

RESOLUTION NUMBER R- 308381

DATE OF FINAL PASSAGE SEP 10 2013

ITEM # 200

SUB-D
7/29/13

A RESOLUTION OF THE COUNCIL OF THE CITY OF
SAN DIEGO SUMMARILY VACATING ELECTRICAL
EASEMENT NO. 1037976 FOR SCRIPPS MEMORIAL
HOSPITAL LA JOLLA – PROJECT NO. 217934.

WHEREAS, California Streets and Highways Code section 8330 *et seq.* San Diego
Municipal Code section 125.1001 *et seq.* provide a procedure for the summary vacation of public
service easements by City Council resolution; and

WHEREAS, it is proposed that all that portion of an electrical easement for purposes of a
traffic signal system which is no longer needed, Easement Vacation No. 1037976, be vacated;
and

WHEREAS, the easement has not been used for the purpose for which it was dedicated
or acquired for 5 consecutive years immediately proceeding the proposed abandonment, and the
easement has been superseded by relocation and there are no other public facilities located within
the easement; and

WHEREAS, the easement does not contain public utility facilities; or does not contain
active public utility facilities that would be affected by the vacation; 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, a public
hearing was required by law implicating due process rights of individuals affected by the
decision, and 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 July 29, 2013, 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 with respect to all that portion of an electrical easement for purposes of a traffic signal system which is no longer needed, Easement Vacation No. 1037976, the Council finds that:

(a) There is no present or prospective public use for the easement, either for the facility or purpose for which it was originally acquired, or for any other public use of a like nature that can be anticipated.

A public easement vacation is required at the site of a former driveway into the hospital along Genesee Avenue. The public easement was recorded in 1972 to accommodate electrical facilities for a traffic signal at the driveway. The traffic signal no longer exists and the electrical facilities have been removed. The driveway was demolished in 1990 so there is no present or prospective public use for the easement, either for the facility for which it was originally acquired or for any other public use of a like nature that can be anticipated.

(b) The public will benefit from the action through improved utilization of the land made available by the vacation.

The land made available by the vacation will be used as a vehicular circulation route for emergency vehicles and a walking path for pedestrians. The public will benefit from improved site circulation through the duration of the campus development. The proposed vacation will assist in the assurance of available and continued health care service to the growing population and will provide public benefits which would not have occurred otherwise. As such, the public

will benefit from the action through improved utilization of the land made available by the vacation.

(c) The vacation is consistent with any applicable land use plan.

The public easement is not identified in the University Community Plan. Nevertheless, the proposed vacation is consistent with all other objectives of the University Community Plan as those objectives relate to the proposed project design and use of the site for hospital purposes. Therefore, the proposed vacation is consistent with the applicable land use plan.

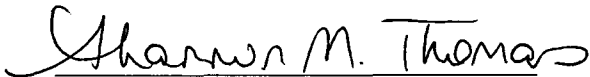
(d) The public facility or purpose for which the easement was originally acquired will not be detrimentally affected by the vacation or the purpose for which the easement was acquired no longer exists.

A public easement vacation is required at the site of a former driveway into the hospital along Genesee Avenue. The public easement was recorded in 1972 to accommodate electrical facilities for a traffic signal at the driveway. The traffic signal no longer exists and the electrical facilities have been removed. The driveway was demolished in 1990 so the purpose for which the easement was acquired no longer exists.

BE IT FURTHER RESOLVED, that the electrical easement for purposes of a traffic signal system, located within 9888 Genesee Avenue in connection with Conditional Use Permit No. 777332 and Planned Development Permit no. 777333, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 37166-B, marked as Exhibit "B," which are by this reference incorporated herein and made a part hereof, is ordered vacated.

BE IT FURTHER RESOLVED, that the Development Services Department shall record a certified copy of this resolution with attached exhibits, attested by the City Clerk under seal, in the office of the County Recorder.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Shannon M. Thomas
Deputy City Attorney

SMT:als
07/01/13
Or.Dept:DSD
Doc. No. 587477


EXHIBIT "A"

LEGAL DESCRIPTION
ELECTRICAL EASEMENT VACATION

ALL THAT PORTION OF AN ELECTRICAL EASEMENT FOR PURPOSES OF A TRAFFIC SIGNAL SYSTEM GRANTED TO THE CITY OF SAN DIEGO AS DESCRIBED PER DOCUMENT RECORDED AUGUST 2, 1972 AS FILE NO. 202432 OF OFFICIAL RECORD LYING WITHIN PARCEL 1 OF PARCEL MAP NO. 16242, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON OCTOBER 4, 1990.

ATTACHED HERETO IS A DRAWING NO. 37166-B LABELED EXHIBIT "B" AND BY THIS REFERENCE MADE A PART HEREOF.

BY:



ARNOLD J. WHITAKER L.S. 7883
(MY LICENSE EXPIRES 3-31-13)

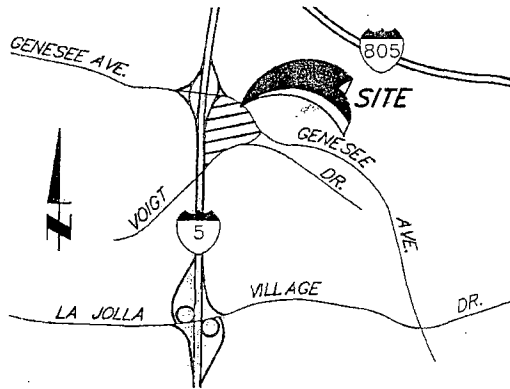
DATED:

9/25/12



I.O. NO. 24000888
P.T.S. NO. 217934
DWG. NO. 37166-B

EXHIBIT "B"



VICINITY MAP
NO SCALE

ASSESSOR'S PARCEL NUMBER:
343-160-26

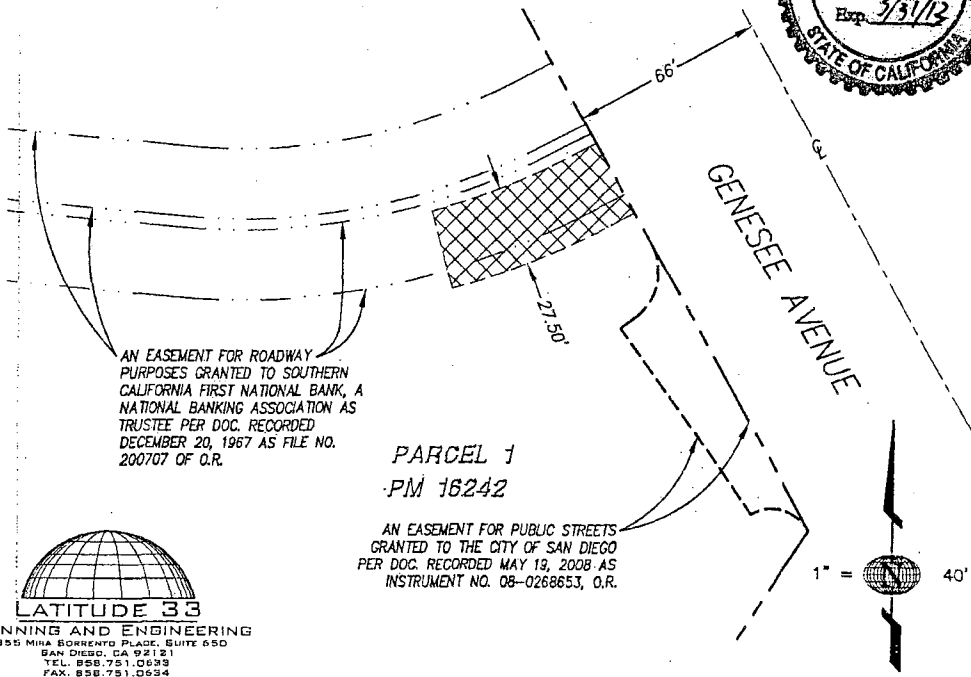
REFERENCE DRAWINGS:
PM 16242
12904-B

LEGEND:



INDICATES AN EXISTING ELECTRICAL EASEMENT FOR PURPOSES OF A TRAFFIC SIGNAL SYSTEM GRANTED TO THE CITY OF SAN DIEGO PER DOC. RECORDED AUGUST 2, 1972 AS FILE NO. 202432.

VACATED AREA = 1,777.87 SQ. FT.



AN EASEMENT FOR ROADWAY PURPOSES GRANTED TO SOUTHERN CALIFORNIA FIRST NATIONAL BANK, A NATIONAL BANKING ASSOCIATION AS TRUSTEE PER DOC. RECORDED DECEMBER 20, 1967 AS FILE NO. 200707 OF O.R.

PARCEL 1
PM 16242

AN EASEMENT FOR PUBLIC STREETS GRANTED TO THE CITY OF SAN DIEGO PER DOC. RECORDED MAY 19, 2008 AS INSTRUMENT NO. 08-0268653, O.R.

LATITUDE 33
PLANNING AND ENGINEERING
5355 MIHA BARRONTS PLACE, SUITE 650
SAN DIEGO, CA 92121
TEL. 858.751.0633
FAX. 858.751.0634

Arnold J. Whitaker 9/25/12

ARNOLD J. WHITAKER L.S. 7883 DATE
REGISTRATION EXPIRES 3-31-2013

ELECTRICAL EASEMENT VACATION IN PARCEL 1 OF PM 16242

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA DEVELOPMENT SERVICES DEPARTMENT SHEET 1 OF 1 SHEETS	PTS NO. 217934
ORIGINAL	LAT33					I.O. NO. 24000888
		AEA	9/26/2012		<i>Gregory P. Hopkins</i>	1902-6261
					FOR CITY ENGINEER	CGS '83 COORDINATES
					9-26-12	DATE
						262-1701
						LAMBERT COORDINATES
						37166-B

Passed by the Council of The City of San Diego on JUL 29 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 10 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By Mary Zamora, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 308381

WHEREAS, Scripps Health, a California non-profit public benefit Corporation, Owner/Permittee, filed an application with the City of San Diego for a Planned Development and Conditional Use Permit to demolish, construct and renovate the existing hospital campus to result in a total of 2,039,994 square feet of medical office, research and hospital uses, with an additional heli-stop and a new total of 531 in-patient hospital beds, known as the Scripps Memorial Hospital La Jolla project, located at 9888 Genesee Avenue, and legally described as Parcels 1 to 4 of Parcel Map No. 16242, Parcels 2 to 4 of Parcel Map No. 11644, Lot 1 of Carson Lewis Subdivision, Map No. 7830, and Parcel 3 of Parcel Map No. 10260, in the University Community Plan area, in the RS-1-14 and CO-1-2 zones, which are proposed to be rezoned to the IL-2-1 and CO-1-2 zones; and

WHEREAS, on June 27, 2013, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 777332 and Planned Development Permit No. 777333, amendment to Conditional Use Permit No. 438292 and Planned Development Permit No. 438945, and pursuant to Resolution No. 4928-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

18. Prior to the issuance of a construction permit for each phase of development, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance for that phase of development, satisfactory to the City Engineer.
19. Prior to the issuance of a construction permit for each phase of development, the Owner/Permittee shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications for that phase of development.
20. Prior to the issuance of a construction permit for each phase of development, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report, for that phase of development.
21. The drainage system for this project shall be private and will be subject to approval by the City Engineer.
22. Prior to the issuance of a building permit for each phase of development, the Owner/Permittee shall obtain a bonded grading permit for the grading proposed for each phase. All grading shall conform to requirements in accordance with the City of San Diego Municipal Code in a manner satisfactory to the City Engineer.
23. Prior to the issuance of any building permit, the Owner/Permittee shall dedicate additional right-of-way adjacent to the proposed curb ramps, located at the project entrance on Genessee Avenue, to provide a minimum of 10 feet curb to propertyline distance, satisfactory to the City Engineer.
24. Each phase of development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities. Development of each phase of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001. In accordance with Order No. 2009-0009DWQ, a Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.
25. Prior to issuance of a grading or a construction permit for each phase, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

41. Prior to issuance of construction permits, the Owner/Permittee shall include a representative of the Environmental Services Department (ESD) to attend preconstruction meetings to ensure that:

- An appropriate destination for soils has been identified;
- An appropriate destination for concrete and asphalt has been identified;
- Grubbed material is separated and taken to Miramar Landfill Greenery;
- Contract documents have recycling specifications included;
- A solid waste coordinator has been identified;
- An appropriate number of bins are provided with appropriate signage;
- Bins are appropriately used and contamination levels are minimized;
- The C&D Ordinance deposit has been paid;
- An appropriate diversion rate has been included on the deposit form (the WMP specifies 100%, but 90% will be used for this purpose); and
- Materials are being taken to the appropriate facility.

42. Prior to the issuance of any building permit, the Owner/Permittee shall demonstrate compliance with the accepted Waste Management Plan.

43. All signs associated with this development shall be consistent with sign criteria established by the approved Exhibit "A." The proposed sign program will result in the following deviations to the Sign Regulations:

1. Ground Sign 1.001
Proposed 11-foot, 150 square-foot, ground sign adjacent to the southern driveway off Genesee where a 6-foot, 132 square-foot maximum sign is permitted.
2. Walls Signs 1.083, 1.084, 1.085
Proposal for three (3) 310 square-foot wall signs on the XiMED II Medical Office Building (MOB) where a maximum of two (2) 250 square-foot walls signs are permitted.
3. Ground Sign 1.047
Proposed 8-foot, 75 square-foot, ground sign where none are permitted along a non-PROW
4. Wall Sign 7.045
Proposed 388 square-foot wall sign on the Medical Office Building (MOB) where two (2) 250 square-foot walls signs are permitted.

44. 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.

- ~~The issuance of this discretionary use permit alone does not allow the immediate commencement of the proposed construction on site. The operation allowed by this discretionary use permit may only begin after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection, for each phase of the development.~~
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this 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 SEP 10 2013 and Resolution No. R-308382.

Permit Type/PTS Approval No.:
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeannette Temple
Development Project Manager

**NOTE: Notary acknowledgment
must be attached per Civil Code
section 1189 et seq.**

**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.**

SCRIPPS HEALTH
Owner/Permittee

By _____
NAME
TITLE

**NOTE: Notary acknowledgments
must be attached per Civil Code
section 1189 et seq.**

Passed by the Council of The City of San Diego on JUL 29 2013, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage SEP 10 2013

(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

(Seal)

By *Mary Zimm*, Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308382