

RESOLUTION NUMBER R-296244

ADOPTED ON APRIL 2, 2002

WHEREAS, San Diego Hospital Association, a California nonprofit public benefit corporation, and Sharp Memorial Hospital, a California nonprofit public benefit corporation, Owner/Permittee, filed an application with the City of San Diego for a permit to construct a six-level, five-story parking structure and relocate an existing ground-level heliport to the top of the parking structure on portions of a 41 acre site located at 7901 Frost Street, and legally described as Parcels 1, 2 and 3 of Parcel Map 5131, filed in the Office of the County Recorder of San Diego County September 24, 1976, in the Serra Mesa Community Planning area, in the CO-1-2 zone; and

WHEREAS, on January 24, 2002, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] and Planned Development Permit [PDP] No. 41-0408, amending CUP No. 88-1297, and pursuant to Resolution No. 3226-PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on April 2, 2002, 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 it adopts the following findings with respect to CUP/PDP No. 41-0408, amending CUP No. 88-1297:

- A. CONDITIONAL USE PERMIT APPROVAL - SAN DIEGO MUNICIPAL CODE [SDMC] SECTION 126.0305:**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed development would allow the construction of an approximately 196,598 square-foot six-level, five-story parking structure with 626 parking spaces and the relocation of an existing ground level heliport to the top the parking structure at the existing Sharp Memorial Hospital Health Care campus, located at 7901 Frost Street in the Serra Mesa Community Plan area. The proposed parking structure and relocated heliport would support the existing Health Care campus. The project site is designated for institutional land use in the Serra Mesa Community plan, and the proposed project is consistent with that land use. The project site is also identified in the Serra Mesa Community Plan to be within an institutional employment center, the Serra Mesa Health-Institutional Complex, which includes the Sharp Memorial Hospital Health Care Campus. The proposed development is therefore consistent with the Community Plan and will therefore not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development has been designed to comply with all applicable health and safety codes and regulations, including those pertaining to traffic design, pedestrian access, handicap access, noise, trash facilities, and fire and emergency access.

The project site is currently developed with various buildings, structures, and parking facilities which comprise the Sharp Memorial Hospital Health Care Campus. The specific location of the proposed new parking structure is currently a parking lot with existing ground level heliport. An Environmental Initial Study was conducted for the proposed project and it was determined that the project could have a significant environmental impact on Water Quality. No other potential environmental impacts were identified, including those to related to aesthetics/neighborhood character, air quality, biological resources, geology/soils, human health/public safety/hazardous materials, noise, and public services. Implementation of a Mitigation Monitoring, and Reporting Program [MMRP] for the issue area of Water Quality is required as a condition of the project and will reduce potential impacts to below a level of significance. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed development would allow construction of a six-level, five-story parking structure which would provide parking for 626 cars, and the relocation of an existing ground-level heliport to the top of the proposed parking structure. The project as proposed complies with most all applicable regulations of the Land Development Code, including setbacks, pedestrian access, fire and emergency access, handicap accessibility, architectural design details, parking, and landscaping. The proposed parking garage exceeds the 60 foot height limit allowed by the underlying CO-1-2 zone. Such deviation is allowed in the Planned Development Permit ordinance. Therefore, the proposed development complies to the maximum extent feasible with the regulations of the Land Development Code.

**4. The proposed use is appropriate at the proposed location.** The project site is designated in the Serra Mesa Community Plan to be within an institutional employment center,

the Serra Mesa Health-Institutional Complex, which includes the Sharp Memorial Hospital Health Care Campus. The proposed project, construction of an approximately 196,598 square foot parking garage to provide 626 parking spaces, plus the relocation of an existing heliport to the roof of the proposed parking garage, would provide support facilities to the existing Sharp Health Care Campus. The proposed use is therefore consistent with the goals and intent of the Serra Mesa Community Plan and is appropriate at the proposed location.

**B. PLANNED DEVELOPMENT PERMIT APPROVAL - SDMC SECTION 126.0604:**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed development would allow the construction of an approximately 196,598 square-foot six-level, five-story parking structure with 626 parking spaces and the relocation of an existing ground level heliport to the top the parking structure at the existing Sharp Memorial Hospital Health Care campus, located at 7901 Frost Street in the Serra Mesa Community Plan area. The proposed parking structure and relocated heliport would support the existing Health Care campus. The project site is designated for institutional land use in the Serra Mesa Community plan, and the proposed project is consistent with that land use. The project site is also identified in the Serra Mesa Community Plan to be within an institutional employment center, the Serra Mesa Health-Institutional Complex, which includes the Sharp Memorial Hospital Health Care Campus. The proposed development is therefore consistent with the Community Plan and will therefore not adversely affect the applicable land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development has been designed to comply with all applicable health and safety codes and regulations, including those pertaining to traffic design, pedestrian access, handicap access, noise, trash facilities, and fire and emergency access.

The project site is currently developed with various buildings, structures, and parking facilities which comprise the Sharp Memorial Hospital Health Care Campus. The specific location of the proposed new parking structure is currently a parking lot with existing ground level heliport. An Environmental Initial Study was conducted for the proposed project and it was determined that the project could have a significant environmental impact on Water Quality. No other potential environmental impacts were identified, including those to related to aesthetics/neighborhood character, air quality, biological resources, geology/soils, human health/public safety/hazardous materials, noise, and public services. Implementation of a MMRP for the issue area of Water Quality is required as a condition of the project and will reduce potential impacts to below a level of significance. Therefore, the proposed development will not be detrimental to the public health, safety, and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development would allow construction of a six-level, five-story parking structure which would provide parking for 626 cars, and the relocation of an existing ground-level heliport to the top of the proposed parking structure. The project as proposed complies with most all applicable regulations of the Land Development Code for the

underlying CO-1-2 zone, including setbacks, pedestrian access, fire and emergency access, handicap accessibility, architectural design details, parking, and landscaping. The proposed parking garage exceeds the 60 foot height limit allowed by the CO-1-2 zone. The proposed parking garage will extend a maximum 80 feet in height as measured from the top of the elevator shaft, and 95 feet as measured from the top of the windsock. Such deviation is allowed in the Planned Development Permit regulations. Therefore, the proposed development complies with the regulations of the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development would allow construction of a six-level, five-story parking structure which would provide parking for 626 cars, and the relocation of an existing ground-level heliport to the top of the proposed parking structure. The parking structure and heliport are essential to the continued operation of the Sharp Health Care Campus, which is a regional medical care facility which provides emergency and non-emergency medical care to the San Diego community. The proposed parking structure is necessary to provide required parking for the Health Care Campus, and the heliport is critical for providing emergency medical care. The proposed development is therefore beneficial to the community.

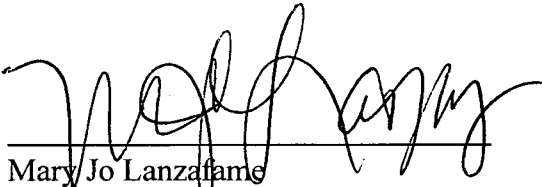
**5. Any proposed deviations pursuant to SDMC section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The proposed parking structure has a maximum height of 95 feet, measured from the top of the wind sock, which extends approximately 15 feet above the stairwell enclosure and is required for the heliport. The proposed height is a deviation from the requirements of the underlying CO-1-2 zone which allows a maximum height of 60 feet. Such a deviation is allowed by the Planned Development Permit regulations and is appropriate for the project site. Strict conformance with the height limit of the underlying zone would force an increase in the footprint of the parking structure in order to provide the amount of parking spaces required, which would be undesirable due to the space constraints and layout of the Health Care Campus. Furthermore, existing structures on the Campus exceed the height limit of the zone, so that the height of the parking structure would not be incompatible with the surrounding structures. The proposed parking structure is adjacent to the main Sharp Memorial Hospital building, which has twelve stories and has a maximum height of approximately 120 feet. Therefore, the requested height deviation is appropriate for the project location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the underlying zone.

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/Planned Development Permit No. 41-0408, amending

CUP No. 88-1297, is granted to San Diego Hospital Association, a California nonprofit public benefit corporation, and Sharp Memorial Hospital, a California nonprofit public benefit corporation, 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   
Mary Jo Lanzafame  
Deputy City Attorney

MJL:lc  
04/23/02  
Or.Dept:Clerk  
R-2002-1477  
Form=permitr.frm  
Reviewed by Vicky Gallagher

**RECORDING REQUESTED BY**  
CITY OF SAN DIEGO  
DEVELOPMENT SERVICES DEPARTMENT  
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/PLANNED DEVELOPMENT PERMIT NO. 41-0408**  
**SHARP AMBULATORY CARE CENTER PARKING GARAGE (MMRP)**  
**AMENDING CONDITIONAL USE PERMIT NO. 88-1297**  
**CITY COUNCIL**

This Conditional Use Permit/Planned Development Permit [CUP/PDP] No. 41-0408, amending CUP No. 88-1297, which is an amendment to CUP No. 88-0253, is granted by the Council of the City of San Diego to San Diego Hospital Association, a California nonprofit public benefit corporation, and Sharp Memorial Hospital, a California nonprofit public benefit corporation, Owner/Permittee, pursuant to the San Diego Municipal Code [SDMC]. The 41 acre site is located at 7901 Frost Street in the CO-1-2 zone of the Serra Mesa Community. The project site is legally described as Parcel 1, 2, and 3 of Parcel Map 5131 in the City of San Diego, County of San Diego, filed in the office of the County Recorder of San Diego County, September 24, 1976.

Subject to the terms and conditions set forth in this permit, permission is granted to Owner/Permittee Sharp Health Care Inc., to construct a six-level, five-story parking structure and to relocate an existing heliport from the ground level to the top of the parking structure described as, and identified by size, dimension, quantity, type and location on the approved Exhibit "A," dated April 2, 2002, on file in the Development Services Department. The facility shall include:

- a. A six-level (five-story) parking structure of approximately 195,629 square feet to provide 626 parking spaces, with a roof-top heliport;
- b. Relocation of the existing ground-level heliport to the top level of the new parking structure, with temporary relocation during construction of the parking structure as shown on Exhibit "A," dated April 2, 2002, on file in the Development Services Department;
- c. Landscaping (planting, irrigation and landscape related improvements); 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 Community 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 Land Development Code in effect for this site.

1. Construction, grading or demolition 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/Land Development Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. This permit amending CUP No. 88-1297 incorporates by reference CUP No. 88-1297, including all facilities and conditions identified in said permit. All conditions of CUP No. 88-1297 shall remain in force and effective at this site except as replaced or provided herein.
3. All conditions contained within this permit (CUP No. 41-0408) apply only to the new facilities allowed or required as set forth herein.
4. 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 the Development Services Department; and
  - b. The Permit is recorded in the office of the San Diego County Recorder.
5. 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.
6. 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.
7. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.
8. 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. Section 1531 et seq.).

9. 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.

10. At all bus stops within the project area, if any, the applicant shall be responsible for installing sidewalk improvements where needed to comply with American with Disability Act [ADA] requirements and in accordance with standards contained in the City of San Diego Street Design Manual.

11. 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 April 2, 2002, on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

12. 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.

13. This permit may be developed in phases. All development must be consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibit "A," dated April 2, 2002, on file in the Development Services Department).

**PLANNING/DESIGN REQUIREMENTS:**

14. 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 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.

15. 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). A deviation from the maximum height of the underlying zone (60') is hereby granted with this permit to allow the parking structure to extend a maximum height of 80 feet as measured from the top of the elevator shaft, and a maximum height of 95 feet as measured from the top of the windsock.

16. A topographical survey conforming to the provisions of the Municipal/Land Development 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 regulations of the underlying zone. The cost of any such survey shall be borne by the permittee.

17. 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.

18. All signage associated with this development shall be consistent with sign criteria established by either of the following:

- a. Approved project sign plan ( Exhibit "A," dated April 2, 2002, on file in the Development Services Department); or
- b. Citywide sign regulations.

19. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located.

20. The use of textured or enhanced paving shall meet applicable City standards as to location, noise and friction values.

21. The subject property and associated common areas on site shall be maintained in a neat and orderly fashion at all times.

22. All uses, except storage and loading, shall be conducted entirely within an enclosed building. Outdoor storage of merchandise, material and equipment is permitted in any required interior side or rear yard, provided the storage area is 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.

23. 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.

24. 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.

**ENVIRONMENTAL REQUIREMENTS:**

25. The applicant shall comply with the Mitigation, Monitoring and Reporting Program [MMRP] as specified in Mitigated Negative Declaration, LDR No. 40-0408, satisfactory to the City Manager and the City Engineer. Prior to issuance of any grading permits and/or building permits, mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue area: Hydrology/Water Quality

**LANDSCAPE REQUIREMENTS:**

26. No change, modification or alteration shall be made to the project unless appropriate application or amendment of this Permit shall have been granted by the City.

27. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee to install all required landscape and obtain all required landscape inspections.

28. All required landscape shall be maintained in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit.

29. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction document plans is damaged or removed during demolition or construction, it shall be repaired and/or replaced in kind and equivalent size per the approved documents to the satisfaction of the City Manager within 30 days of damage or Certificate of Occupancy.

**ENGINEERING REQUIREMENTS:**

30. 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 City of San Diego Municipal Code in a manner satisfactory to the City Engineer.

31. The drainage system proposed with this development is subject to approval by the City Engineer.

32. This project proposes export 1200 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow processing and sale of the material. All such activities require a separate Conditional Use Permit.

33. Prior to building occupancy, the applicant shall conform to the SDMC regulation titled "Public Improvement Subject to Desuetude or Damage." If repair or replacement of such public improvements is required, the owner shall obtain the required permits for work in the public right-of-way, satisfactory to the permit-issuing authority.

#### **WATER REVIEW REQUIREMENTS:**

34. Prior to the issuance of any building or grading permits, the developer shall grant to the City a 10-foot-wide water easement adjacent to the easterly project boundary, extending from the Frost Street right-of-way to approximately 330-feet south of the right-of-way in a manner satisfactory to the Water Department Director and the City Engineer.

35. The developer agrees to assume full responsibility for any damage caused to or by the Cabrillo Palisades Pipeline as a result of the construction activities associated with this development.

36. The developer agrees to design and construct all proposed public water facilities, including easements, in accordance with established criteria in the most current edition of the City of San Diego Water Facility Design Guidelines and City regulations, standards and practices pertaining thereto.

#### **INFORMATION ONLY**

Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit/tentative map, may protest the imposition within 90 days of the approval of this development permit/tentative map by filing a written protest with the City Clerk pursuant to California Government Code section 66020.

APPROVED by the City Council of the City of San Diego on April 2, 2002, by Resolution No. R-296244.

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AUTHENTICATED BY THE CITY MANAGER

By \_\_\_\_\_

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**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 HOSPITAL ASSOCIATION,**  
a California nonprofit public benefit corporation  
Owner/Permittee

By \_\_\_\_\_

**SHARP MEMORIAL HOSPITAL,**  
a California nonprofit public benefit corporation  
Owner/Permittee

By \_\_\_\_\_

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

4/20/02  
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