

RESOLUTION NUMBER R- 304800

DATE OF FINAL PASSAGE APR 21 2009

RESOLUTION APPROVING CONDITIONAL USE
PERMIT NO. 514658/PLANNED DEVELOPMENT PERMIT
NO. 514659 – JACOB HEALTH CARE CENTER, LLC. -
PROJECT NO. 146595.

WHEREAS, Jacob Health Care Center, LLC., Owner/Permittee, filed an application with the City of San Diego for a conditional use permit /planned development permit to construct an expansion of an existing health care facility known as the Jacob Health Care Facility project, located at 4075 54th Street, and legally described as Parcel 2 of Parcel Map No. 20223, in the Eastern Area neighborhood of the Mid-City Communities Plan area, the in RM-1-1 zone of the Central Urbanized Planned District; and

WHEREAS, on February 19, 2009, the Planning Commission of the City of San Diego considered Conditional Use Permit [CUP] No. 514658/Planned Development Permit [PDP] No. 514659, and pursuant to Resolution No. 4463-PC voted to recommend approval of the Permit; and

WHEREAS, under Charter section 280(a)(2) this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on APR 21 2009, 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 Conditional Use Permit No. 514658/Planned Development Permit

No. 514659:

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

1. The proposed development will not adversely affect the applicable land use plan. The proposed project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The Mid-City Communities Plan designates the site for multi-family development. However, health care facility uses are allowed with the approval of a Conditional Use Permit. The Urban Design and Economic sections of the Mid-City Communities Plan encourage medical uses along 54th Street between El Cajon Boulevard and University Avenue. Health care facilities such as this are considered a separately regulated use and must comply with the regulations described in Section 141.0413 of the Municipal Code. Staff has reviewed the proposed project and determined that it complies with the applicable separately regulated use requirements and the project would help to meet the goals and objectives of the Mid-City Communities Plan. Therefore, the proposed development will 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 project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California Subdivision Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would 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 project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

Health care uses such as this are allowed in the RM-1-1 zone with the approval of a conditional use permit and are also considered a separately regulated use and must comply with the regulations described in Section 141.0413 of the Municipal Code. With the exception of the requested street frontage and side yard setback requirement deviations, the project as proposed complies with all applicable regulations of the Land Development Code, including height, parking, floor area ratio and design.

The project has been designed to appear substantially as a 1-story project and with architectural features that reduce the appearance of bulk and providing a design that is compatible with the surrounding multi-family and health care developments. The requested deviations are allowed with the approval of a PDP. The applicant has included a request for a PDP as part of the project scope and staff believes the findings can be made to approve the PDP and is supportive of the requested deviations. Therefore, the proposed development 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. The proposed project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The Urban Design and Economic Development sections of the Mid-City Communities Plan encourage medical uses along 54th Street between El Cajon Boulevard and University Avenue. The project site is immediately adjacent to another health care facility immediately to the east. The project site includes three access points which allow the separation of visitor, staff and emergency access, which would minimize traffic conflicts. Health care uses such as this are allowed in the RM-1-1 zone with the approval of a conditional use permit and are also considered a separately regulated use and must comply with the regulations described in Section 141.0413 of the Municipal Code.

The project has been designed to appear substantially as a 1-story project and with architectural features that reduce the appearance of bulk and providing a design that is compatible with the surrounding multi-family and health care developments. Therefore, the use is appropriate at the proposed location.

B. PLANNED DEVELOPMENT PERMIT – SDMC SECTION 126.0604

1. The proposed development will not adversely affect the applicable land use plan. The proposed project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The Mid-City Communities Plan designates the site for multi-family development, however, health care facility uses are allowed with the approval of a conditional use permit. The Urban Design and Economic sections of the Mid-City Communities Plan encourage medical uses along 54th Street between El Cajon Boulevard and University Avenue. Health care facilities such as this are considered a separately regulated use and must comply with the regulations described in section 141.0413 of the Municipal Code. Staff has reviewed the proposed project and determined that it complies with the applicable separately regulated use requirements and the project would help to meet the goals and objectives of the Mid-City Communities Plan. Therefore, the proposed development will 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 project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California Subdivision Map Act and the City of San Diego Land Development Code. Further, the proposed subdivision and improvements would be permitted, constructed and inspected in accordance with the California Building Code. Therefore, the design of the subdivision or the proposed improvements would 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 project request includes a conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

Health care uses such as this are allowed in the RM-1-1 zone with the approval of a conditional use permit and are also considered a separately regulated use and must comply with the regulations described in Section 141.0413 of the Municipal Code. With the exception of the requested street frontage and side yard setback requirement deviations, the project as proposed complies with all applicable regulations of the Land Development Code, including height, parking, floor area ratio and design.

The project has been designed to appear substantially as a one-story project and with architectural features that reduce the appearance of bulk and providing a design that is compatible with the surrounding multi-family and health care developments. The requested deviations are allowed with the approval of a Planned Development Permit [PDP]. The applicant has included a request for a PDP as part of the project scope and staff believes the findings can be made to approve the PDP and is supportive of the requested deviations. Therefore, the proposed development will comply to the maximum extent feasible 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 project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The Urban Design and Economic sections of the Mid-City Communities Plan encourage medical uses along 54th Street between El Cajon Boulevard and University Avenue. The project has been designed to appear substantially as a 1-story project and with architectural features that reduce the appearance of bulk and providing a design that is compatible with the surrounding multi-family and health care developments. The project site is immediately adjacent to another health care facility immediately to the east. The project site includes three access points which allow the separation of visitor, staff and emergency access, which would minimize traffic conflicts.

5. Any proposed deviations pursuant to 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 project request includes conditional use permit, planned development permit and tentative parcel map applications and would allow the expansion of an existing health care facility from 102 beds to 288 beds on a 3.9-acre site located at 4075 54th Street, in the RM-1-1 Zone of the Central Urbanized Planned District, within the Eastern Area neighborhood of the Mid-City Communities Plan area. The proposed project would include the subdivision of the existing parcel into two parcels and a deviation request to allow a reduced street frontage and reduced side-yard setback for one of the structures.

The requested street frontage and side yard setback deviations are allowed in this Zone with the approval of PDP. The applicant has included a request for a PDP as part of the

project scope and staff believes the findings can be made to approve the PDP and is supportive of the requested deviations. The site is configured as a panhandle lot and as such does not contain street frontage and is surrounded on all sides by existing development. The creation of two lots from one lot on the existing panhandle site would not negatively impact the surrounding development.


The requested side yard setback deviation would occur internally within the project and would not impact adjacent developments. Approval of this deviation would facilitate the placement of the proposed 2-story structure with underground parking closer to existing onsite buildings, which reduces its impact on adjacent properties. The project has been design includes articulation features, brick accents, balconies and screening of rooftop equipment, which would further reduce visual impacts. Therefore, the proposed deviations are appropriate at this location and would result in a more desirable project that would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The above findings are supported by the minutes, maps, and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 514658/Planned Development Permit No. 514659 is granted to Jacob Health Care Center, LLC., Owner/ Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Keith Bauerle
Deputy City Attorney

KB:hm:pev
03/26/09
Or.Dept:DSD
R-2009-965
MMS#8192

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES DEPARTMENT
PERMIT INTAKE, MAIL STATION 501

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 43-0073

CONDITIONAL USE PERMIT NO. 514658/
PLANNED DEVELOPMENT PERMIT NO. 514659
JACOB HEALTH CARE CENTER, LLC. - PROJECT NO. 146595 [MMRP]

CITY COUNCIL

This Conditional Use Permit [CUP] No. 514658/Planned Development Permit [PDP] No. 514659 is granted by the City Council of the City of San Diego to Jacob Health Care Center, LLC, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] section 141.0312 and 126.0602. The 3.9-acre site is located at 4075 54th Street in the RM-1-1 zone of the Central Urbanized Planned District. The project site is legally described as Parcel 2 of Parcel Map No. 20223.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to allow the expansion of an existing skilled nursing facility, including deviations from the development standards of the Central Urbanized Planned District Ordinances described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated APR 21 2009, on file in the Development Services Department.

The project or facility shall include:

- a. The expansion of an existing 48,610 square-foot, 102-bed skilled nursing facility consisting of seventy-two skilled nursing beds & thirty assisted living beds and fifty-six on-site parking spaces. Project implementation would result in an approximately 93,761 square-foot, 288-bed facility consisting of 273 skilled nursing beds and fifteen assisted living beds and 105 parking spaces. The construction would occur in three, separate phases as described below:

Phase 1: Construction of an approximately 11,580 square-foot, 1-story addition to the west side of the existing building located on the northern half of the project site, which would include fifty-six additional skilled

nursing beds (158 total beds) and a minimum of fifty-three parking spaces for the entire project;

Phase 2: Construction of an approximately 31,125 square-foot, 2-story building with an approximately 15,733 square-foot subterranean parking garage, to be located at the southwest corner of the site, which would include ninety-nine additional skilled nursing beds (257 total beds) and a minimum of eighty-six parking spaces for the entire project;

Phase 3: Demolition of approximately 8,408 square-feet of the original structure located on the northern half of the site and the construction of an approximately 10,494 square-foot, 1-story addition that would include an additional forty-six skilled nursing beds, the elimination of fifteen assisted living beds (288 total beds) and a minimum of ninety-six parking spaces for the entire project.

- b. Allow deviations to the street frontage and side yard setback requirements of the Central Urbanized Planned District Ordinance, as described in the *Planning Requirements* section of this permit and as shown on the approved Exhibit "A" drawings;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking; and
- e. 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. This permit must be utilized within thirty-six months after the date on which all rights of appeal have expired. Failure to utilize and maintain utilization of this permit as described in the SDMC will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in affect 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 Owner/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.
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 Owner/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 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 Owner/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 Owner/Permittee 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. Construction 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. This Conditional Use Permit and Planned Development Permit shall conform with the provisions of Tentative Parcel Map No. 514660 and Easement Abandonment No. 613849.
 10. 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, be 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" conditions(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.

11. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of this permit including, but not limited to, any action to attack, set aside, void, challenge, or annul this development approval and any environmental document or decision. The City will promptly notify applicant of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, and hold harmless the City or its agents, officers, and employees. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, applicant shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and applicant regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the applicant shall not be required to pay or perform any settlement unless such settlement is approved by applicant.

12. This Permit may be developed in phases. Each phase shall be constructed to ensure that all required parking and access/internal circulation is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

13. Mitigation requirements are tied to the environmental document, specifically the Mitigation, Monitoring, and Reporting Program [MMRP]. These MMRP conditions are incorporated into the permit by reference or authorization for the project.

14. The mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 146595, shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL/ MITIGATION REQUIREMENTS.

15. The Owner/Permittee shall comply with the MMRP as specified in Mitigated Negative Declaration No. 146595, satisfactory to the City Manager and the City Engineer. Prior to issuance of the first grading permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

Historical Resources (Archeology)
Paleontological Resources
Transportation/Circulation

16. Prior to issuance of any construction permit, the Owner/Permittee shall pay the Long Term Monitoring Fee in accordance with the Development Services Fee Schedule to cover the City's costs associated with implementation of permit compliance monitoring.

ENGINEERING REQUIREMENTS:

17. Prior to the issuance of a building permit, the applicant shall obtain a bonded grading 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.

18. The drainage system proposed for this development outside of the public right-of-way is private and subject to approval by the City Engineer.

19. Prior to the issuance of any construction permits, the applicant shall enter into a Maintenance Agreement for the on-going permanent Best Management Practices [BMP's] maintenance, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the applicant shall incorporate any construction BMP's necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications, satisfactory to the City Engineer.

21. Prior to the issuance of any construction permits, the applicant shall incorporate and show the type and location of all post-construction BMP's on the final construction drawings, in accordance with the approved Water Quality Technical Report, satisfactory to the City Engineer.

22. Development of this project shall comply with all requirements of State Water Resources Control Board [SWRCB] Order No. 99-08 DWQ and the Municipal Storm Water Permit, Order No. 2001-01(NPDES General Permit No. CAS000002 and CAS0108758), Waste Discharge Requirements for Discharges of Storm Water Runoff Associated With Construction Activity. In accordance with said permit, a Storm Water Pollution Prevention Plan [SWPPP] and a Monitoring Program Plan shall be implemented concurrently with the commencement of grading activities, and a Notice of Intent [NOI] shall be filed with the SWRCB.

23. A copy of the acknowledgment from the SWRCB that an NOI has been received for this project shall be filed with the City of San Diego when received; further, a copy of the completed NOI from the SWRCB showing the permit number for this project shall be filed with the City of San Diego when received. In addition, the owner(s) and subsequent

owner(s) of any portion of the property covered by this grading permit and by SWRCB Order No. 99 08 DWQ, and any subsequent amendments thereto, shall comply with special provisions as set forth in SWRCB Order No. 99-08 DWQ.

LANDSCAPE REQUIREMENTS:

24. Prior to issuance of any construction permits for buildings; the Permittee or Subsequent Owner shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual, Landscape Standards to the Development Services Department for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Development Plan.

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

26. The Permittee or Subsequent Owner shall maintain all landscape in a disease, weed and litter free condition at all times. Severe pruning or "topping" of trees is not permitted. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

27. The Permittee or Subsequent Owner shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual, Landscape Standards.

28. 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, the Permittee or Subsequent Owner is responsible to repair and/or replace any landscape in kind and equivalent size per the approved documents to the satisfaction of the City Manager within thirty days of damage or prior to issuance of a Certificate of Occupancy.

PLANNING/DESIGN REQUIREMENTS:

29. A topographical survey conforming to the provisions of the SDMC 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 Owner/Permittee.

30. All storage, service, and repair areas shall be located on the premises or screened so that they are not visible from adjacent development and public rights-of-way.

31. Building materials and colors shall be consistent with those shown on the approved Exhibit "A" elevations.

32. All fences and walls shall comply with the fence regulations outlined in SDMC Chapter 14, Article 2, Division 3.

33. As a component of this project, three deviations are granted as shown on the approved Exhibit "A":

- a. Deviation to allow a 0-foot street frontage for Parcel 1 where 50 feet is required;
- b. Deviation to allow a 15-foot street frontage for Parcel 2 where 50 feet is required;
- c. Deviation to allow the existing 1-story structure located on Parcel 2 to observe a 21 foot south side yard setback where 41.74 feet is required.

34. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

35. All signs associated with this development shall be consistent with sign criteria established by the City-wide sign regulations.

TRANSPORTATION REQUIREMENTS

36. The entire facility shall provide a total no more than 158 beds in Phase 1, 257 beds in Phase 2, and 288 beds in Phase 3.

37. The University Avenue access shall be gated and used only by employees and emergency vehicles.

38. Prior to the issuance of any building permits, the applicant shall provide evidence that both the east and west sides of the project access driveway from University Avenue are red-curbed, satisfactory to the City Engineer.

39. Prior to the issuance of any building permits, the applicant shall install "DO NOT ENTER" signs at the project driveway access off Colts Way, satisfactory to the City Engineer.

40. Prior to the issuance of any building permits, the applicant shall install pavement arrow markings indicating vehicular direction of travel is one-way northbound behind the existing building, satisfactory to the City Engineer.

41. For Phase 1, a minimum of fifty-three automobile spaces (including two standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are required by the Land Development Code. Sixty-six automobile spaces (including two standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are shown on the project's approved Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted

and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

42. For Phase 2A, a minimum of fifty-three automobile spaces (including two standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are required by the Land Development Code. Fifty-three automobile spaces (including two standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are shown on the project's approved Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

43. For Phase 2, a minimum of eighty-six automobile spaces (including three standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are required by the Land Development Code. 103 automobile spaces (including four standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are shown on the project's approved Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

44. For Phase 3, a minimum of ninety-six automobile spaces (including three standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are required by the Land Development Code. One hundred-five automobile spaces (including four standard accessible spaces and one van accessible space), two motorcycle spaces, and two bicycle spaces with rack(s) are shown on the project's approved Exhibit "A." All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

WASTEWATER REQUIREMENTS:

45. Prior to the issuance of any building permits, the developer shall grant adequate sewer, and/or access easements, including vehicular access to each manhole, for all public sewer facilities that are not located within public rights-of-way, satisfactory to the City of San Diego Director of Public Utilities. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material, satisfactory to the City of San Diego Director of Public Utilities.

46. Prior to the issuance of any public improvement or building permits, the developer shall obtain an Encroachment Maintenance and Removal Agreement for all approved structures or landscaping, including private sewer facilities, grading, and enhanced paving installed in or over any sewer easement.

47. Prior to the issuance of any grading or building permits for Phase 2 of the project, the developer shall relocate onsite public sewer mains, satisfactory to the City of San Diego Director of Public Utilities. All associated public easements shall be vacated, satisfactory to the City of San Diego Director of Public Utilities.

48. Prior to the issuance of any building permits, the developer shall assure, by permit and bond, the design and construction of all public sewer facilities required by the accepted sewer study.

49. The developer shall design and construct all proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

50. Proposed private underground sewer facilities located within a single lot shall be designed to meet the requirements of the California Plumbing Code and shall be reviewed as part of the building permit plan check

51. Prior to the issuance of any certificate of occupancy, the developer shall provide the Wastewater Collection Divisions with keyed access to public onsite sewer facilities located within a gated area, satisfactory to the City of San Diego Director of Public Utilities. The City will not be held responsible for any issues that may arise relative to possession of the keys.

52. No permanent structures, substructures, trees or shrubs exceeding 3 feet in height at maturity shall be installed within 10 feet of any public sewer facilities or in any sewer access easement.

WATER REQUIREMENTS:

53. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the design and construction of twin 12-inch PVC water mains within the 54th Street paved driveway entrance to the Jacobs Health Care Facility and the onsite twelve-inch PVC water mains, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

54. Prior to the issuance of any building permits, the Subdivider shall assure, by permit and bond, the removal of the existing 6 inch water service meter, 6 inch fire protection meter, and 6 inch twin back flow preventers, and the abandonment of the 6 inch fire service at the northeast corner of the project site at Colts Way, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

55. If it is determined that the existing water services are not of adequate size to serve the proposed project, the applicant will be required to remove (kill) any existing unused water services and install new water service(s) and meter which must be located outside of any driveway or vehicular use area.

56. The Subdivider shall process encroachment maintenance and removal agreements for all acceptable encroachments within the water easement.

57. The Subdivider shall grant to the City of San Diego a water easement. The water easement must be a minimum of 24 feet in width, in a manner which will receive approval from the Director of Public Utilities.

58. Prior to the issuance of any building permits, the Subdivider shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s), on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer.

59. Prior to the issuance of any certificates of occupancy, all public water facilities shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.

60. The Subdivider agrees to design and construct all proposed public water facilities 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. Public water facilities, and associated easements, as shown on approved Exhibit "A" shall be modified at final engineering to comply with standards.

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.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on APR 21 2009
Resolution No. R- 304800

AUTHENTICATED BY THE CITY MANAGER

By _____

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

JACOB HEALTH CARE CENTER, LLC
Owner/Permittee

By: _____

By: _____

**NOTE: Notary acknowledgments
Must be attached per Civil Code
Section 1180 et seq.**