN HASSO, an individual, "Owner;" and JACKSON & ASSOCIATES, a California limited partnership and the REGENTS OF THE UNIVERSITY OF CALIFORNIA, "Permittee," under the conditions in Section 101.0510 of the Municipal Code of The City of San Diego (collectively, "Permittee"). It is acknowledges that the Regents of the University of California, "Regents," is a qualified participated as defined in the letter to the City of San Diego Planning Department, dated December 31, 1986.

1. Permission is granted to Owner/Permittee to construct a 52,860-square-foot, three-story over basement medical outpatient clinic and medical office building with requested variances to R-400 Zone requirements to allow:

- a. 78 percent lot coverage where 60 percent is the maximum allowed;
- b. a three-foot front yard setback where 15 feet is required;
- c. an eight-foot street side yard setback where 10 feet is required;
- d. a five-foot interior side yard setback where seven feet is required;
- e. a five-foot rear yard setback where 18 feet is required.

The site of the proposed building is located on the north side of Albatross Drive between Montecito Way and Arbor Drive, described as Lots 18 and 19 and a portion of Lot 20 of Gilbert's Hillcrest Addition, according to Map No. 2244, in the R-400 Zone.

2. The facility shall consist of the following:

- a. 52,860-square-foot, three-story over basement clinical office building (for medical education and/or clinical outpatient use);
- b. Landscaping;
- c. Off-street parking (211 parking spaces to be provided off-site); and
- d. Accessory uses as may be determined incidental and approved by the Planning Director.

3. The permittee shall make provision to accommodate the required 211 parking spaces in specified off-site parking facilities through an agreement that shall be submitted for the satisfaction of the Planning Director. No building permits shall be approved until the parking agreement is approved.

4. No permit for construction of any facility shall be granted by the City of San Diego nor shall any activity authorized by this permit be conducted on the premises until:

- a. The Permittee signs and returns the Conditional Use Permit to the Planning Department and the Regents enters into and records a lease for the site and proposed improvements; and
- b. The Conditional Use Permit is recorded in the office of the County Recorder.

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

6. Prior to the 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 August 11, 1987, on file in the office of the Planning Department. Approved planting shall be installed before issuance of any occupancy permit on any building. Permittee shall not materially modify or alter landscape plans or plantings without specific approval by the Planning Director.

7. All outdoor lighting fixtures installed on the premises shall be so shaded and adjusted that the light is directed to fall only on the same premises.

8. This Conditional Use Permit must be used to acquire a building permit 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 101.0510.K of the Municipal Code. Any extension of time shall be subject to all standards and criteria in effect at the time the extension is applied for.

9. Construction of the building and the use thereof shall comply at all times with the duly adopted regulations of this or any other governmental agency legally applicable to such building or use.

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

- a. Authorized by the Planning Commission; or
- b. The proposed use meets every requirement of the zone existing for the property at the time of conversion; or
- c. A conversion plan (i.e., as with Senior Housing CUP's) detailing the manner in which the building would revert to uses consistent with the R-400 Zone shall be submitted and reviewed.

11. 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.

12. 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 herein. This permit shall not constitute a waiver by the Regents of its constitutional immunity from local land use control, or confer any jurisdiction or right on the City of San Diego which in any way would interfere with the Regents' constitutional autonomy in the management, control, and development of this or any other property.

13. The Regents shall implement the following measure relating to the required parking in order to satisfactorily provide for the parking demands of this project:

- a. Two hundred eleven spaces shall be available within the parking sites utilized by the UCSD Medical Center. Specifically, the Regents shall provide a total of 211 off-site parking spaces which are in close proximity to the medical office building, within the Bachman structure and the Arbor structure, owned or used by the Regents, to satisfy the total parking demand of the proposed Medical Outpatient Clinic building.
- b. The Regents shall clearly post signs which direct the patient parking to specific parking areas which are owned or used by the Regents as specified in Condition 13a.

14. The Applicant shall agree not to utilize the Ace/church parking lot to satisfy the calculated on-site parking requirements. However, the medical center will be allowed to utilize the parking lot subject to its availability.

15. The Permittee shall actively pursue the conversion of Albatross Drive between Lewis and Front Streets to a one-way eastbound street. In pursuing this conversion, the Permittee shall agree to accept all expenses involved with obtaining necessary petitions, Engineering and Development review and hearing processes.

16. Before issuance of any building permits by the City of San Diego, the Permittee shall obtain all required permits, and post all required bonds, for the construction of curb gutter and sidewalk along Albatross Drive, and a pedestrian ramp at the corner in a manner satisfactory to the City Engineer.

17. Before the issuance of any building permits by the City of San Diego, the Permittee shall record a street reservation permit with the Engineering Department to reserve additional right-of-way as required adjacent to Albatross Drive to provide for a ten-foot curb-to-property line distance and a 20-foot curb radius at the property line.

Passed and Adopted by the City Council on August 11, 1987.

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AUTHENTICATED BY:

MAUREEN O'CONNOR, Mayor
The City of San Diego

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

STATE OF CALIFORNIA)
) ss.
COUNTY OF SAN DIEGO)

On this _____ day of _____, 198____, before me, the undersigned, a notary public in and for said County and State, residing therein, duly commissioned and sworn, personally appeared CHARLES G. ABDELNOUR, known to me to be the City Clerk of The City of San Diego, the municipal corporation that executed the within instrument, and known to me to be the person whose name is subscribed to the within instrument, as a witness thereto, who being by me duly sworn, deposes and says that he was present and saw MAUREEN O'CONNOR, known to him to be the Mayor of The City of San Diego, and known to him to be the person who executed the within instrument on behalf of the municipal corporation therein named, and acknowledged to me that such municipal corporation executed the same, and that said affiant subscribed his name to the within instrument as a witness.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal in the County of San Diego, State of California, the day and year in this certificate first above written.

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

The undersigned Permittee, by execution hereof, agrees to each and every condition of this permit and promises to perform each and every obligation of Permittee hereunder.

JACKSON & ASSOCIATES,
a California limited
partnership (Permittee)

REGENTS OF THE UNIVERSITY OF CALIFORNIA
(Permittee)

By _____

By _____

By _____

By _____

NOTE: Notary acknowledgments
must be attached per Civil
Code Section 1180, et seq.
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AUG 11 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struikma	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

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

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

(Seal)

By *Maureen O. Connor*, Deputy.

Office of the City Clerk, San Diego, California

Resolution Number R-269102 Adopted AUG 11 1987