

RESOLUTION NUMBER R-300567

ADOPTED ON JUNE 21, 2005

WHEREAS, Loma Cabrillo LLC., Owners/Permittees, filed an application with the Development Services Department for Conditional Use Permit No. 211334 (amendment to Conditional Use Permit No. 88-0252) to modify the project related property boundaries, demolish two existing medical buildings and otherwise maintain and operate an existing hospital facility, including an existing 178,885 square-foot hospital building containing 200 beds, an existing 47,880 square-foot medical office building and an existing 5,070 square-foot office building (as described in and by reference to the approved Exhibits A and corresponding conditions of approval for the associated Permit No. 211334); and

WHEREAS, the 7.26-acre subject property is located at 3425 Kenyon Street in the CO-1-2 zone, Airport Environs, Airport Approach and Coastal Height Limit Overlay zones within the Midway/Pacific Highway Corridor Community Plan; and

WHEREAS, the project site is legally described as Parcel 2 of Vesting Tentative Map No. 211022 (previously known as Parcel 1 of PM No. 19321) and Parcel 1 of PM 1953; and

WHEREAS, on June 21, 2005, the City Council of the City of San Diego considered Conditional Use Permit No. 211334, pursuant to the Land Development Code of the City of San Diego; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego as follows:

That the City Council adopts the following written Findings, date June 21, 2005:

A. CONDITIONAL USE PERMIT FINDINGS:

1. The proposed development will not adversely affect the applicable land use plan. The proposed development is consistent with the adopted Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area, which designate the site for Institutional land use. As such, the proposed Conditional Use Permit [CUP] Amendment will not adversely affect the applicable Land Use Plan. The proposed CUP Amendment will retain the community character by encouraging orderly, sequential development compatible in its intensity with surrounding existing and future land development.

2. The proposed development will not be detrimental to the public health, safety and welfare. The permit prepared for the Cabrillo Hospital project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the City's Land Development Code in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. This CUP Amendment will provide for the health, safety, and welfare of the residents by providing for the orderly development of the area consistent with the Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area. The project will comply with the development regulations in effect for the subject property as described in Conditional Use Permit No. 211334, and the regulations/guidelines pertaining to the subject property per the San Diego Municipal Code including the land use and development standards of the CO-1-2 zone. In addition, the proposed development will be required to obtain Building Permits to show that all proposed demolition and reconstruction will comply with all applicable Building and Fire Code requirements. Additionally, the Owner/Permittee will assure the provision and long term maintenance of facilities and devices which assure adequate water quality Best Management Practices to the satisfaction of the City Engineer. Under the terms of the aforementioned project conditions, the development will not be detrimental to the health, safety and general welfare of persons residing or working in the surrounding area.

3. The proposed development will comply to the maximum extent feasible with the regulations of the land development code. The project's design meets the environmental and aesthetic design goals of the Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area plan. The proposed CUP Amendment complies with the Midway/Pacific Highway Corridor Community Plan, the North Bay Redevelopment Project Area, and the Land Development Code. Although some areas of the project site are pre-conforming in terms of parking lot landscaping, the newly constructed parking areas will be in full compliance with all current parking lot design and landscaping standards, and the project will comply to the maximum extent feasible with the regulations of the land development code.

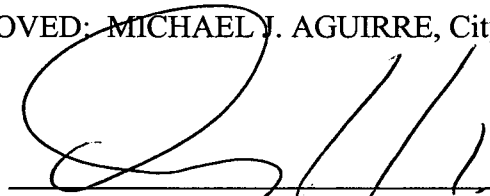
4. The proposed use is appropriate at the proposed location. As described in Finding 1 above, the existing Cabrillo Hospital project is located on a site designated for Institutional land use within the adopted Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area. The proposed CUP Amendment is consistent with the adopted Midway/Pacific Highway Corridor Community Plan and the North Bay Redevelopment Project Area plan. The existing hospital and medical buildings comply with the

underlying Land Development Code requirements. The facilities are easily accessible to the public by private vehicle and public transportation, provide medical services to the surrounding community, and as such, the proposed CUP Amendment is located appropriately and is a benefit to the community.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Hearing Officer, Conditional Use Permit No. 211334 is hereby GRANTED by the Hearing Officer to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Conditional Use Permit No. 211334, a copy of which is attached hereto and made a part hereof.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By



Douglas K. Humphreys
Deputy City Attorney

DKH:ai
06/30/05
Or.Dept:DSD
R-2005-1402

RECORDING REQUESTED BY
CITY OF SAN DIEGO
CITY CLERK

WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

JOB ORDER NUMBER: 42-2234

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 211334
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 88-0252)
CABRILLO HOSPITAL - PROJECT NO. 23708
CITY COUNCIL

This Conditional Use Permit No. 211334 (amendment to Conditional Use Permit No. 88-0252) is granted by the City Council of the City of San Diego to Loma Cabrillo LLC., Owners/Permittees, pursuant to the San Diego Municipal Code [SDMC]. This permit shall amend and supercede Conditional Use Permit No. 88-0252. The subject property is located at 3425 Kenyon Street in the CO-1-2 zone within the Midway/Pacific Highway Corridor Community Plan. The project site is legally described as Parcel 2 of Vesting Tentative Map No. 211022 (previously known as Parcel 1 of PM No. 19321) and Parcel 1 of PM 1953.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/ Permittee to modify the project related property boundaries, demolish two existing medical buildings and otherwise maintain and operate an existing hospital facility, described and identified by size, dimension, quantity, type, and location on the approved Exhibit A, dated June 21, 2005, on file in the Development Services Department.

The project or facility shall include:

- a. An existing 178,885 square-foot hospital building containing 200 beds;
- b. An existing 47,880 square-foot medical office building;
- c. An existing 5,070 square-foot office building;
- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking facilities;
- f. 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 SDMC in effect for this site.

STANDARD REQUIREMENTS:

1. Recordation of project documents in the office of the County Recorder must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC 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 Owners and Permittees sign and return the Permit to the Development Services Department; 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 agency.
6. Issuance of this Permit by the City of San Diego does not authorize the Permittee for this permit to violate any Federal, State or City laws, ordinances, regulations or policies including, but not limited to, the Endangered Species Act of 1973 [ESA] 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 site improvements 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 permits, complete working drawings shall be submitted to the City Manager for approval. Plans shall be in substantial conformity to Exhibit A. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit 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 Permit. It is the intent of the City that the holder of this Permit is required to comply with each and every condition in order to be afforded the special rights which the holder of the Permit is entitled as a result of obtaining this 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 proposed 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.

WATER REQUIREMENTS:

10. For any future development on the hospital-to-remain site, the subdivider shall remove the existing water services and install new services and meters of appropriate size to serve the future development. These new services must be located within or adjacent to the Kenyon Street right-of-way frontage of Parcel 1 of Map 19321.

WASTEWATER REQUIREMENTS:

11. No structures or landscaping that would inhibit vehicular access shall be installed in or over any public sewer access easement.

12. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any public sewer facilities.

LANDSCAPE REQUIREMENTS:

13. 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.

14. Prior to issuance of any construction permits for structures (including retrofitting of the existing hospital structure), complete landscape and irrigation construction documents consistent with the Landscape Standards (including planting and irrigation plans, details and specifications)

shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit A, Landscape Development Plan.

15. Prior to issuance of any engineering permits for right-of-way improvements, complete landscape construction documents for right-of-way improvements shall be submitted to the City Manager for approval. Improvement plans shall take into account a forty square foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

16. Prior to any utility stub out, for wet and dry utilities, a plot plan shall be submitted to the Landscape Section of Development Services. The plot plans shall coordinate all utilities and driveways with the required Street Trees. The location of the Street Trees shall be in substantial conformance with Exhibit A, Landscape Development Plan.

17. Prior to issuance of any Certificate of Occupancy (including retrofitting of the existing hospital structure), it shall be the responsibility of the Permittee or subsequent Owner to install all required landscape and obtain all required landscape inspections. A No Fee Street Tree Permit, if applicable, shall be obtained for the installation, establishment and on-going maintenance of all street trees.

18. 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. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

19. Prior to any grading (building permit) the Permittee or subsequent Owner shall enter into a Landscape Maintenance Agreement for all landscape improvements. The Landscape Maintenance Agreement shall be approved by the Landscape Section of Development Services and the City Manager.

20. 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 thirty days of damage or Certificate of Occupancy.

21. Non-contiguous sidewalks: Prior to issuance of any engineering permits for right-of-way improvements, complete landscape and irrigation construction documents consistent with the Exhibit 'A' Landscape Development Plan shall be submitted to the City Manager for approval. The improvement plans shall reflect non-contiguous sidewalks and shall provide a forty square foot street tree growing area (for each tree) that is located within the parkway between the sidewalk and back of curb.

TRANSPORTATION REQUIREMENTS:

22. No fewer than 483 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit A. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the City Manager.

23. This project shall comply with all current street lighting standards according to the City of San Diego Street Design Manual (Document No. 297376, filed November 25, 2002) and the amendment to Council Policy 200-18 approved by City Council on February 26, 2002 (Resolution R-296141) satisfactory to the City Engineer.

PLANNING/DESIGN REQUIREMENTS:

24. New Parking Lot Lighting: Prior to the issuance of any engineering or building permits, complete outdoor lighting information shall be submitted to the Development Services Department, Land Development Review Division, for review and approval. Complete lighting information shall include a plan view photometric analysis indicating a foot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty feet beyond the property line, construction details as necessary to direct installation of the outdoor lighting system, manufacturers name, visors, prisms, lenses and reflectors and a lighting plan locating each fixture in plan view and a legend. The outdoor lighting system shall be designed, manufactured and installed to allow shading, adjusting, and shielding of the light source so all outdoor lighting is directed to fall only onto the same premises as light sources are located.

25. As required by Conditional Use Permit No. 88-0252, charging for on-site parking shall be subject to the following conditions:

- Employees will not be assessed a fee for parking on-site;
- Through a validation system, patients and visitors will not be charged for on-site parking;
- Adequate signs are to be placed informing the public of the validation system;
- The first hour will be free of charge. For every half-hour thereafter, the charge will be \$0.50. The maximum daily charge will be \$10.00.

26. 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.

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

ENGINEERING REQUIREMENTS:

29. The subdivider shall replace any damaged sidewalk with City standard sidewalk, along the project frontage on Kenyon Street, per Standard Drawings G-7 and G-9.

30. The subdivider shall obtain an Encroachment Maintenance and Removal Agreement for any approved structures or landscaping, including private utilities and/or facilities and enhanced paving, installed in or over any public easement or right-of-way.

31. This Conditional Use Permit shall comply with the conditions of the parcel map for Vesting Tentative Map No. 211022.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit 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 June 21, 2005

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.

Loma Cabrillo LLC

By _____

By _____

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