

292960

RESOLUTION NUMBER R-

APR 11 2000

ADOPTED ON

APPROVING CONDITIONAL USE PERMIT NO. 40-0102.

WHEREAS, the San Diego Humane Society and S.P.C.A. [Humane Society] filed an application with The City of San Diego for a Humane Society facility to board, care and treat animals on property Humane Society is acquiring from the City of San Diego located at 5480 Gaines Street (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 40-0102, on portions of a 4.66 acre site); and

WHEREAS, the project site is located at 5480 Gaines Street in the CC-1-3 and IL-3-1 zones of the Linda Vista community Planning Area; and

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map No. 117803, recorded on April 13, 2000, in the City and County of San Diego; and

WHEREAS, on April 11, 2000, the City Council of The City of San Diego considered Conditional Use Permit No. 40-0102 pursuant to Sections 126.0305, 131.0507, 141.0604 (Boarding Kennels), and 141.0624 (Animal Clinics and Veterinary Hospitals) of the Municipal Code of The City of San Diego; NOW, THEREFORE,

BE IT RESOLVED, by the Council of The City of San Diego, that the City Council adopts the following written Findings, dated April 11, 2000:

FINDINGS:

CONDITIONAL USE PERMIT (CUP, Land Development Code [LDC], Section 126.0305

- A. THE PROPOSED DEVELOPMENT WILL NOT ADVERSELY AFFECT THE APPLICABLE LAND USE PLAN;

The project site is zoned CC-1-3 and IL-3. The project allows for the co-location of new Humane Society facilities to be co-located with new City facilities to replace the existing animal shelter that are deteriorating, have exceeded their capacities, and are in need of replacement. The project is consistent with the Linda Vista Community Plan designation of the project site with a Conditional Use Permit, pursuant to the LDC CUP and CC-1-3 requirements. The proposed use is compatible with the industrial designation, and is permitted by right in the IL zone.

- B. THE PROPOSED DEVELOPMENT WILL NOT BE DETRIMENTAL TO THE PUBLIC HEALTH, SAFETY, AND WELFARE;

Animal shelters and animal care facilities are integral components of local services to communities. These uses are important to the community in their roles in protecting, housing, treating homeless animals. A significant portion of the existing animal shelter operation is now outdoors. The facility was not originally designed to shelter animals, and has been remodeled and enlarged several times to accommodate the expanding needs and number of animals. The existing Humane Society facility nearby on Sherman Street has exceeded its capacity and in need of replacement. The new facilities will be state of the art, will be greatly expanded, and will enclose most of the operations to significantly reduce noise and odor now associated with the existing facilities. The planning, design, and funding are a citywide effort, consisting of City and County staff and management, City Council, County Board of Supervisors, the Humane Society, the business community, and citizens of San Diego, that recognized the community's need for this facility.

The project, as shown on Exhibit "A", and as conditioned, will comply with all relevant regulations of the LDC. Adequate facilities for parking, driveways, and vehicular and pedestrian circulation is provided to reduce the facilities' impact on the immediate neighborhood. The project conditions will ensure that the facility will be landscaped, and graded properly for both erosion control and aesthetic purposes.

Based on the above discussion, the proposed development will improve the public health, safety, and welfare by improving services to the area's homeless animals, and reducing the existing facilities' impacts on the immediate neighborhood.

C. THE PROPOSED DEVELOPMENT WILL COMPLY TO THE MAXIMUM EXTENT FEASIBLE WITH THE REGULATIONS OF THE LAND DEVELOPMENT CODE.

The project, as shown on Exhibit "A", and as conditioned, will comply with all relevant regulations of the LDC. Adequate facilities for parking, driveways, and vehicular and pedestrian circulation is provided to reduce the facilities' impact on the immediate neighborhood. The project conditions will ensure the facility will be landscaped, and graded properly for both erosion control and aesthetic purposes.

D. THE PROPOSED USE IS APPROPRIATE AT THE PROPOSED LOCATION.

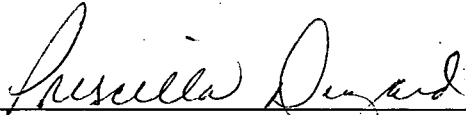
The project will co-locate with the updated City animal shelter which will replace the existing facility that is deteriorating, has exceeded its capacity, and is in need of replacement. The new facilities will be state of the art, will be expanded, and will include enclosing most of the operations to significantly reduce noise and odor now associated with the existing facilities. Adequate facilities for parking, driveways, and vehicular and pedestrian circulation is provided to reduce the facilities' impact on the immediate neighborhood. The project conditions will ensure the facility will be landscaped, and graded properly for both erosion control and aesthetic purposes.

The project site is zoned CC-1-3 and IL-3. The facilities are consistent with the Linda Vista Community Plan designation of the project site with a Conditional Use Permit, pursuant to the LDC CUP and CC-1-3 requirements. The proposed use is compatible with the industrial designation, and is permitted by right in the IL zone.

BE IT FURTHER RESOLVED, that approval, based on the findings hereinbefore adopted by the City Council, is granted by the City Council to the referenced Permittee in the

form, exhibits, terms and conditions as set forth in Permit No. 40-0102, a copy of which is attached hereto and made a part hereof.

APPROVED: CASEY GWINN, City Attorney

By 

Prescilla Dugard
Deputy City Attorney

PD:cdk
03/29/00
04/05/00 COR. COPY
Or.Dept:Emp.Rel.&Spec.Projects
R-2000-1077

**RECORDING REQUESTED BY
CITY OF SAN DIEGO
PLANNING & DEVELOPMENT REVIEW**

**AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CONDITIONAL USE PERMIT No. 40-0102
SAN DIEGO HUMANE SOCIETY/SPCA
CITY COUNCIL
MMRP**

This Permit, a Conditional Use Permit, is granted by the City Council of the City of San Diego to the San Diego Humane Society/SPCA, Owners/Permittees pursuant to 126.0305, 131.0507, 141.0604, and 141.0624 of the Land Development Code of the City of San Diego. The 2.48 acre site is located at 5480 Gaines Street in the Linda Vista Community Planning Area. The project site is legally described as Parcel 1 of Parcel Map No. 18455, recorded on April 13, 2000, in the City & County of San Diego.

The Humane Society will occupy a portion of a 4.66 acre site with the County of San Diego Animal Shelter, which is located on Parcel 2. The County Animal Shelter is a joint City-County project, and is therefore, not subject to a Conditional Use Permit or to any land use permit. The Humane Society is a private non-profit organization, and is therefore subject to a Conditional Use Permit.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee to construct and operate an animal shelter and animal care facility (including veterinary services) described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A," dated April 11, 2000, on file in the Office of Planning & Development Review. The facility shall include:

- i. **An approximately 43,300 square-feet of building, on the 2.48 acre Parcel 1 of a 4.66 acre site, for the operations of the San Diego Humane Society/SPCA to board, care and treat animals.**
- ii. Landscaping (planting, irrigation and landscape related improvements); and
- iii. Off-street parking facilities; and
- iv. 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 Community Plan, California Environmental Quality Act guidelines, public and private improvement requirements of the City Engineer, the underlying zones, conditions of this permit, and any other applicable regulations of the Land Development Code in effect for this site.

Permit Conditions are as follows:

1. Construction, grading or demolition must commence and be pursued in a diligent manner within 36 months after the Humane Society takes ownership of the project site. Failure to

R- 292960

utilize the permit within the 36 months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the Land Development 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 & Development Review; and
 - b. The Permit is recorded in the office of the San Diego County Recorder.
3. 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.
4. 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 improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.
5. Before issuance of any building permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit "A," dated April 11, 2000, on file in the Office of Planning & Development Review. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.
6. 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 Owners 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 Owners 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.

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

7. The applicant shall comply with the mitigation, monitoring, & reporting program (MMRP) identified in Mitigated Negative Declaration (MND) No. 40-0074, satisfactory to the City Manager and City Engineer.

R- 292960

FIRE PREVENTION:

8. Provide on the plans submitted for building permits, building address numbers that are visible and legible from the street or road fronting the property. This requirement may be provided as a note on the site plan.

PLANNING/DESIGN REQUIREMENTS:

9. 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.
10. No building additions shall be permitted unless reviewed and approved by the Planning & Development Review Director.
11. All outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.
12. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.
13. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.
14. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage shall be completely enclosed by walls, fences or a combination thereof. Walls or fences shall be solid and not less than six feet in height and, provided further, that no merchandise, material or equipment stored not higher than any adjacent wall.
15. No mechanical equipment, tank, duct, elevator enclosure, cooling tower or mechanical ventilator or air conditioner shall be erected, constructed, converted, established, altered, or enlarged on the roof of any building, unless all such equipment and appurtenances are contained within a completely enclosed structure whose top and sides may include grillwork, louvers and latticework.
16. 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.
17. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials (Land Development Code Sec. 101.2001) 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.'"

APPROVED by the City Council of the City of San Diego on April 11, 2000.

R- 292960

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.

**SAN DIEGO HUMANE SOCIETY AND
S.P.C.A.**

Owner/Permittee

By _____

By _____

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

R- 292960