

RESOLUTION NUMBER R-291194

ADOPTED ON JANUARY 19, 1999

WHEREAS, Casa Palmera Care Center, Owner/Permittee, filed an application with The City of San Diego for a conditional use permit to construct a 38-bed assisted living wing to an existing 99-bed convalescent facility (the Casa Palmera Assisted Living facility), located at the northeast corner of El Camino Real and Via de la Valle, and legally described as a Portion of Section 6, Township 14 South, Range 3 West, San Bernardino Meridian, in the A-1-10 zone (proposed R-1-10,000 zone); and

WHEREAS, on November 19, 1998, the Planning Commission of The City of San Diego considered Conditional Use Permit [CUP] No. 98-0128, and pursuant to Resolution No. 2731-PC voted 7-0 to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on January 19, 1999, 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 CUP No. 98-0128:

A. The proposed use will not adversely affect the neighborhood nor the General Plan, nor will it be detrimental to the health, safety and general welfare of persons living and working in the area.

The assisted living facility is an appropriate use in this location and will not adversely affect adjacent development. The project design and the conditions contained in this Conditional Use Permit incorporate measures required to mitigate potential noise, traffic, and visual quality impacts that may be associated with the project. The proposed project will maintain the same landscape and architectural character of the existing development on the property. The minor deviation to the height requirements for the two architectural clerestory elements will enable the

new addition to maintain the architectural harmony established with the original building. The pad elevations for the adjoining residential development is approximately thirty feet higher than the highest point of the new structure.

B. The proposed use will comply with all relevant regulations in the San Diego Municipal Code.

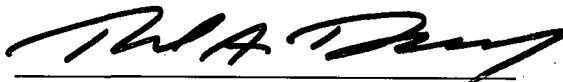
The San Diego Municipal Code provides for the decision maker to approve, or approve with conditions, hospitals, intermediate care facilities, and nursing homes in any zone by a Conditional Use Permit. Conditions have been attached to the project to ensure compliance to the provisions of the Municipal Code.

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 recommendation of the Planning Commission is sustained, and Conditional Use Permit No. 98-0128 is granted to Casa Palmera Care Center, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By



Richard A. Duvernay
Deputy City Attorney

RAD:lc
08/17/99
Or.Dept:Clerk
R-99-830
Form=permitr.frm
Reviewed by Robert Gentles

RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING AND DEVELOPMENT REVIEW
PERMIT INTAKE, MAIL STATION 501

AND WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 98-0128
CASA PALMERA ASSISTED LIVING
CITY COUNCIL

This Permit is granted by the Council of The City of San Diego to Casa Palmera Care Center, Owner/Permittee, pursuant to the provisions of the San Diego Municipal Code. The 4.77 acre site is located at the northeast corner of El Camino Real and Via De La Valle in the R1-10,000 Zone. The project site is legally described as a portion of Section 6, Township 14 South, Range 3 West, San Bernardino Meridian.

Subject to the terms and conditions set forth in this permit, permission is granted to Casa Palmera Care Center, Owner/ Permittee, to add a 38-bed Assisted Living Facility to an existing 99-bed convalescent home described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated January 19, 1999, on file in the Office of Planning and Development Review. The facility shall include:

- a. The construction and operation of a 26,874 square-foot, three-story, 38-bed Assisted Living wing to an existing 99-bed convalescent facility with a height not to exceed 35 feet for architectural clerestories; and
- b. Landscaping (planting, irrigation and landscape related improvements); and
- c. Off-street parking facilities; and
- d. Accessory improvements determined by the City Manager to be consistent with the land use and development standards in effect for this site per the adopted General Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zone(s), conditions of this permit, and any other applicable regulations of the Municipal Code in effect for this site.

1. Construction or grading must commence and be pursued in a diligent manner within 36 months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Municipal Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.

2. No permit for the construction, occupancy or operation of any facility or improvement described herein 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 Planning and Development Review; and
- b. The Permit is recorded in the Office of the San Diego County Recorder.

3. Unless this permit has been revoked by the City of San Diego the property included by reference within this permit shall be used only for the purposes and under the terms and conditions set forth in this permit unless otherwise authorized by the City Manager.

4. This permit is a covenant running with the subject property 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 in this permit and all referenced documents.

5. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

6. Issuance of this permit by The City of San Diego does not authorize the applicant for said permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Federal Endangered Species Act of 1973 and any amendments thereto (16 U.S.C. § 1531 et seq.)

7. The Owner/Permittee shall secure all necessary building permits. The applicant is informed that to secure these permits, substantial modifications to the building and/or site improvement to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of any building or grading permits, complete grading and working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated January 19, 1999, on file in the Office of Planning and Development Review. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this discretionary permit. It is the intent of the City that the holder of this Permit be required to comply with each and every condition in order to be afforded special rights which the holder of the Permit is obtaining as a result of this Permit. It is the intent of the City that the Owner of the property which is the subject of this Permit either utilize the property for any use allowed under the zoning and other restrictions which apply to the property or, in the alternative, that the Owner of the property be allowed the special and extraordinary rights conveyed by this Permit, but only if the Owner complies with all the conditions of the Permit.

In the event that any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the new permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove or modify the proposed permit and the condition(s) contained therein.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

10. Rooms exposed to Via de la Valle are subject to California Administrative Code, Title 24, with doors and windows closed. Mechanical ventilation/air conditioning is required for these rooms. Prior to issuance of building permits, Planning and Development Review shall verify that this condition is on the building plans.

11. Windows and french doors do not need to be dual glazed, however, they must have a Sound Transfer Class that is equal to or greater than 26 in order to reduce interior noise levels to 45 dB CNEL or less. Prior to issuance of building permits, Planning and Development Review shall verify that this condition is on the building plans.

12. A variable height sound wall which provides shielding for all traffic noise is required. The wall height may vary from 8-11 feet above the interior courtyard, or may be slightly lower depending on the courtyard elevation. The wall shall be solid and may consist of block or a combination of block and glass/plexiglass. Portions of the wall over 6 feet in height above adjacent grade outside the courtyard must be of a clear material. The overall elevation of the wall must conform to those recommended in the noise report (Acoustical Analysis Report for Casa Palmera Intermediate Care Facility, 14750 El Camino Real, Del Mar, California, Acoustech Consultants, April 30, 1998). Prior to issuance of building permits, Planning and Development Review shall verify that this condition is on the building plans.

13. Prior to the issuance of the building permits, an additional deposit of \$450 will be required to ensure the successful completion of the above Mitigation Monitoring and Reporting Program.

ENGINEERING REQUIREMENTS:

14. Portions of the project are located in the floodway of San Dieguito River as delineated on Panel 1326 of the Flood Insurance Rate Map (FIRM) for The City of San Diego. Any development within the floodplain fringe area will require either the property to be graded to an elevation two feet above the 100-year frequency flood elevation or provide floodproofing of all structures to that same elevation.

15. The developer shall grant a flowage easement, satisfactory to the City Engineer, over the property within the floodway.

16. The developer shall enter into an agreement with the City waiving the right to oppose a special assessment initiated for the construction of flood control facilities and their perpetual maintenance.

17. When as-built grading and public improvement plans are available, the developer must submit a request for a Final LOMA or Final LOMR to FEMA via The City of San Diego Floodplain Management Section. The developer must provide all documentation, engineering calculations, and fees which are required by FEMA.

18. The bond for this project will not be released until the Final LOMA or Final LOMR is issued by FEMA. The Floodplain Management Section of The City of San Diego will notify Planning and Development Review of such issuance as soon as it is informed by FEMA. Notes provided by The City of San Diego Floodplain Management Section concerning work in designated floodplains shall be included in all grading and improvement plans.

19. The drainage system proposed for this project, as shown on the plans, is subject to approval by the City Engineer.

20. Prior to the issuance of any building permits, the applicant shall obtain a grading permit from the City Engineer (referred to as an "engineering permit") for the grading proposed for this project. All grading shall conform to requirements in accordance with the San Diego Municipal Code in a manner satisfactory to the City Engineer.

21. Additional geotechnical information such as verification of as-built or existing soil conditions needed for design of the structure foundations will be subject to approval by Building Development Review prior to issuance of building permits.

22. Prior to the issuance of any building permits, the applicant shall perform a boundary survey satisfactory to the City Engineer. Discrepancies between the bounding course of the site plan and that of Parcel Map No. 14637 shall be corrected by means of a recorded instrument at the County Recorder's Office.

PLANNING/DESIGN REQUIREMENTS:

23. No fewer than 85 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A," dated January 19, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the provisions of the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

24. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this permit. Where there is a conflict between a condition (including exhibits) of this permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

25. The height(s) of the building(s) or structure(s) shall not exceed those heights set forth in the conditions and the exhibits (including, but not limited to, elevations and cross sections).
26. A topographical survey conforming to the provisions of the Municipal Code may be required if it is determined, during construction, that there may be a conflict between the building(s) under construction and a condition of this permit or a regulation of the underlying zone. The cost of any such survey shall be borne by the Permittee.
27. Any future requested amendment to this permit shall be reviewed for compliance with the regulations of the underlying zone(s) which are in effect on the date of the submittal of the requested amendment.
28. In order to reduce the visual impact of the 6-foot high sound wall located along Via de la Valle, the sound wall shall include 3-foot mounding. The wall shall be designed to match the architecture of the existing and proposed intermediate care facility.
29. All signage associated with this development shall be consistent with sign criteria established by the Citywide regulations.
30. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
31. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
32. No mechanical equipment shall be erected, constructed, or enlarged on the roof of any building on this site, unless all such equipment is contained within a completely enclosed architecturally integrated structure.
33. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked Exhibit "A," dated January 19, 1999, on file in the Office of Planning and Development Review.

LANDSCAPE REQUIREMENTS:

34. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated January 19, 1999, on file in the Office of Planning and Development Review. No change, modification or alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.
35. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be

submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated January 19, 1999, on file in the Office of Planning and Development Review, and all other applicable conditions of related permits.

36. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

37. Prior to issuance of any Certificate of Occupancy it shall be the responsibility of the Permittee to install all required landscape and obtain all required landscape inspections and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

38. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

39. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

FIRE CONDITIONS:

40. The Owner/Permittee shall provide building address numbers, visible and legible from the street or road fronting the property (UFC 901.4.4). The building is required to be sprinklered. Post indicator valves, fire department connections, and alarm bell are to be located on the address/access side of the structure (UFC) 1001.4).

APPROVED by the Council of The City of San Diego on January 19, 1999, by Resolution No. R-291194.

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AUTHENTICATED BY THE CITY MANAGER

By _____

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.

CASA PALMERA CARE CENTER
Owner/Permittee

By _____

By _____

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1180 et seq.**

8/17/99

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