THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: February 10, 2009 **REPORT NO. PC-09-007**

ATTENTION: **Planning Commission, Agenda of February 19, 2009**

SUBJECT: JACOB HEALTH CARE FACILITY - PROJECT NO. 146595
PROCESS FIVE

REFERENCE: Conditional Use Permit No. 5054 (Attachment 10)
Conditional Use Permit No. 98-1097 (Attachment 11)

OWNER/ APPLICANT: Jacob Health Care Center, Limited Partnership, Jacob Graff, Sole Member

SUMMARY

Issue(s): Should the Planning Commission recommend that the City Council approve the expansion of an existing 102-bed health care facility into a 288-bed facility on a 3.9-acre site located at 4075 54th Street, within the Eastern Area neighborhood of the Mid-City Communities Plan area?

Staff Recommendation:

1. Recommend the City Council **Certify** Mitigated Negative Declaration No. 146595 and **Adopt** the Mitigation, Monitoring and Reporting Program;

2. Recommend the City Council **Approve** Conditional Use Permit No. 514658;

3. Recommend the City Council **Approve** Planned Development Permit No. 514659;

4. Recommend the City Council **Approve** Easement Abandonment No. 613849; and

5. Recommend the City Council **Approve** Tentative Parcel Map No. 514660, including a waiver of the requirement to underground the existing overhead utilities.

DIVERSITY
BRINGS US ALL TOGETHER

Community Planning Group Recommendation: On June 10, 2008, the Eastern Area Community Planning Group voted 9-1 to recommend approval of the project, with one condition, as described on Page 10 of this report (Attachment 12).

Environmental Review: Mitigated Negative Declaration No. 146595, finalized on January 28, 2009, was prepared for this project in accordance with the State of California Environmental Quality Act (CEQA) Guidelines. This document includes a Mitigation, Monitoring and Reporting Program (MMRP), which would be implemented to reduce to below a level of significance, potential impacts to Historical Resources (Archeology), Paleontological Resources and Transportation/Circulation.

Fiscal Impact Statement: None with this action. All costs associated with the processing of this project are paid by the applicant.

Code Enforcement Impact: None with this action. There are no outstanding Code Enforcement actions associated with this project site.

Housing Impact Statement: The Mid-City Communities Plan designates the 3.9-acre project site for residential development at a density of 11 to 15 dwelling units per acre and the site could accommodate 43 to 59 residential dwelling units. The project would not result in the demolition of existing dwelling units or the creation of new units.

BACKGROUND

The 3.9-acre site is located at 4075 54th Street, on the east side of 54th Street, north of University Avenue and south of Orange Avenue, within the Eastern Area neighborhood of the Mid-City Communities Plan area and the Crossroads Redevelopment Project area. The project site is located in the RM-1-1 Zone of the Central Urbanized Planned District which is a multi-family residential zone that allows one unit for every 3,000 square feet of lot area, or 57 units allowed on this 170,450-square-foot site. The Mid-City Communities Plan also designates the site for residential development at a rate of 11 to 15 dwelling units per acre, or 43 to 59 units allowed on this site. The site is located in the Transit Area and Residential Tandem Parking Overlay Zones.

This site is considered a panhandle lot as it consists of a 24-foot wide and 368-foot long driveway accessed from 54th Street, which connects to a rectangular lot that contains no street frontage and is surrounded by existing development. The surrounding development includes multi-family residential to the west, south and north and an existing healthcare facility (unrelated to the subject facility) to the east.

The main access to the site is provided from the panhandle driveway located on the east side of 54th Street. There are two additional access points, one located on Colts Way at the northern end of the project site and the other located on the north side of University Avenue that provides access to the southern portion of the site and is shared with adjacent developments. The project site generally slopes from north to south, with onsite elevations ranging from approximately 370 feet above Mean Sea Level (aMSL) at the northeast corner of the site to approximately 327 feet aMSL at the southwest corner of the site.

The northern half of the project site is developed with an approximately 48,610-square foot health care facility, which includes a 2,250-square-foot basement. The project contains 102 beds, consisting of 72 skilled nursing beds and 30 residential care beds. The existing project provides 56 off-street surface parking spaces where 34 parking spaces are required by the Municipal Code; therefore the project provides 22 additional parking spaces. The existing single-story building is a minimal contemporary design comprised of various wings which radiate from a central, circular building at the northeast corner of the property. The structure features a tan stucco finish and painted wood trim with both shingled pitched and flat roof elements.

The southern half of the project site contains walkways, paved parking areas and a driveway, which is shared with the adjacent properties to the south and is accessed from University Avenue. This portion of the site contains a stand of mature trees, dominated primarily by eucalyptus. The site is not within or adjacent to any Multi-Habitat Planning Area (MHPA) lands and no sensitive biological resources have been identified onsite.

Conditional Use Permit (CUP) No. 5054 was approved for the site on December 5, 1962, to allow a nursing home on the property. On July 24, 1968, the CUP was amended to allow the operation of the residential care facility which currently occupies the site. On September 30, 1999, the Planning Commission approved CUP No. 98-1097, which approved a phased expansion of the facility to 288 beds, which was very similar to the current proposal. Because the applicant did not utilize that approval within the required three-year time period, the approval expired.

When CUP No. 98-1097 was approved, the site was within the MR-1000 Zone of the Mid-City Communities Planned District Ordinance and the application was reviewed and approved pursuant to those regulations. On October 2, 2000, the project site was rezoned to the RM-1-1 Zone of the Central Urbanized Planned District Ordinance, which lowered the allowed residential density from one unit per 1,000 square feet to one unit per 3,000 square feet, lowered the maximum height from 40 feet to 30 feet, reduced the allowed Floor Area Ratio from 0.75 to 0.55 and increased the required setbacks.

DISCUSSION

Project Description:

The applicant has requested the approval of a Conditional Use Permit, Planned Development Permit, Easement Abandonment and Tentative Parcel Map to allow the expansion of the existing 48,610-square-foot, 102-bed health care facility. As discussed above, a similar expansion project was previously approved by the Planning Commission in September 1999, but was never utilized. The current proposal has been slightly modified from the previous approval to accommodate the revised development regulations which resulted from the October 2000 zone change. The Planning Commission is not the final decisionmaker for this project because a sewer easement abandonment has been included to accommodate the new building footprint, which requires a Process Five, City Council approval.

The project would be constructed in three phases and final build-out would result in an approximately 93,401-square-foot facility with a total of 288 beds, consisting of 273 skilled-nursing beds and 15 residential care beds and 105 off-street parking spaces. As described in Table 142-05F of the Municipal Code, one parking space is required for every three beds, or 96 spaces required for a 288-bed facility. Therefore, the 105 spaces provided would comply with the current parking regulations. Permit conditions have been included which required that adequate parking and appropriate internal circulation be provided at all phases.

Phase I would construct an approximately 11,580-square-foot, single-story addition along the western side of the existing building. This phase would provide 56 additional skilled nursing beds, for a total of 158 beds. Ten additional parking spaces would be provided, creating a total of 66 off-street parking spaces where 53 spaces are required by the Municipal Code.

Phase II of the project would construct an approximately 31,125-square-foot, two-story building with an approximately 15,733-square-foot subterranean parking garage. This structure would be located on the southern portion of the site that currently contains parking lots and undeveloped areas and would provide 99 additional skilled nursing beds, for a total of 257 beds. Thirty seven additional parking spaces would be provided, creating a total of 103 off-street parking spaces where 86 spaces are required by the Municipal Code.

Phase III of the project would include the demolition of approximately 8,408-sqare-feet of the original structure and the addition of approximately 10,494 square feet, for a net increase of approximately 2,086 square feet. This addition would provide 46 additional skilled nursing beds and would remove 15 residential care beds, for a total of 288 beds. Two additional parking spaces would be provided, creating a total of 105 parking off-street parking spaces where 96 spaces are required by the Municipal Code.

The applicant anticipates completing all three phases in 2013. The building square footage amounts, bed counts and parking spaces provided in each phase are summarized below:

Building Phase Summary Chart:

Phase	Building Square Feet Added	Total Building Square Feet	Skilled Nursing Beds	Res. Care Beds	Total Beds	Minimum Parking Required	Onsite Parking
Existing	--	48,610	72	30	102	34	56
Phase I	11,580	60,190	+ 56	0	158	53	66
Phase II	31,125*	91,315	+ 99	0	257	86	103
Phase III	2,446**	93,761	+ 46	-15	288	96	105
TOTALS		**93,761**	**273**	**15**	**288**	**96**	**105**

*15,733 sq/ft subterranean parking garage not included
** 10,494 sq/ft constructed less 8,048 sq/ft demolished = 2,446 sq/ft net gain

The additions to the existing building and proposed two-story structure would be a contemporary design that is complimentary to the existing development, featuring a stucco finish with brick accents and iron railing details. The design includes articulation features such as soffits, overhangs, pop-outs and balconies which would reduce the bulk of the structure. Due to the design of the project and the topography of the site, the majority of the development will appear to be one-story in height. A combination of flat, pitched and hipped roof elements are included and rooftop equipment enclosures would be provided where needed to screen mechanical equipment.

The maximum height of the proposed project would be 30 feet for the two-story structure proposed for the southern portion of the site, which complies with the 30-foot height limit of the RM-1-1 Zone. The completed, built-out project would result in a maximum Floor Area Ratio (FAR) of approximately 0.54 for Parcel 1 and approximately 0.55 for Parcel 2, which complies with the maximum allowed FAR of 0.55. City staff has reviewed and accepted the project's landscape plan, which includes parking, courtyard and perimeter area plantings, climbing vines, accent shrubs and appropriate ground cover, as shown on the landscape plans (Attachment 5).

Tentative Parcel Map

The applicant is requesting the approval of a Tentative Parcel Map to subdivide the existing site into two lots. Parcel One would be approximately 2.65 acres in size and would encompass the northern portion of the site, which includes the existing development. Parcel Two would be approximately 1.30 acres in size and would encompass the southern portion of the site that is proposed to be developed in Phase II with a two-story structure with underground parking. The applicant has requested a deviation from the street frontage requirements to allow for the creation of these two lots, which is allowed with the approval of a Planned Development Permit (PDP) as discussed in detail on Page 9 of this report. A condition that requires the recordation of a mutual access agreement between Parcel One and Parcel Two has been added to the Tentative Parcel Map Resolution (Attachment 7) to ensure access is maintained for both newly created parcels.

Conditional Use Permit

Health care facilities such as the proposed project are allowed in the RM-1-1 Zone with the approval of a CUP. Section 141.0413 of the Municipal Code, *Separately Regulated Uses – Hospitals, Intermediate Care Facilities and Nursing Facilities*, provides specific regulations for these uses. These regulations include requirements that the project provide adequate parking, and be designed to minimize building bulk and minimize impacts to surrounding development that may be less intense and/or smaller in scale. The existing one-story facility is surrounded primarily by two- to three-story multi-family residential structures to the north, west and south and another existing health care facility to the east. The proposed expansion would include a building with a two-story element, but due to the topography of the site, the project will still appear substantially as a single-story development.

As discussed previously, the project would also incorporate various offsetting planes, finishes and roof treatments to further reduce bulk and scale issues. The project as proposed would provide more parking than is required by the Municipal Code at all phases of construction and project conditions have been included to assure appropriate parking is required.

Traffic to and from the facility would be divided among three separate entrances that would segregate visitor, staff and emergency vehicles, reducing the impact of the project on surrounding streets and developments while improving the internal circulation. As conditioned, the proposed project complies with these regulations and staff believes the findings can be made to support approval of the CUP.

Planned Development Permit

The applicant is requesting the approval of a Planned Development Permit to allow deviations from the side yard setback and street frontage requirements of the Municipal Code. As described in Section 143.0410, *General Regulations for Planned Development Permits*, deviations from the development requirements to provide greater design flexibility may be allowed with the approval of a Planned Development Permit. As conditioned, staff believes the findings can be made to approve the PDP and is supportive of the requested deviations, which are discussed in detail on Page 9 of this report.

Easement Abandonment

The project has been conditioned to provide an appropriate sewer easement to ensure that sewer services can be provided to the expanded project. There is an existing sewer easement at the southeast corner of the project which enters the site at the eastern property line and exits at the southern property line.

In order to accommodate the two-story structure proposed in Phase II and to provide the required sewer easement width, the existing easement has been relocated slightly east from its current location. Therefore, the applicant is required to abandon the portion of existing sewer easement that would no longer be utilized with the dedication of the new, upgraded sewer easement. This abandonment would be accomplished as part of the Tentative Parcel Map included with the project, which has been conditioned accordingly.

Community Plan Analysis:

The 3.9-acre project site is located in the Eastern Area community of the Mid-City Communities Plan area. As proposed, the project would not adversely affect the goals and recommendations of the General Plan or the Mid-City Communities Plan (MCCP), and would implement several policies and recommendations of these plans. The proposed project would increase the capacity of an existing skilled nursing facility, which meets the existing recommendations in the MCCP's Urban Design and Economic Development Elements that call for the location and expansion of health facilities along 54th Street between El Cajon Boulevard and University Avenue. The proposed project would contribute to creating a strong node of cultural and institutional facilities within this area of Mid-City.

According to the Mobility and Urban Design Elements of the General Plan, development should provide convenient, safe, and accessible pedestrian connections from the public street to building entrances. The proposed project would implement this recommendation by constructing a sidewalk to the facility from 54th Street, along the existing driveway, where none currently exists.

The Urban Design Element of the General Plan also calls for new buildings to incorporate compatible features of nearby existing buildings and for building wall planes to have shadow relief, where surface articulation, offsetting planes, overhangs and recessed doorways are used to provide visual interest. Plans for the proposed project reflect existing buildings in the immediate surroundings in roof style and in the incorporation of recessed balconies on the south elevation, roof elements and contemporary design. Additionally, the brick veneer proposed at intervals along the west and south elevations would break up the structure's bulk and meet the General Plan's Urban Design recommendations to use materials and finishes that reinforce a sense of quality and permanence and to provide architectural interest, discouraging the appearance of blank walls.

The majority of the required parking for the proposed development would be provided in a below-grade parking garage in the proposed Phase II building. The parking garage is sited so as to take advantage of the lot's slope toward University Avenue, which helps integrate the building into the surrounding development and minimize the building's perceived bulk. With this proposed parking configuration, the project would implement the General Plan Mobility and Urban Design Element recommendations to reduce the amount of land devoted to parking through the use of parking structures, to design parking structures to be of a height and mass that are compatible with the surrounding area, and to develop parking structures that are wrapped on their exterior with other uses to conceal the structure.

The General Plan's Urban Design and Conservation Element policies state that landscape materials and design should enhance structures, provide shade, aesthetic appeal, and environmental benefits, and complement and build upon the existing character of the neighborhood, and that development should strive to incorporate existing mature trees and native vegetation into site designs. The proposed landscape plan preserves existing trees on site where possible, provides for trees and landscaping for aesthetics, shading buildings and pedestrian walkways, and screening, and utilizes Eucalyptus and other trees that are prevalent in the vicinity of the project site.

The proposed project implements two additional Conservation Element policies contained in the General Plan related to the utilization of efficient irrigation technology and the reduction of impervious surfaces. As proposed, the project would utilize an irrigation system that would be automatic, programmable, and utilize low-water-volume with a rain shut-off device. Further, the proposed project would use permeable pavers or permeable concrete in the construction of the majority of vehicular areas on site.

The proposed project includes a request to deviate from the street frontage and side yard setback requirements applicable to this site. The Mid-City Communities Plan and the General Plan do not specifically address street frontage requirements and is required primarily due to the existing panhandle lot configuration. The requested side yard setback deviation would occur between internal buildings and would not impact existing adjacent developments. Therefore, the proposed deviations would not represent a conflict with policies in the community plan and General Plan for ensuring compatible development. Given the existing location of the site, the deviations would not adversely impact the goals and recommendations of the community plan

and General Plan.

Environmental Analysis:

The City of San Diego Environmental Analysis Section (EAS) conducted an Initial Study which determined that the proposed project could potentially result in significant impacts to Historical Resources (Archeology), Paleontology and Transportation/Circulation. Mitigated Negative Declaration (MND) No. 146595 was subsequently prepared and finalized on January 28, 2009, and includes a Mitigation, Monitoring and Reporting Program (MMRP) that would be implemented with the project to reduce potential impacts to below a level of significance. The impact areas are summarized below:

Historical Resources (Archeology)

According to the City's Historical Resource Sensitivity Map, the project site is located in a high sensitivity area for the discovery of archeological resources. Additionally, the site is located within Subarea B of the Crossroads Redevelopment Area and is included within the Crossroads Final Environmental Impact Report (FEIR), which requires the preparation of a project-specific archeological report for new development in this area. A Cultural Resources Survey and records search were completed for the project site, which determined that it was unlikely there are any archeological resources within the project boundaries.

However, based on the significance of the recorded sites located within a mile of the project site and the potential for undiscovered buried cultural resources, archeological monitoring would be required during certain grading and construction activities, as detailed in the MMRP.

Paleontological Resources

The project site is underlain by the Pomerado Conglomerate Formation, which has a moderate paleontological resource potential. Project grading would include approximately 2,400 cubic yards of soil cut at a maximum depth of approximately five feet, which may result in the removal of formational soils that contain significant paleontological resources. Therefore, paleontological monitoring would be required during certain grading and construction activities, as detailed in the MMRP.

Transportation/Circulation

A Traffic Impact Analysis was prepared for the proposed project by KOA Corporation, finalized December 2008, which includes short-term and long-term traffic projections. The analysis determined that the proposed project would generate approximately 558 additional daily trips which would not have a direct or cumulative impact to the surrounding roadway segments and intersections. Therefore, no transportation mitigation is required for the proposed expansion.

However, specific circulation improvements and parking requirements for each construction phase have been included in the MMRP to ensure that adequate parking, internal circulation and site access is provided during each phase. These parking requirements are discussed in detail on Page 4 of this report.

Crossroads FEIR Mitigation Monitoring Plan
Because the project site is located in Subarea B of the Crossroads Redevelopment Area, the Crossroads FEIR mitigation monitoring plan has been incorporated into this project's MMRP. The Crossroads FEIR mitigation monitoring plan requires the implementation of general Air Quality, Noise, Geology/Soils and Water Quality mitigation measures.

Project-Related Issues:

Deviations
The applicant is requesting the approval of two deviations from the San Diego Municipal Code (SDMC) requirements for street frontage and side yard setback requirements. Deviations such as these are allowed with the approval of a Planned Development Permit (PDP). Staff is supportive of the requested deviations and believes the required findings can be made to approve the PDP.

The requested street frontage deviation would allow the applicant to subdivide the existing single lot into two parcels. Table 131.04G of the SDMC requires a minimum street frontage of 50 feet for newly created lots. Because the site is a panhandle lot, the only portion of the site which fronts on a street is the access driveway off of 54th Street, which is 15 feet wide.
Approval of this deviation would allow the creation of two parcels from the existing single lot, with 15 feet of street frontage for the proposed Parcel 1 and no street frontage for the proposed Parcel 2. Given the current configuration of the site as a panhandle lot, its relationship to the surrounding development and the proposed internal circulation system, staff is supportive of this deviation request.

The requested Tentative Parcel Map would create two lots from one on the project site, dividing the existing structure from the new proposed structure to be located on the south half of the site. The creation of the second parcel would create a minimum south side yard setback of 21 feet for the existing structure where 41.74 feet are required. The RM-1-1 regulations require that structures observe a side yard setback of at least 10 percent of lot width for at least 50 percent on one of the sides. Based on the overall design of the project and the fact that this reduced side yard setback would occur internally to the project and would not impact surrounding properties, staff is supportive of the requested deviation.

Underground Utility Waiver Request
Existing overhead utility facilities must be placed underground unless certain criteria are met. San Diego Municipal Code Section 144.0240 allows an applicant to apply for a waiver of the requirements to relocate the existing overhead utilities to an underground position within the boundary of the subdivision or within the abutting public rights of way. The applicant is requesting a waiver from the requirement to underground the existing overhead utilities lines that are located at the north end of the property along Colts Way. These overhead facilities serve multiple adjacent properties along Colts Way and intersect the subject site for a short distance at the northeast corner of the site.

City staff has determined the undergrounding waiver request qualifies under the guidelines of Council Policy 600-25 (Underground Conversion of Utility Lines at the Developers Expense) in that the conversion involves a short span of overhead facility (less than 600 feet in length). The City's current Undergrounding Master Plan designates the site within Block 7C, and is proposed to be undergrounded in Fiscal Year 2047 (Attachment 14).

Community Planning Group Recommendation:

On June 10, 2008, the Eastern Area Community Planning Group voted 9-1 to recommend approval of the project with one condition. The group recommended that the median running down 54th Street not be broken to allow for a left turn from southbound 54th Street into the facility driveway, as described in their approval memorandum dated June 11, 2008 (Attachment 12). The group indicated that there had previously been a break in the median at that location which was closed due to conflicts with school children crossing the street near this location.

City staff reviewed the group's recommendation and determined that maintaining the solid median as requested by the group would not significantly impact access to the site or circulation on the surrounding streets. Therefore, the project has been revised to comply with the group's recommendation.

Conclusion:

Staff finds that the proposed phased expansion of the existing health care facility is consistent with the applicable Municipal Code requirements and believes the findings can be made to support the project. Given the location of the site, its context with surrounding development and the overall design of the project, staff is supportive of the requested street frontage and side yard setback deviations, which are allowed with the approval of a Planned Development Permit.

ALTERNATIVES

1. Recommend that the City Council **Certify** Mitigated Negative Declaration No. 146595 and **Adopt** the Mitigation, Monitoring and Reporting Program, **Approve** Conditional Use Permit No. 514658, **Approve** Planned Development Permit No. 514659, **Approve** Easement Abandonment No. 613849 and **Approve** Tentative Parcel Map No. 514660, with modifications.

2. Recommend that the City Council **Not Certify** Mitigated Negative Declaration No. 146595 and **Not Adopt** the Mitigation, Monitoring and Reporting Program, **Deny** Conditional Use Permit No. 514658, **Deny** Planned Development Permit No. 514659, **Deny** Easement Abandonment No. 613849 and **Deny** Tentative Parcel Map No. 514660, if the findings required to approve the project can not be affirmed.

Respectfully submitted,

Mike Westlake
Program Manager
Development Services Department

Paul Godwin
Project Manager
Development Services Department

WESTLAKE/PBG

Attachments:

1. Aerial Photograph
2. Community Plan Land Use Map
3. Project Location Map
4. Project Data Sheet
5. Project Plans, including Tentative Parcel Map
6. Elevation Renderings
7. Draft Tentative Parcel Map Conditions and Subdivision Resolution
8. Draft Permit with Conditions
9. Draft Resolution with Findings
10. Approved Conditional Use Permit No. 5054
11. Approved Conditional Use Permit No. 98-1097 Staff Report
12. Community Planning Group Recommendation
13. Ownership Disclosure Statement
14. Underground Utility Master Plan Map, Block 7C
15. Project Chronology

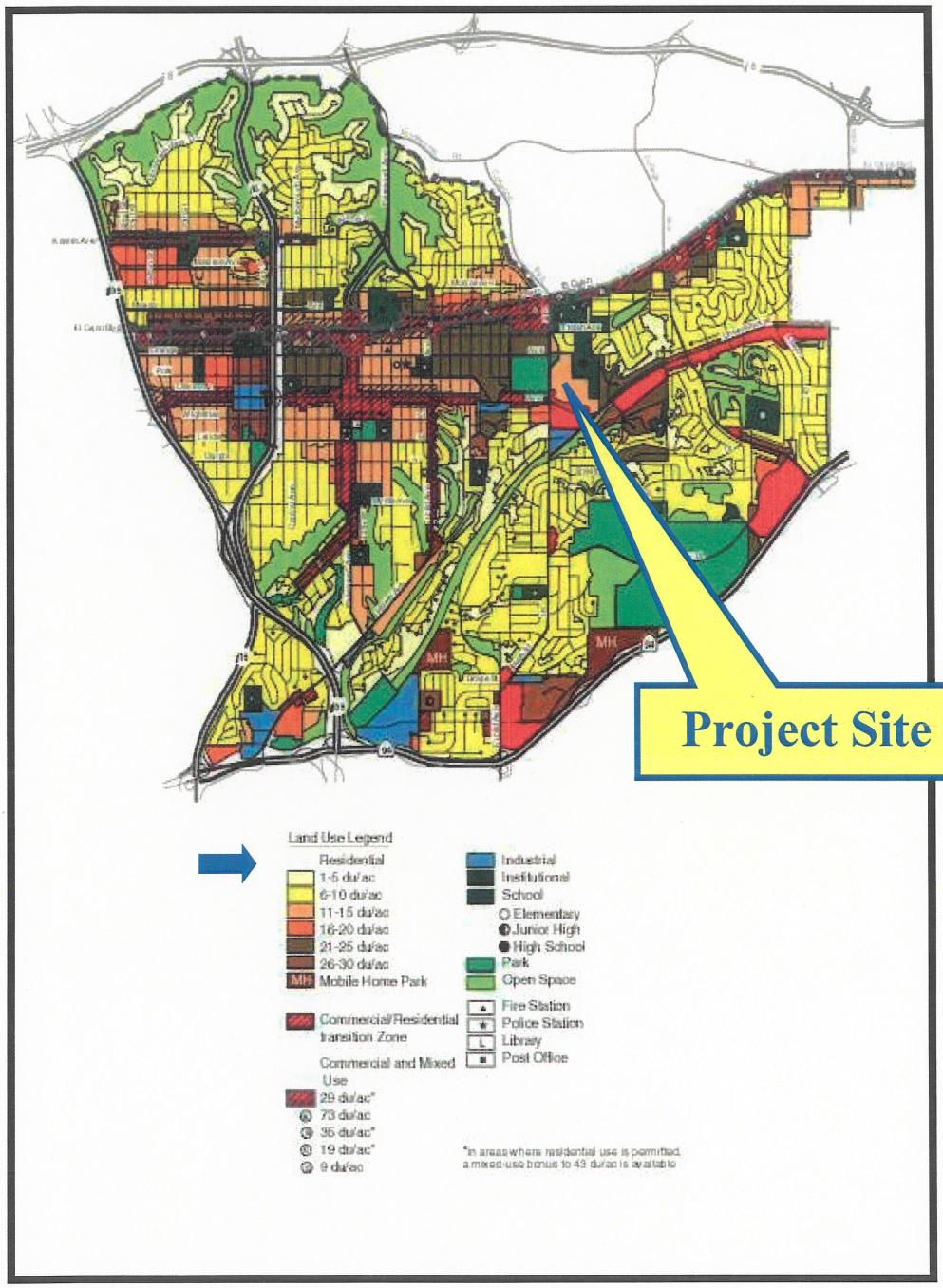
Aerial Photo

JACOB HEALTH CARE CENTER FACILITY – 146595
4075 1/3 54TH STREET

North

ATTACHMENT 1

ATTACHMENT 2



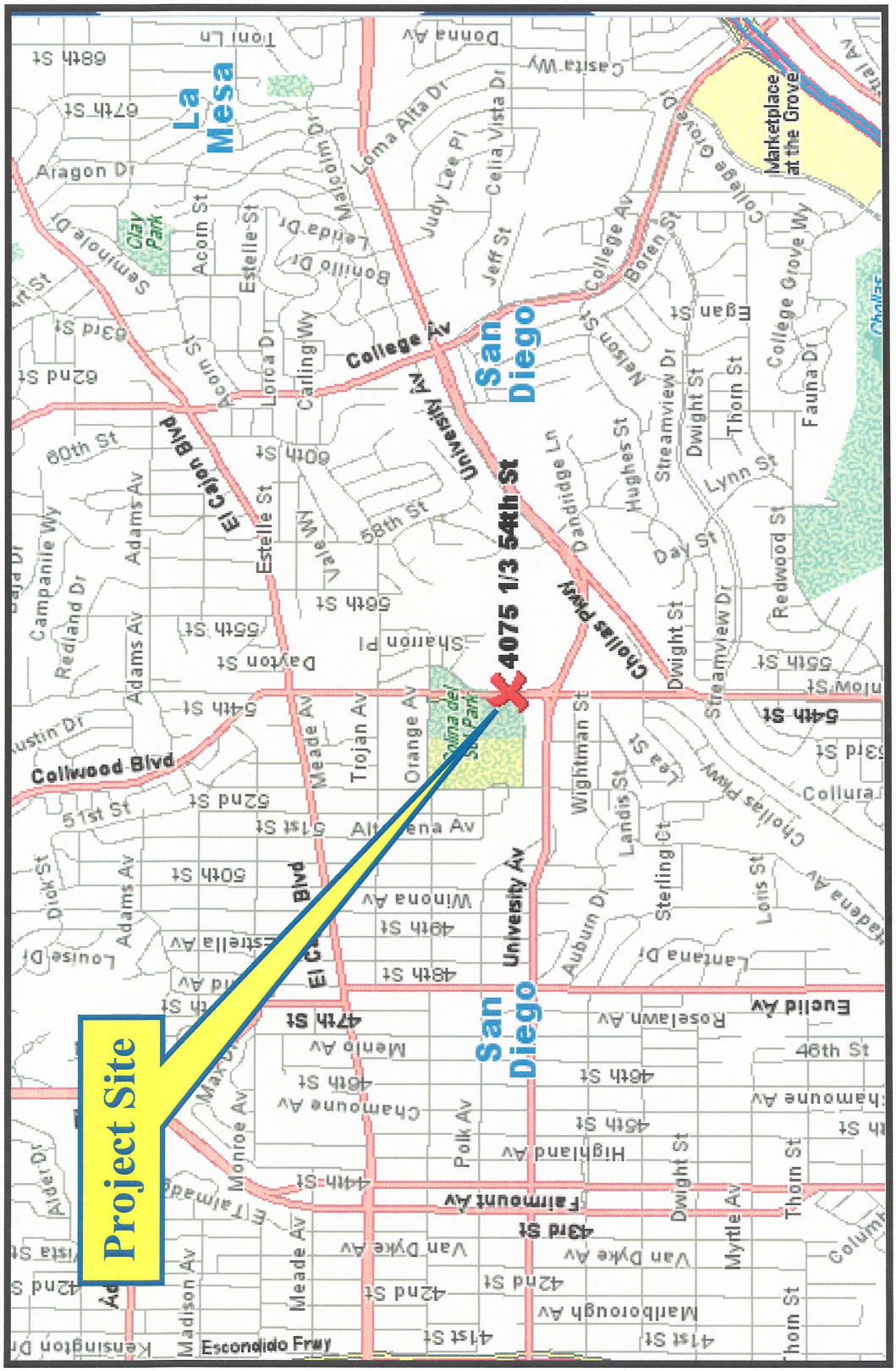
Land Use Map

JACOB HEALTH CARE CENTER FACILITY – 146595

4075 1/3 54TH Street-Mid-City

North

ATTACHMENT 3



North

Project Location Map

JACOB HEALTH CARE CENTER FACILITY – 146595

4075 1/3 54TH STREET

PROJECT DATA SHEET

PROJECT NAME:	Jacob Health Care Facility
PROJECT DESCRIPTION:	Expansion of an existing health care facility and new surface and subterranean parking which would be built in phases.
COMMUNITY PLAN AREA:	Eastern Area neighborhood of the Mid-City Communities Plan
DISCRETIONARY ACTIONS:	Conditional Use Permit; Planned Development Permit; Vesting Tentative Map and Easement Vacation.
COMMUNITY PLAN LAND USE DESIGNATION:	Residential Use at 11-15 dwelling units per acre.

ZONING INFORMATION:

ZONE: RM-1-1: (A multi-unit residential zone that permits 1 dwelling unit for each 3,000 square-feet of lot area)
HEIGHT LIMIT: 30-Foot maximum height limit.
LOT SIZE: 6,000 square-foot minimum lot size.
FLOOR AREA RATIO: 0.75 maximum.
FRONT SETBACK: 15 feet.
SIDE SETBACK: 5 feet.
STREETSIDE SETBACK: 10 feet.
REAR SETBACK: 15 feet.
PARKING: 96 parking spaces required by Phase 3.

ADJACENT PROPERTIES:	**LAND USE DESIGNATION & ZONE**	**EXISTING LAND USE**
NORTH:	Multi-Family Residential; RM-1-1	Apartment Complex
SOUTH:	Commercial Community; CC-5-3	Apartment Complex
EAST:	Multi-Family Residential; RM-1-1	Healthcare Facility
WEST:	Multi-Family Residential; RM-2-6	Apartment Complex

DEVIATIONS OR VARIANCES REQUESTED:	1. Deviation to allow a 15-foot street frontage for Parcel 1 and a 0 foot street frontage for Parcel 2 where 50 feet is required; 3. Deviation to allow a 21-foot side yard setback where 42 feet is required.
COMMUNITY PLANNING GROUP RECOMMENDATION:	On June 10, 2008, the Eastern Area Community Planning Group voted 9-1 to recommend approval of the project.

CITY COUNCIL
RESOLUTION NO. _____
TENTATIVE PARCEL MAP NO. 514660
EASEMENT ABANDONMENT NO. 613849
JACOB HEALTH CARE – PROJECT NO. 146595 (MMRP)

WHEREAS, JACOB HEALTH CARE CENTER, LP, Owner/Permittee, filed an application with the City of San Diego for Tentative Parcel Map, No. 514660 and Easement Vacation No. 613849, and a waiver of the requirement to underground the existing overhead utilities, for the subdivision of an existing parcel into two parcels for the expansion of an existing health care facility known as the Jacob Health Care Facility project. The project site is 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 and legally described as Parcel 2 of Parcel Map No. 20223; and

WHEREAS the Map proposes the subdivision of a 3.9-acre site into two parcels for a healthcare development; and

WHEREAS, Mitigated Negative Declaration No. 146595 has been prepared for this project in accordance with the state of California Environmental Quality Act (CEQA) Guidelines; and

WHEREAS, the project complies with the requirements of a preliminary soils and/or geological reconnaissance report pursuant to the Subdivision Map Act and Section 144.0220 of the Municipal Code of the City of San Diego; and

WHEREAS, on February 19, 2009, the Planning Commission of the City of San Diego considered the Tentative Parcel Map, No. 514660 and Easement Vacation No. 613849, and pursuant to Resolution No. _____-PC voted __ to __ recommend City Council approval/denial of the permit; and

WHEREAS, the matter was set for public hearing on _____, 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; and

WHEREAS, on _____, 2009, the City Council of the City of San Diego considered Tentative Parcel Map, No. 514660 and Easement Vacation No. 613849 including the waiver of the requirements to underground existing overhead utilities, and pursuant to Section 125.0501 (Tentative Parcel Map), 125.1001 (Easement Vacation), and 144.0240 (underground) of the Municipal Code of the City of San Diego and Subdivision Map Act Section 66428, received for its consideration written and oral presentations, evidence having been submitted, and heard testimony from all interested parties at the public hearing, 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 Tentative Parcel Map, No. 514660 and Easement Vacation No. 613849 including the waiver of the requirements to underground existing overhead utilities:

1. The proposed subdivision and its design or improvement are consistent with the policies, goals, and objectives of the applicable land use plan (Land Development Code Section 125.0440.a and State Map Action Sections 66473.5, 66474(a), and 66474(b)).

   The proposed subdivision would contribute to the development of a balanced community through the expansion of the existing healthcare facility by providing a needed service in an area that contains similar medical uses. The Mid-City Communities Plan's Urban Design and Economic Development Elements call for the location and expansion of health care facilities along 57th Street between El Cajon Boulevard and University Avenue. The project is required to upgrade the sewer easements as part of the subdivision and expansion. Therefore, the proposed subdivision and its design or improvement would be consistent with the policies, goals, and objectives of the applicable land use plan

2. The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b).

   The proposed subdivision would comply with the development regulations applied to health care facilities in Section 141.0413 of the Land Development Code and the applicant has requested the approval of a Conditional Use Permit to allow the facility expansion, as required by the underlying RM-1-1 Zone. This application includes a request to deviate from the street frontage and side yard setback requirements of the Land Development Code. Deviations to the development regulations are permitted with the approval of a Planned Development Permit. The deviations are considered minor and determined to be consistent with the purpose and intent of the RM-1-1 Zone. Given the location of the project, its context in the neighborhood and the overall design of the development, staff is supportive of the requested deviations. Therefore, the proposed subdivision would comply with the applicable zoning and development regulations.

3. The site is physically suitable for the type and density of development (Land Development Code Section 125.0440.c and State Map Act Sections 66474(c) and 66474(d)).

The proposed subdivision would comply with the development regulations applied to health care facilities in Section 141.0413 of the Land Development Code and the applicant has requested the approval of a Conditional Use Permit to allow the facility expansion, as required by the underlying RM-1-1 Zone. The bulk, scale and positioning of the proposed development would be compatible with the existing and future surrounding land uses and the site is physically suitable for the type and density of the proposed development.

4. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Land Development Code Section 125.0440.d and State Map Act Section 66474(e)).

   An initial Environmental Initial Study (EIS) was conducted for the proposed subdivision in accordance with the California Environmental Quality Act (CEQA) that determined the project could have potential adverse impacts to Historical resources (Archeology), Paleontological Resources, and Transportation/Circulation. A Mitigation, Monitoring and Reporting Program (MMRP) has been created for the project with measures that would reduce the potential adverse impacts to below a level of significance. No sensitive biology has been identified onsite and the project is not within or adjacent to the Multiple Habitat Planning Area (MHPA). Therefore, the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat.

5. The design of the subdivision or the type of improvements will not be detrimental to the public health, safety, and welfare (Land Development Code Section 125.0440.e and State Map Act Section 66474(f)).

   The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State 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.

6. The design of the subdivision or the type of improvements will not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision (Land Development Code Section 125.0440.f and State Map Act Section 66474(g)).

The proposed subdivision would maintain and, as required, improve the existing public rights-of-ways, general utility easements and access easements. The project is required to upgrade the sewer easement that serves the site and to vacate the unused easement portions. The condition to provide a mutual access easement between Parcel 1 and Parcel 2 is included with this action. Therefore, the design of the subdivision and the associated improvements would not conflict with easements acquired by the public at large for access through or use of property within the proposed subdivision.

7. The design of the proposed subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities (Land Development Code Section 125.0440.g and State Map Act Section 66473.1).

   The design of the proposed subdivision through building materials, site orientation, architectural treatments and the placement and selection of plant materials provide to the extent feasible, for future passive or natural heating and cooling opportunities.

8. The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources (Land Development Code Section 125.0440.h and State Map Act Section 66412.3).

   The site is currently developed with a health care facility. The proposed project would expand the facility and would not result in the creation or removal of any residential units. All necessary public resources are provided to the existing, developed site and the proposed subdivision and expansion have been conditioned to provide all required service upgrades.

9. The property contains an easement which must be abandoned to implement the Parcel Map in accordance with San Diego Municipal Code 125.0430.

   The portion of sewer easement which will no longer be required with the granting of the new, larger sewer easement would be abandoned via the Parcel Map and has been included as a condition on this Tentative Parcel Map. All associated exhibits include the easement abandonment and staff is supportive of the action.

10. 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.

The approximately 10-foot wide by 100-foot long sewer easement that is proposed to be abandoned is no longer needed because approval of this action would require the recordation of a new 35-foot wide sewer easement that meets current standards and can accommodate the expansion of the facility.

11. The public will benefit from the action through improved utilization of the land made available by the abandonment

    The requested sewer easement abandonment would allow the sewer easement to be enlarged to current standards and relocated in a manner that allows the project site to be more suitably developed. Relocation of the sewer easement allows for a more logical building footprint layout and the maximization of parking.

12. The abandonment is consistent with any applicable land use plan.

    The requested sewer easement abandonment would allow the sewer easement to be enlarged to current standards and relocated in a manner that allows the project site to be more suitably developed. Relocation of the sewer easement allows for a more logical building footprint layout and the maximization of parking.

13. The public facility or purpose for which the easement was originally acquired will not be detrimentally effected by the abandonment or the purpose for which the easement was acquired no longer exists.

    The approximately 10-foot wide by 100-foot long sewer easement that is proposed to be abandoned is no longer needed because approval of this action would require the recordation of a new 35-foot wide sewer easement that meets current standards and can accommodate the expansion of the facility.

14. The requested underground waiver of the existing overhead facilities, qualifies under the guidelines of Council Policy No. 600-25 *Underground Conversion of Utility Lines at Developers Expense* in that:

    The subdivision is requesting a waiver from the requirement to underground existing overhead utilities. The Development Services Department has reviewed the proposed waiver and determined that the waiver is consistent with City Council Policy 600-25 in that the overhead facilities in the abutting public right-of-way involves a short span of overhead facility (less than 600 feet in length).

15. That said Findings are supported by the minutes, maps, and exhibits, all of which are herein incorporated by reference.

The above findings are supported by the administrative record for this project including all review documentation, maps and the Exhibit "A" drawing dated _____, 2009.

BE IT FURTHER RESOLVED, that pursuant to California Government Code section 66434(g), an approximately 10-foot wide by 100-foot long portion of the sewer easement located in the southeast corner of the project site, within the project boundaries as shown in Tentative Parcel Map No. 514660, shall be vacated, contingent upon the recordation of the approved parcel map for the project.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained and Tentative Parcel Map No. 514660 is granted to JACOB HEALTH CARE CENTER, LLC., subject to the conditions attached hereto and made a part hereof.

BE IT FURTHER RESOLVED, that, based on the Findings hereinbefore adopted by the City Council, Tentative Parcel Map No. 514660 and Easement Vacation No. 613849, is hereby granted to JACOB HEALTH CARE CENTER, LLC., Applicant/Subdivider, subject to the following conditions:

GENERAL

1. This Tentative Map will expire _____, 2012.

2. Compliance with all of the following conditions shall be assured, to the satisfaction of the City Engineer, prior to the recordation of the Parcel Map unless otherwise noted.

3. Prior to the issuance of the Parcel Map taxes must be paid on this property pursuant to section 66492 of the Subdivision Map Act. A tax certificate, recorded in the office of the County Recorder, must be provided to satisfy this condition

4. The Parcel Map shall conform to the provisions of Conditional Use Permit (CUP), No. 514658 and Planned Development Permit (PDP) No. 514659.

5. The Subdivider shall defend, indemnify, and hold the City (including its agents, officers, and employees [together, "Indemnified Parties"] harmless from any claim, action, or proceeding, against any Indemnified Party to attack, set aside, void, or annul City's approval of this project, which action is brought within the time period provided for in Government Code section 66499.37. City shall promptly notify Subdivider of any claim, action, or proceeding and shall cooperate fully in the defense. If City fails to cooperate fully in the defense, Subdivider shall not thereafter be responsible to defend, indemnify, or hold City harmless.

The City may participate in the defense of any claim, action, or proceeding if City both bears its own attorney's fees and costs, and defends the action in good faith. Subdivider shall not be required to pay or perform any settlement unless such settlement is approved by the Subdivider.

ENGINEERING

6. The Subdivider shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance.

7. Prior to the issuance of any construction permit, the Subdivider shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the San Diego Municipal Code, into the construction plans or specifications.

8. The drainage system proposed for this subdivision, as shown on the approved Tentative Parcel Map, is private and subject to approval by the City Engineer.

9. Prior to the issuance of grading permits, a geotechnical investigation report shall be required that specifically addresses the proposed grading plans and cites the City's Job Order No. and Drawing No.. The geotechnical investigation shall provide specific geotechnical grading recommendations and include geotechnical maps, using the grading plan as a base, that depict recommended location of subdrains, location of outlet headwalls, anticipated removal depth, anticipated over-excavation depth, and limits of remedial grading.

10. The Subdivider 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.

11. 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.

12. 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.

13. The Subdivider shall underground existing and/or proposed public utility systems and service facilities in accordance with the San Diego Municipal Code.

14. The Subdivider shall ensure that all existing onsite utilities serving the subdivision shall be undergrounded with the appropriate permits. The Subdivider shall provide written confirmation from applicable utilities that the conversion has taken place, or provide other means to assure the undergrounding, satisfactory to the City Engineer.

15. Conformance with the "General Conditions for Tentative Subdivision Maps," filed in the Office of the City Clerk under Document No. 767688 on May 7, 1980, is required. Only those exceptions to the General Conditions which are shown on the Tentative Parcel Map and covered in these special conditions will be authorized.

    All public improvements and incidental facilities shall be designed in accordance with criteria established in the Street Design Manual, filed with the City Clerk as Document No. RR-297376.

MAPPING

16. "Basis of Bearings" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System, Zone 6, North American Datum of 1983 (NAD 83).

17. "California Coordinate System means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6," and the official datum is the "North American Datum of 1983."

18. The Parcel Map shall:

    a. Use the California Coordinate System for its "Basis of Bearing" and express all measured and calculated bearing values in terms of said system. The angle of grid divergence from a true median (theta or mapping angle) and the north point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations or astronomic observations.

b. Show two measured ties from the boundary of the map to existing Horizontal Control stations having California Coordinate values of Third Order accuracy or better. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e., grid bearings and grid distances). All other distances shown on the map are to be shown as ground distances. A combined factor for conversion of grid-to-ground distances shall be shown on the map.

SEWER

19. The developer shall install all sewer facilities required by the accepted sewer study necessary to serve this development. Sewer facilities as shown on the approved Tentative Parcel Map will require modification based on the accepted sewer study.

20. 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.

21. No structures or landscaping shall be installed in or over any sewer easement that would inhibit vehicular access to replace a section of main or provide access to any manhole or isolated section of main.

22. No approved improvements or landscaping, including private sewer facilities, grading and enhanced paving, shall be installed in or over any easement prior to the applicant obtaining an Encroachment Maintenance and Removal Agreement.

23. No trees shall be installed within ten feet of any sewer facilities or in any sewer access easement. No shrubs exceeding three feet in height at maturity shall be installed within 10 feet of any public sewer main or within access easements.

24. No other utilities, including gas, electric, telephone and fiber optic cable, shall be located within 10 feet of any public sewer main when these utilities are installed parallel to the sewer main. General Utility Easements in private roads and driveways shall be sized with sufficient width to provide for other agencies' facilities. In side yards or other non street areas, a GUE must be dedicated for the exclusive use of the City of San Diego or the Metropolitan Wastewater Department. Other agencies will require separate easements.

25. No permanent structures and substructures shall be installed within ten feet of any public sewer facilities or in any sewer access easement.

26. 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.

27. For public onsite sewer facilities located within a gated area, the developer shall provide the Wastewater Collection Divisions with keyed access 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.

28. 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.

29. The developer shall install all sewer facilities required by the accepted sewer study, necessary to serve this development. Sewer facilities as shown on the approved Tentative Map will require modification based on the accepted sewer study.

GEOLOGY

30. Prior to the issuance of a grading permit, a geotechnical report shall be submitted and approved by the City Engineer in accordance with the City of San Diego's Technical Guidelines for Geotechnical Reports."

TRANSPORTATION

31. At the recordation of the Parcel Map, the applicant shall record a Mutual Access Easement Agreement between proposed Parcel 1 and proposed Parcel 2, satisfactory to the City Engineer.

INFORMATION:

- The approval of this Tentative Parcel Map by the City Council of the City of San Diego does not authorize the Subdivider 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 USC Section 1531 et seq.).

- If the Subdivider makes any request for new water and sewer facilities (including services, fire hydrants, and laterals), then the Subdivider shall design and construct such facilities in accordance with established criteria in the most current editions of the City of San Diego water and sewer design guides and City regulations, standards and practices pertaining thereto. Off-site improvements may be required to provide adequate and acceptable levels of service and will be determined at final engineering.

- Subsequent applications related to this Tentative Parcel Map will be subject to fees and charges based on the rate and calculation method in effect at the time of payment.

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of the Tentative Parcel Map, may protest the imposition within 90 days of the approval of this Tentative Parcel Map by filing a written protest with the City Clerk pursuant to California Government Code Section 66020.

- Where in the course of development of private property, public facilities are damaged or removed the property owner shall at no cost to the City obtain the required permits for work in the public right-of-way, and repair or replace the public facility to the satisfaction of the City Engineer. Municipal Code Section 142.0607.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO, CALIFORNIA, ON _____.

APPROVED: Jan Goldsmith, City Attorney

By _____
NAME
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
R- INSERT
Reviewed by Paul Godwin

Job Order No. 43-0073

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES
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
PROJECT NO. 146595 (MMRP)
CITY COUNCIL

This Conditional Use Permit (CUP) No. 514658 and Planned Development Permit (PDP) No. 514659 are granted by the City Council of the City of San Diego to Jacob Health Care Center, LP, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 141.0312 (Residential Care Facility) and 126.0602 (Planned Development Permit). The 3.9-acre site is 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. 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 Ordinance, described and identified by size, dimension, quantity, type, and location on the approved exhibits [Exhibit "A"] dated _____ , 2009, on file in the Development Services Department.

The project shall include:

a. The expansion of an existing 48,610-square-foot, 102-bed skilled nursing facility consisting of 72 skilled nursing beds & 30 assisted living beds and 56 onsite parking spaces. Project implementation would result in an approximately 93,761-square-foot, 288-bed facility consisting of 273 skilled nursing beds and 15 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, one-story addition to the west side of the existing building located on the northern half of the project site, which would include 56 additional skilled nursing beds (158 total beds) and a minimum of 53 parking spaces for the entire project;

Phase 2: Construction of an approximately 31,125-square-foot, two 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 99 additional skilled nursing beds (257 total beds) and a minimum of 86 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 one-story addition that would include an additional 46 skilled nursing beds, the elimination of 15 assisted living beds (288 total beds) and a minimum of 96 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;

e. Accessory improvements determined by the Development Services Department 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 (36) 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 Development Services Department.

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 Mitigation Monitoring and Reporting Program, 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 Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration No. 146595, satisfactory to the Development Services Department 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 ongoing permanent BMP maintenance, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permits, the applicant shall incorporate any construction Best Management Practices 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 Best Management Practices (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, on file in the Office of the Development Services Department.

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 Development Services Department within 30 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" dated February 19, 2009:

a. Deviation to allow a 15-foot street frontage for Parcel 1 where 50 feet is required;

b. Deviation to allow a 0 foot street frontage for Parcel 2 where 50 feet is required;

c. Deviation to allow the existing one-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 53 automobile spaces (including 2 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 bicycle spaces with rack(s) are required by the Land Development Code. 66 automobile spaces (including 2 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 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 53 automobile spaces (including 2 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 bicycle spaces with rack(s) are required by the Land Development Code. 53 automobile spaces (including 2 standard accessible spaces and 1van accessible space), 2 motorcycle spaces, and 2 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 86 automobile spaces (including 3 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 bicycle spaces with rack(s) are required by the Land Development Code. 103 automobile spaces (including 4 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 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 96 automobile spaces (including 3 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 bicycle spaces with rack(s) are required by the Land Development Code. 105 automobile spaces (including 4 standard accessible spaces and 1 van accessible space), 2 motorcycle spaces, and 2 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, 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 three feet in height at maturity shall be installed within ten 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 12" 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" water service meter, 6" fire protection meter, and 6" twin back flow preventers, and the abandonment of the 6" 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 §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 _____, 2009, Resolution No. XXXX.

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

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

_____
Paul Godwin
TITLE: 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.

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

[NAME OF COMPANY]
Owner/Permittee

By _____
NAME
TITLE

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

Rev. 02/04/08 rh

Resolution for Approving/Denying Permits

(R-_____)

RESOLUTION NUMBER R-XXXX

ADOPTED ON _____

WHEREAS, JACOB HEALTH CARE CENTER, LLC., Owner/Permittee, filed an application with the City of San Diego for a Conditional Use Permit (CUP), No. 514658 and Planned Development Permit (PDP) No. 514659 and 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, in the 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 the Conditional Use Permit (CUP), No. 514658 and Planned Development Permit (PDP) No. 514659, and pursuant to Resolution No. _____-PC voted __ to __ to recommend City Council approval/denial of the permit; and

WHEREAS, the matter was set for public hearing on _____, 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 (CUP), No. 514658 and Planned Development Permit (PDP) No. 514659:

Conditional Use Permit - Section 126.0305

1. **The proposed development will not adversely affect the applicable land use plan.**

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.

The Mid-City Communities Plan designates the site for multi-family development, however, heath 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 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.

The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State 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 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 are 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 use is appropriate at the proposed location.

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.

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 are 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 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. Therefore, the use is appropriate at the proposed location.

Planned Development Permit - Section 126.0604

1. The proposed development will not adversely affect the applicable land use plan.

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.

The Mid-City Communities Plan designates the site for multi-family development, however, heath 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 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.

The proposed subdivision and improvements have been designed to comply with all applicable Federal, State and local land use policies including the California State 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, when considered as a whole, will be beneficial to the community.

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.

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 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 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.

4. 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 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.

The requested street frontage and side yard setback deviations are allowed in this Zone with the approval of 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. 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 two-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 herein incorporated by reference.

BE IT FURTHER RESOLVED, that the recommendation of the Planning Commission is sustained, and Conditional Use Permit (CUP), No. 514658 and Planned Development Permit (PDP) No. 514659 is granted to JACOB HEALTH CARE CENTER, LLC., Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: Jan Goldsmith, City Attorney

By
NAME
Deputy City Attorney

ATTY/SEC. INITIALS
DATE
Or.Dept:Clerk
R-INSERT
Form=permitr.frm(61203wct)
Reviewed by Paul Godwin

CONDITIONAL USE PERMIT - CASE NO. 5054

WHEREAS, Conditional Use Permit application No. 20834 has been considered by the Planning Commission of the City of San Diego, California, and the Planning Commission has conducted a public hearing on this request of San Diego Hebrew Home for the Aged, owner, to construct and operate an addition to existing rest home located on 54th Street between University Avenue and Orange Street, being a portion of Lemon Villa, Lot 21, in the R-4 zone; and

WHEREAS, The Planning Commission has made the following Findings of Fact in relation thereto:

1. That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community because this facility will provide needed additional care and housing for the aged.

2. That such use under the circumstances of the particular case will not be detrimental to health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity because the facility will be compatible with existing adjacent uses.

3. That the proposed use will comply with the regulations and conditions specified in the Municipal Code for such use because conditions imposed herein insure compliance.

4. That the granting of this conditional use will not adversely affect the Master Plan of the City or the adopted plan of any governmental agency because no such master plan has been adopted for this area.

NOW, THEREFORE, BE IT RESOLVED, By the City Planning Commission of San Diego, California, that permission is hereby granted to San Diego Hebrew Home for the Aged, owner, to construct and operate an addition to existing rest home at the above-mentioned location, under the following conditions:

1. That prior to the issuance of any permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this and other governmental agencies require deviation therefrom.

2. That prior to the issuance of any building permits, a complete landscaping plan including a permanent watering system shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the Planning Department. Approved planting shall be installed prior to occupancy of the subject property.

3. That prior to occupancy of any building not less than 20 offstreet parking spaces shall be provided on the subject property in the approximate locations shown on Exhibit "A". Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent, and each parking space shall be marked and provided with substantial wheel stops. Each parking space shall be not less than 180 square feet in area exclusive of aisle and driveway areas.

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C.U.P. Case No. 5054

4. That no vehicular parking shall be permitted at any time on any of the private roadways within this development.

5. That all outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

6. That prior to the occupancy of this building, all land development within this parcel shall be approved by the City Engineer in compliance with permits issued for the work as provided in Article II, Chapter VI, of the Municipal Code.

7. That construction and operation of the proposed use shall comply at all times with the regulations and requirements of this and other governmental agencies.

That permission granted by this Conditional Use Permit shall become effective and final on the eleventh day after it is filed in the Office of the City Clerk, unless a written appeal is filed within ten (10) days after such filing in the Office of the City Clerk.

Any Conditional Use Permit, or extension of time, granted by the City shall be null and void, and shall be revoked automatically six (6) months after its effective date, unless the use and/or construction permitted is commenced before said time expires, in accordance with Municipal Code Section 101.0506.

CITY PLANNING COMMISSION
City of San Diego, California

By Anson Mehrbe
Acting Head, Rezoning Section

DATE: August 15, 1962

FILED IN OFFICE OF CITY CLERK
August 16, 1962
Right of Appeal expires 10 days after above date.

OFFICE COPY

AMENDMENT

CONDITIONAL USE PERMIT - CASE NO. 5054

WHEREAS, The City Planning Commission of San Diego, California, has considered the written request of the San Diego Hebrew Home for the Aged, dated November 21, 1962, for an amendment to Condition No. 2 of Conditional Use Permit No. 5054, filed in the Office of the City Clerk on August 16, 1962; and

WHEREAS, The Planning Commission has found the requested amendment would make no material change in the permission granted and would not be injurious to the neighborhood or be otherwise detrimental to the public welfare;

NOW, THEREFORE, BE IT RESOLVED, That Condition No. 2 of Conditional Use Permit No. 5054 be amended to read as follows:

2. "That prior to occupancy of any building, a complete landscaping plan including a permanent watering system shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" on file in the Planning Department. Approved planting shall be installed prior to occupancy of the subject property."

The permission granted by this Amendment to Conditional Use Permit No. 5054 shall become effective and final on the eleventh day after it is filed in the Office of the City Clerk unless a written appeal is filed within ten (10) days after such filing in the Office of the City Clerk.

CITY PLANNING COMMISSION
City of San Diego, California

By Jack Van Cleave
Head, Rezoning Section

DATE: December 5, 1962

FILED IN OFFICE OF CITY CLERK
DEC 6 1962
Right of Appeal expires 10 days after above date.

Dorso - 4H

ATTACHMENT 10

DOCUMENT NO. 168,141

FILED AUG 15 1968

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

AMENDMENT

CONDITIONAL USE PERMIT - CASE NO. 5054

This conditional use permit amendment is granted by the Planning Commission of the City of San Diego to HEBREW HOME FOR THE AGED, a corporation, for the purposes, and the terms and on the conditions as set out herein, pursuant to the authority contained in Section 101.0505 of the Municipal Code of the City of San Diego and related parts thereof and Resolution No. 5054 Amendment of the Planning Commission of the City of San Diego:

1. Permission is hereby granted to HEBREW HOME FOR THE AGED, "Permittee", to construct a 13-bed addition and to operate and maintain a retirement home in and on real property in the City of San Diego located north of University Avenue between 54th and 55th Streets, more particularly described in Appendix "A" attached hereto and made a part hereof.

2. This amendment shall mean and include the total of the following uses as permitted in Conditional Use Permit 5054 and indicated on Exhibit "A" (dated June 26, 1968) on file in the office of the Planning Department:

a. 71-bed retirement facility

b. Administrative offices

c. Storage building

d. Other incidental facilities which the Planning Director finds to be designed and used primarily for the service and convenience of the occupants of this project.

e. Offstreet parking spaces

3. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated June 26, 1968), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

4. Not less than 35-offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" (dated June 26, 1968) on file in the office of the Planning Department. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

5. Prior to the issuance of any building permits, a complete landscaping plan for the proposed addition, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated June 26, 1968), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

6. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

7. Substantial construction of the addition shall have commenced and shall be

1. Permission is hereby granted to HEBREW HOME FOR THE AGED, "Permittee", to construct a 13-bed addition and to operate and maintain a retirement home in and on real property in the City of San Diego located north of University Avenue between 54th and 55th Streets, more particularly described in Appendix "A" attached hereto and made a part hereof.

ATTACHMENT 10

2. This amendment shall mean and include the total of the following uses as permitted in Conditional Use Permit 5054 and indicated on Exhibit "A" (dated June 26, 1968) on file in the office of the Planning Department:

a. 71-bed retirement facility

b. Administrative offices

c. Storage building

d. Other incidental facilities which the Planning Director finds to be designed and used primarily for the service and convenience of the occupants of this project.

e. Offstreet parking spaces

3. Prior to the issuance of any building permits, complete building plans (including signs) shall be submitted to the Planning Director for approval. Plans shall be in substantial conformity with Exhibit "A" (dated June 26, 1968), on file in the office of the Planning Department. The property shall be developed in accordance with the approved building plans except where regulations of this or other governmental agencies require deviation therefrom. Prior to and subsequent to the completion of the project, no changes, modifications or alterations shall be made unless and until appropriate applications for amendment of this permit shall have been approved and granted.

4. Not less than 35-offstreet parking spaces shall be provided and maintained on the subject property in the approximate location shown on Exhibit "A" (dated June 26, 1968) on file in the office of the Planning Department. Areas and driveways shall be surfaced with not less than 2" A.C. or its equivalent and each parking space shall be marked. Parking spaces and aisles shall conform to Planning Department standards. No charge shall be made at any time for the use of these offstreet parking spaces.

5. Prior to the issuance of any building permits, a complete landscaping plan for the proposed addition, including a permanent watering system, shall be submitted to the Planning Director for approval. Said plans shall be in substantial conformity with Exhibit "A" (dated June 26, 1968), on file in the office of the Planning Department. Approved planting shall be installed prior to the issuance of an occupancy permit on any building. Such planting shall not be modified or altered unless and until this permit shall have been amended to permit such modification or alteration.

6. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.

7. Substantial construction of the addition shall have commenced and shall be proceeding within one year from the effective date of this conditional use permit or any extension of time as may be granted herein by the City of San Diego.

8. Construction and operation of the approved use shall comply at all times with the regulations of this or other governmental agencies.

9. The effectiveness of this conditional use permit is expressly conditioned upon, and the same shall not become effective for any purpose unless and until the following events shall have occurred:

a. Permittee shall have agreed to each and every condition hereof by having this conditional use permit signed.

b. The conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0508 of the Municipal Code of the City of San Diego.

c. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

10. The project, as provided herein, shall not be used for any other purposes unless specifically authorized by the Planning Commission or City Council or both, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

11. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0505.2. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0505.2.

12. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Passed and adopted by the Planning Commission of the City of San Diego July 24, 1968.

AUTHENTICATED BY:

J. R. Quivey, Senior Planner
Planning Department

Robert S. Teaze, Secretary to the
Planning Commission

STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN DIEGO.)

On August 1, 1968, before me.

having this conditional use permit signed.

b. The conditional use permit shall not be final until the eleventh day following its filing in the office of the City Clerk and is subject to appeal to the City Council as provided for in Section 101.0508 of the Municipal Code of the City of San Diego.

c. This conditional use permit executed as indicated shall have been recorded in the office of the County Recorder.

10. The project, as provided herein, shall not be used for any other purposes unless specifically authorized by the Planning Commission or City Council or both, unless the proposed use meets every requirement of zone existing for the subject property at the time of conversion.

11. In addition to any other remedy provided by law, any breach in any of the terms or conditions of this permit or any default on the part of the Permittee or its successors in interest, shall be deemed a material breach hereof and this conditional use permit may be cancelled or revoked. Cancellation or revocation of this conditional use permit may be instituted by the City or Permittee. The Planning Director shall set this matter for public hearing before the Planning Commission giving the same notice as provided in Section 101.0505.2. An appeal from the decision of the Planning Commission may be taken to the City Council within 10 days after the decision is filed with the City Clerk. The Clerk shall set the matter for public hearing before the City Council giving the same notice as provided in Section 101.0505.2.

12. This conditional use permit shall inure to the benefit of and shall constitute a covenant running with the lands, and the terms, conditions and provisions hereof shall be binding upon Permittee, and any successor or successors thereto, and the interests of any successor shall be subject to each and every condition herein set out.

Passed and adopted by the Planning Commission of the City of San Diego July 24, 1968.

AUTHENTICATED BY:

J. R. Quivey, Senior Planner
Planning Department

Robert S. Teaze, Secretary to the
Planning Commission

STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN DIEGO.)

On August 1, 1968, before me, Sara M. Harrison, a Notary Public in and for said County and State, personally appeared J. R. Quivey and Robert S. Teaze, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same.

WITNESS my hand and official seal.

(Notary Stamp)
SARA M. HARRISON
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
Commission Expires May 24, 1969

Sara M. Harrison
Notary Public in and for said San Diego County, State of California.

ACKNOWLEDGED:

The undersigned Permittee by execution hereof agrees to each and every condition of this conditional use permit and promises to perform each and every obligation of Permittee hereunder.

HEBREW HOME FOR THE AGED, "Permittee",
a corporation

By Isaac Sway
Isaac Sway, Executive Director

STATE OF CALIFORNIA,)
) SS.
COUNTY OF SAN DIEGO.)

On this 30th day of July, 1968, before me, Isaac Sway, a Notary Public in and for said County and State, personally appeared _____, known to me to be the person whose name is is/are subscribed to the within instrument and acknowledged that I executed the same.

WITNESS my hand and official seal.
(Notary Stamp)

ROSE MISHNE
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
SAN DIEGO COUNTY
My Commission Expires May 25, 1972

Rose Mishne
Notary Public in and for said San Diego County, State of California.

CONDITIONAL USE PERMIT - CASE NO. 5[illegible]4

APPENDIX "A"

That portion of Lot 21 in Lemon Villa, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 734, filed in the office of the County Recorder of San Diego County, described as follows:

PARCEL 1:

The West Half of the East 565 feet of said Lot 21. Excepting the North 59.75 feet thereof. Also excepting therefrom the South 30 feet thereof.

PARCEL 2:

The West 11.35 feet of the East Half of the East 565 feet of said Lot 21 excepting the North 59.75 feet and South 30 feet thereof.

PARCEL 3:

The South 30 feet of the West 11.35 feet of the East Half of the East 565 feet of said Lot 21.

PARCEL 4:

The South 30 feet of the West Half of the East 565 feet of said Lot 21.

PARCEL 5:

That portion of the South 100 feet of said Lot 21 lying West of the West line of the East 565 feet of said Lot 21. Excepting therefrom the West 45 feet thereof.

PARCEL 6:

Lot 21 of said Lemon Villa, excepting the East 565 feet thereof, Also excepting the Northerly 149.75 feet and Southerly 100 feet thereof. Also excepting therefrom that portion described as follows: Beginning at the Northwest corner of the Southerly 100 feet of said Lot 21; thence along the Northerly line of said Southerly 100 feet, North 89°59' East 45.00 feet; thence parallel with the Westerly line of said Lot, North 0°01' West 45.00 feet; thence South 89°59' West 5.00 feet; thence North 0°01' West 50.00 feet; thence North 11°19'36" West 50.99 feet; thence North 0°01' West 53.25 feet to the Southerly line of the North 149.75 feet of said Lot 21; thence Westerly along said Southerly line of the Northerly 149.75 feet a distance of 30.00 feet to the Westerly line of said Lot; thence along said Westerly lot-line South 0°01' East 198.25 feet more or less, to the POINT OF BEGINNING.

PARCEL 7:

The Easterly Half of the East 565 feet of Lot 21, Lemon Villa in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 734, filed in the office of the County Recorder of San Diego County, December 2, 1892.

Excepting therefrom the North 59.75 feet thereof.

Also excepting therefrom the West 11.35 feet thereof.

ATTACHMENT 11

THE CITY OF SAN DIEGO

REPORT TO THE PLANNING COMMISSION

DATE ISSUED: September 22, 1999 REPORT NO. P-99-161

ATTENTION: Planning Commission, Agenda of September 30, 1999

SUBJECT: **JACOB HEALTH CARE.** CONDITIONAL USE PERMIT 98-1097. PROCESS 4.

REFERENCE: Municipal Code Section 101.0510.

OWNER/ APPLICANT: Jacob Graff

SUMMARY:

Issue(s): Should the Planning Commission **APPROVE** a Conditional Use Permit to expand the Jacob Health Care, an existing residential care and skilled nursing facility, adding 48,566 square feet of building area, 186 additional beds, and a 17,612 square foot, subterranean parking garage at 4075 54th Street in the Mid-City Community Plan area?

Manager's Recommendation:

1. **CERTIFY** the Mitigated Negative Declaration and adopt the Mitigation, Monitoring, and Reporting Program (LDR No. 98-1097);

2. **APPROVE** the Conditional Use Permit 98-1097.

Community Planning Group Recommendation: At the March 9, 1999 meeting of the Eastern Area Planning Committee, the committee voted by a majority to support the project (Attachment 1).

Environmental Impact: A Mitigated Negative Declaration, LDR No. 98-1097, has been prepared for this project in accordance with CEQA Guidelines. A Mitigation Monitoring and Reporting Program has been prepared and will be implemented which will reduce, to a level of insignificance, any potential impacts identified by the environmental review process.

Fiscal Impact: None with this action.

Code Enforcement Impact: None with this action.

Housing Affordability Impact: None with this action.

DIVERSITY
BRINGS US ALL TOGETHER

BACKGROUND:

The existing Jacob Health Care facility is located at 4075 54th Street between University and Orange Avenues in the Mid-City Community Plan area (Attachment 2). The 3.96 acre site is zoned MR-1000 for residential use. The facility currently operates within a 53,915 square feet of building area and provides 102 beds for residential and skilled nursing care. Surrounding uses consist of a mixture of multi-family residential complexes, commercial uses, the Villaview Community Hospital, Crawford High School, and North Park Apostolic Church. Colina Del Sol Community Park and golf course are located across 54th Street to the west.

The project operates under an existing Conditional Use Permit, granted in 1962, to establish a rest home on the property. At that time, the project was named the San Diego Hebrew Home for the Aged. In 1977, a CUP Amendment was processed which allowed the construction and operation of a residential care facility on the site.

DISCUSSION

The proposed expansion would allow for an additional 48,566 square feet of residential care facilities and additional 186 beds (Attachment 3). A proposed 17,612 square foot subterranean parking garage would provide the necessary off-street parking. Approximately 16,920 square feet of exterior usable open space would be provided for residents at the facility.

The expansion would be constructed in three phases. At build-out, the facility would total 102,481 square feet and provide 288 beds. These beds would be divided as 273 skilled nursing and 15 residential care.

CONCLUSION

All issues identified by City staff during review of the proposed project have been resolved in accordance with all City policies and regulations. The proposed additions at the site would not result in any risks to the public health, safety and welfare. The project is consistent with the Mid-City Community Plan which encourages health care and senior housing facilities within the community.

ALTERNATIVES:

A. 1. **CERTIFY** the Mitigated Negative Declaration and **ADOPT** the Mitigation, Monitoring, and Reporting Program, LDR No. 98-1097;

2. **APPROVE** the Conditional Use Permit 98-1097 with modifications.

B. 1. **CERTIFY** the Mitigated Negative Declaration and **ADOPT** the Mitigation, Monitoring, and Reporting Program, LDR No. 98-1097;

2. **DENY** the Conditional Use Permit 98-1097.

Respectfully submitted,

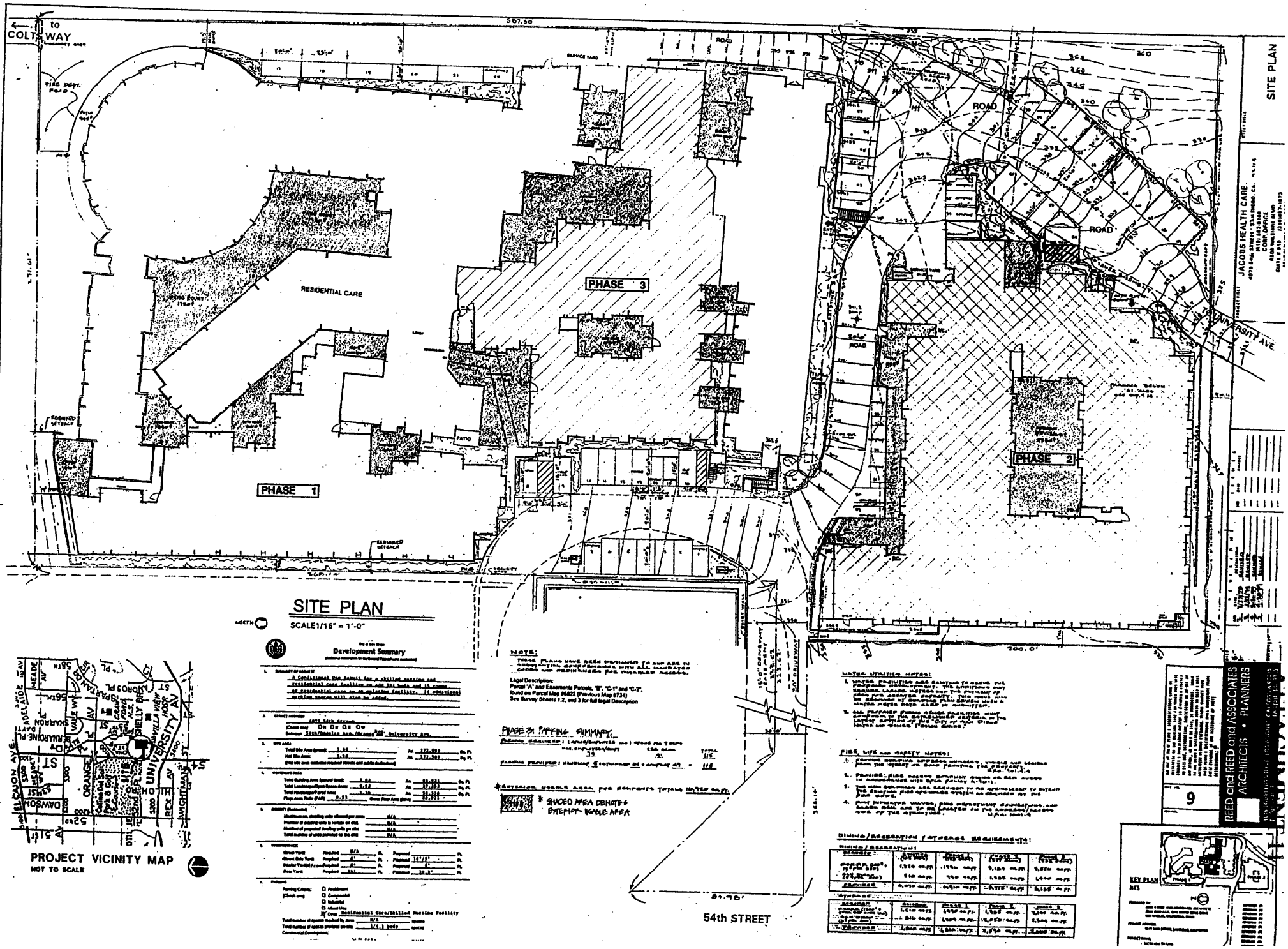
KELLY BROUGHTON
Deputy Director
Planning and Development Review

JOHN S. FISHER
Development Project Manager
Planning and Development Review

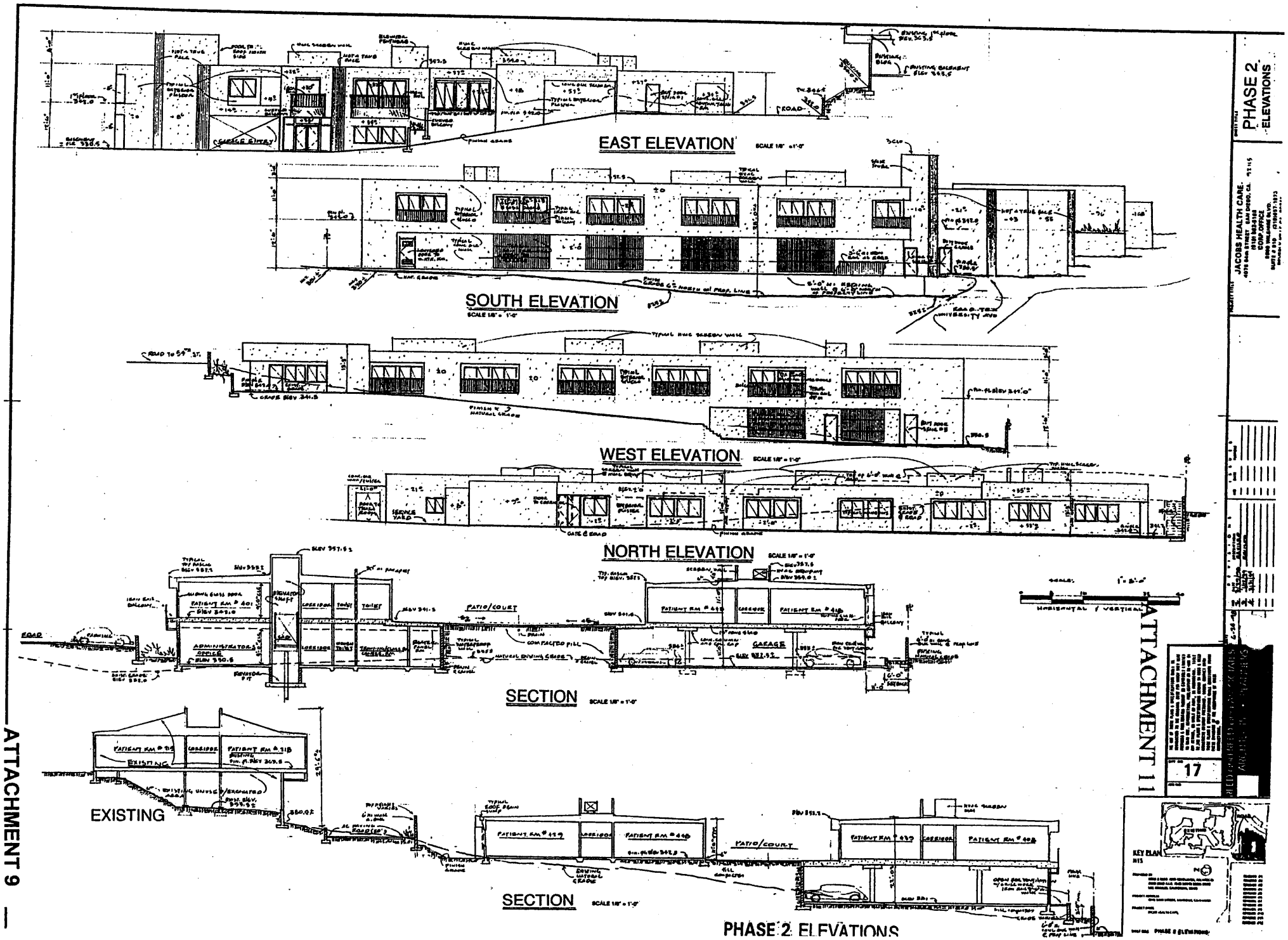
JSF:FISHER236-6543:JSF

ATTACHMENTS:

1. Eastern Area Planning Committee letter
2. Project Vicinity Map
3. Site Plan
4. Phase 1; Site Plan
5. Phase 1; Floor Plan
6. Phase 1; Elevation and Roof Plan
7. Phase 2; Site Plan
8. Phase 2; Floor Plan
9. Phase 2; Elevation and Roof Plan
10. Phase 3; Site Plan
11. Phase 3; Floor Plan
12. Phase 3; Elevation and Roof Plan
13. Grading Plan
14. Landscape Concept Plan
15. Draft Conditional Use Permit 98-1097
16. Draft Permit Resolution
17. Ownership Disclosure Statement



ATTACHMENT 3



ATTACHMENT 9

RECORDING REQUESTED BY
CITY OF SAN DIEGO
DEVELOPMENT SERVICES

AND WHEN RECORDED MAIL TO
PERMIT INTAKE
MAIL STATION 501

1) 288 beds max
2) ~~to~~ Maintain exist. footprint in phase III
3) Include therapy & laundry

SPACE ABOVE THIS LINE FOR RECORDER'S USE

CONDITIONAL USE PERMIT NO. 98-1097 **(MMRP)**
PLANNING COMMISSION
JACOB HEALTH CARE

This Conditional Use Permit is granted by the Planning Commission of the City of San Diego to JACOB GRAFF, Owner/Permittee pursuant to Section 101.0510 of the Municipal Code of the City of San Diego. The 3.96-acre site is located at 4075 54th Street in the MR-1000 zone of the Mid-City Community Plan. The project site is legally described as Parcels "A" and Easement Parcels "B", "C-1", and "C-2" found on Parcel Map No. 6622 (Previous Map No. 734).

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 and residential care facility to add 48,566 square feet of residential care facilities, 186 beds, and 59 parking spaces described as, and identified by size, dimension, quantity, type and location on the approved Exhibits "A", dated September 30, 1999, on file in the Office of Planning and Development Review. The facility shall include:

a. An existing residential care facility consisting of 53,915 square feet and 102 beds (consisting of 72 skilled nursing and 30 residential care beds);

b. An additional 48,566 square feet of residential care facilities and additional 186 beds (consisting of 201 skilled nursing and the removal of 15 residential care beds);

c. At build-out, a residential care facility totaling no more than 102,481 square feet and no more than 288 beds (consisting of 273 skilled nursing and 15 residential care beds);

d. Exterior usable area for residents totaling 16,920 square feet;

e. Landscaping (planting, irrigation and landscape related improvements); and

f. Off-street parking facilities which includes a 17,612 square-foot, subterranean parking garage; and

ATTACHMENT 15
DRAFT PERMIT

g. 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 Municipal 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 Code requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decisionmaker.

2. No permit for the construction, demolition, 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 Conditional Use Permit to Planning and Development Review; and

b. The Conditional Use Permit is recorded in the office of the San Diego County Recorder by the Planning and Development Review Department.

3. Unless this Conditional Use 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 Conditional Use Permit may be revoked by the City if there is a material breach or default in any of the conditions of this permit.

5. 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.

6. The utilization and continued use of this permit shall be subject to the regulations of this and any other applicable governmental agencies.

7. 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.)

8. 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.

9. 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 September 30, 1999, on file in the Office of Planning and Development Review. No change, modifications or alterations shall be made unless appropriate applications or amendment of this permit shall have been granted.

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 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" 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 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. All projects submitted for plan check for the purpose of obtaining building permits shall concurrently submit building plans which meet the submittal requirements of the "Applicant's Guide to Project/Permit Applications;" items 11 through 29, as applicable; together with appropriate plan check fees.

12. This permit may be developed in phases. Each phase shall be constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase (per the approved Exhibits "A," dated September 30, 1999, on file in the Office of Planning and Development Review).

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in Mitigated Negative Declaration LDR No. 98-1097, satisfactory to the City Manager and the City Engineer. Prior to construction, issuance of any grading permit, issuance of building permits and/or release of grading bond, all mitigation measures as specifically outlined in the MMRP shall be implemented for the following issue areas:

- Cultural Resources,
- Paleontological Resources, and
- Traffic Circulation.

14. Prior to issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the construction of a southbound to eastbound left-turn lane and necessary median improvements to allow this left-turn in only at the intersection of Jacobs Health Care Center Driveway and 54th Street, satisfactory to the City Engineer.

15. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Removal Agreement, from the City Engineer, for landscaping in 54th Street.

16. The drainage system proposed for this development, as shown on the approved plans, is subject to approval by the City Engineer.

17. Prior to the issuance of any building permits, the Owner/Permittee shall obtain a bonded grading permit from the City Engineer for the grading proposed for this project. All grading shall conform to requirements in accordance with the Municipal Code, in a manner satisfactory to the City Engineer.

18. Prior to building occupancy, the Owner/Permittee shall conform to the Municipal Code, "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.

19. Prior to the issuance of any building permits, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department and the City Engineer. If more than two (2) fire hydrants are located on a dead-end water main then the developer shall install a redundant water system of adequate capacity to provide appropriate fire flows to this development.

20. Prior to the issuance of any building permits, the Owner/Permittee shall provide a sewer study, satisfactory to the Metropolitan Wastewater Department Director , for the sizing, grade and alignment of the relocated public gravity sewer facilities and to show that the existing and proposed public sewer facilities will provide adequate capacity and have cleansing velocities necessary to serve this development and the drainage basin in which it lies. The study shall identify appropriate easements and vehicular access.

21. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install all sewer facilities as required by the accepted sewer study necessary to serve this development, including vehicular access within easements. Sewer facilities, as shown on the approved site plan, will require modification based on the accepted sewer study.

22. The Owner/Permittee agrees to design all proposed public water and sewer facilities in accordance with the criteria established in the most current edition of the "City of San Diego Water & Sewer Design Guide." Proposed facilities that do not meet the current standards shall be redesigned.

23. Prior to the issuance of any building permits, the Owner/Permittee shall grant adequate water, sewer, and/or access easements, including vehicular access to each appurtenance (meters, blow offs, air valves, manholes, etc.), for all public water and

sewer facilities that are not located within fully improved public rights-of-way, satisfactory to the Water and Metropolitan Wastewater Departments' Directors. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with suitable approved material satisfactory to the appropriate Department Manager. Minimum easement widths: water mains with services or fire hydrants - 24 feet, sewer mains with manholes - 20 feet. The easements shall be located within single lots. No structures or trees shall be installed in or over any easement prior to the applicant obtaining an encroachment removal agreement. No structures or landscaping of any kind shall be installed in or over any access easement.

24. Off-street parking spaces shall be maintained for each of the following phases:

    a. Phase I: No fewer than 74 total spaces
    b. Phases II and III: No fewer than 115 total spaces

Off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibits "A," dated September 30, 1999, on file in the Office of Planning and Development Review. Parking spaces shall comply at all times with the Municipal Code and shall not be converted for any other use unless otherwise authorized by the City Manager.

25. 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.

26. 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) or the maximum permitted building height of the underlying zone, whichever is lower, unless a deviation or variance to the height limit has been granted as a specific condition of this permit.

27. A topographical survey conforming to the provisions of the Municipal 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 Owner/Permittee.

28. 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.

29. All signage associated with this development shall be consistent with sign criteria established by City-Wide Sign Regulations.

30. Prior to the issuance of any building permits, complete outdoor lighting information shall be submitted to the Planning and Development Review, Land Development

Review Division for review and approval. Complete lighting information shall include a plan view photometric analysis indicating an isofoot candle plot and a point by point plot to include all areas within the private property and to extend a minimum of fifty (50) 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.

Prior to the issuance of any occupancy permit, a night inspection shall be required to verify compliance of the outdoor lighting system. No light shall be directed to fall outside the property line. Light levels along the perimeter of the property shall be measured no higher than three footcandles. Light levels throughout the development shall be the least practical level necessary to effectively illuminate the operation. Sky glow or light halo shall be reduced to the greatest extent practical and in no case shall initial light levels be measured exceeding eight footcandles anywhere within the site. The Owner/Permittee, or an authorized representative, shall provide an illuminance meter to measure light levels as required to establish conformance with the conditions of this permit during the night inspection. Night inspections may be required additional fees as determined by the Planning and Development Review Manager.

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

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

33. 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 architecturally integrated structure whose top and sides may include grillwork, louvers and latticework.

34. No merchandise, material or equipment shall be stored on the roof of any building.

35. Prior to the issuance of building permits, construction documents shall fully illustrate compliance with the Citywide Storage Standards for Trash and Recyclable Materials to the satisfaction of the City Manager. All exterior storage enclosures for trash and recyclable materials shall be located in a manner that is convenient and accessible to all occupants of and service providers to the project, in substantial conformance with the conceptual site plan marked "Exhibit A".

36. Prior to issuance of any grading, or building permits, complete landscape construction documents, including plans, details and specifications (including a permanent automatic irrigation system unless otherwise approved), shall be submitted to the City Manager for approval. The construction documents shall be in substantial conformance with Exhibit "A," Landscape Concept Plan, dated September 30, 1999, on file in the Office of Planning and Development Review. No change, modification or

alteration shall be made unless appropriate application or amendment of this Permit shall have been granted.

37. Prior to issuance of grading permits, interim landscape and erosion control measures, including hydroseeding of all disturbed land (all slopes and pads), shall be submitted to the satisfaction of the City Manager (including the Environmental Section) and City Engineer. All plans shall be in substantial conformance to Exhibit "A," dated September 30, 1999, on file in the Office of Planning and Development Review and all other applicable conditions of related permits.

38. The timely erosion control including planting and seeding of all slopes and pads consistent with the approved plans is considered to be in the public interest and the Permittee shall initiate such measures within 45 days from the date that the grading of the site is deemed to be complete. Such erosion control and the associated irrigation systems (temporary and/or permanent) and appurtenances shall be installed in accordance with the approved plans and the Landscape Technical Manual.

39. 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 and to obtain a No Fee Street Tree Permit for the installation, establishment and on-going maintenance of all street trees. Copies of these approved documents must be submitted to the City Manager.

40. All required landscape shall be maintained in a disease, weed and litter free condition at all times and shall not be modified or altered unless this Permit has been amended. Modifications such as severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The Permittee, or subsequent Owner shall be responsible to maintain all street trees and landscape improvements consistent with the standards of the Landscape Technical Manual.

41. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved plans is damaged or removed during demolition, it shall be repaired and/or replaced in kind and equivalent size per the approved plans within 30 days of completion of construction by the Permittee. The replacement size of plant material after three years shall be the equivalent size of that plant at the time of removal (the largest size commercially available and/or an increased number) to the satisfaction of the City Manager.

APPROVED by the Planning Commission of the City of San Diego on September 30, 1999.

PLANNING COMMISSION
RESOLUTION NO. (to be filled in)
CONDITIONAL USE PERMIT NO. 98-1097
JACOB HEALTH CARE

WHEREAS, JACOB GRAFF, Owner/Permittee, filed an application with the City of San Diego for a permit to allow the expansion of an existing skilled nursing and residential care facility to add 48,566 square feet of residential care facilities, add 186 beds, and 59 parking spaces (as described in and by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit No. 98-1097, on portions of a 3.96-acre site and;

WHEREAS, the project site is located at 4075 54th Street in the MR-1000 zone of the Mid-City Community Plan and;

WHEREAS, the project site is legally described as Parcels "A" and Easement Parcels "B", "C-1", and "C-2" found on Parcel Map No. 6622 Previous Map No. 734, and;

WHEREAS, on September 30, 1999, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 98-1097 pursuant to Sections 101.0510 of the Municipal Code of the City of San Diego; NOW, THEREFORE,

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

That the Planning Commission adopts the following written Findings, dated September 30, 1999.

FINDINGS:

CONDITIONAL USE

A. THE PROPOSED USE WILL FULFILL AN INDIVIDUAL AND/OR COMMUNITY NEED AND WILL NOT ADVERSELY AFFECT THE CITY'S PROGRESS GUIDE AND GENERAL PLAN OR THE ADOPTED COMMUNITY PLAN.

The proposed project to expand an existing hospital by means of a Conditional Use Permit will fulfill a community need by providing a modern facility to address the needs of the community for convalescent facilities. The site is identified by the Mid-City Community Plan and the City's Progress Guide and General Plan for development with residential uses and a hospital would be allowed with the approval of a Conditional Use

Permit. The proposed uses on this site, which are consistent with the land use policy documents guiding development in the community, will not adversely affect the community or City.

B. THE PROPOSED USE WILL COMPLY WITH THE RELEVANT REGULATIONS IN THE MUNICIPAL CODE IN EFFECT FOR THIS SITE.

As required by a Conditional Use permit, the proposed development will comply with all relevant regulations of the Municipal Code. Variances or deviations to the Municipal Code are not required nor are being requested or granted by the approval of the proposed project.

BE IT FURTHER RESOLVED that, based on the findings hereinbefore adopted by the Planning Commission, Conditional Use Permit 98-1097 is hereby GRANTED by the Planning Commission to the referenced Owner/Permittee, in the form, exhibits, terms and conditions as set forth in Permit No. 98-1097, a copy of which is attached hereto and made a part hereof.

SCOTT VURBEFF
Development Project Manager
Development Services

LINDA LUGANO
Legislative Recorder to the
Planning Commission

Adopted on: September 30, 1999

H:\P2K.PRJ\#1731\reso.wpd

June 11, 2008

To: Paul Godwin

From: The Eastern Area Communities Planning Committee (EACPC)

Re: Jacobs Healthcare Facility– PTS # 146595
EACPC Approval of Development and Remodel

The EACPC voted to approve the above named project at our June 10, 2008 general meeting. The number of committee members present at the meeting was eleven (11). We currently have fourteen (14) EACPC members and one (1) vacancy. As Chair, I do not vote except to make or break a tie. Our vote was nine (9) in favor of the project, one (1) against and no abstentions.

The EACPC's vote includes the recommendation that the median running down 54th Street NOT be broken to allow for a left turn from southbound 54th Street into the facility's driveway.

Until recently there was a break in the median at that very location, however children from the west side of 54th Street were crossing 54th Street on their way to their schools on the East side of the street creating a hazardous situation for them and for drivers.

The solution to the hazard was to create a solid median with a fence running down the center of the median on 54th Street all the way from Trojan Avenue south to University Avenue. The fenced median has created a much safer environment for everyone and we do not want to revert to the hazardous situation we endured before. Any break in the median and fence will cause problems again. The light at 54th and University has a dedicated left turn arrow, allows U-turns and it is not at all difficult for southbound drivers to go the short distance to University and make a U-turn at that corner.

Our review of the traffic study shows the traffic flow to be one way in and one way out of the facility's driveway and that is the traffic flow the EACPC wants to see.

ATTACHMENT 12

Godwin, Paul

From: Laura Riebau [lriebau@watkinsfirm.com]
Sent: Wednesday, June 11, 2008 2:30 PM
To: Godwin, Paul
Cc: jlevesque@earthlink.net
Subject: EACPC approval of Jacobs Healthcare Facility development - PTS 146595
Attachments: Jacobs Healthcare Center.doc

Hi Paul attached is the EACPC recommendation on the above named project.

Would you please let me know when this is scheduled to go to the planning commission.

Thank you very much. Please do not hesitate to contact me if you have any questions.

Sincerely,

Laura Riebau
EACPC Chair
619-208-6813
laurariebau@yahoo.ie

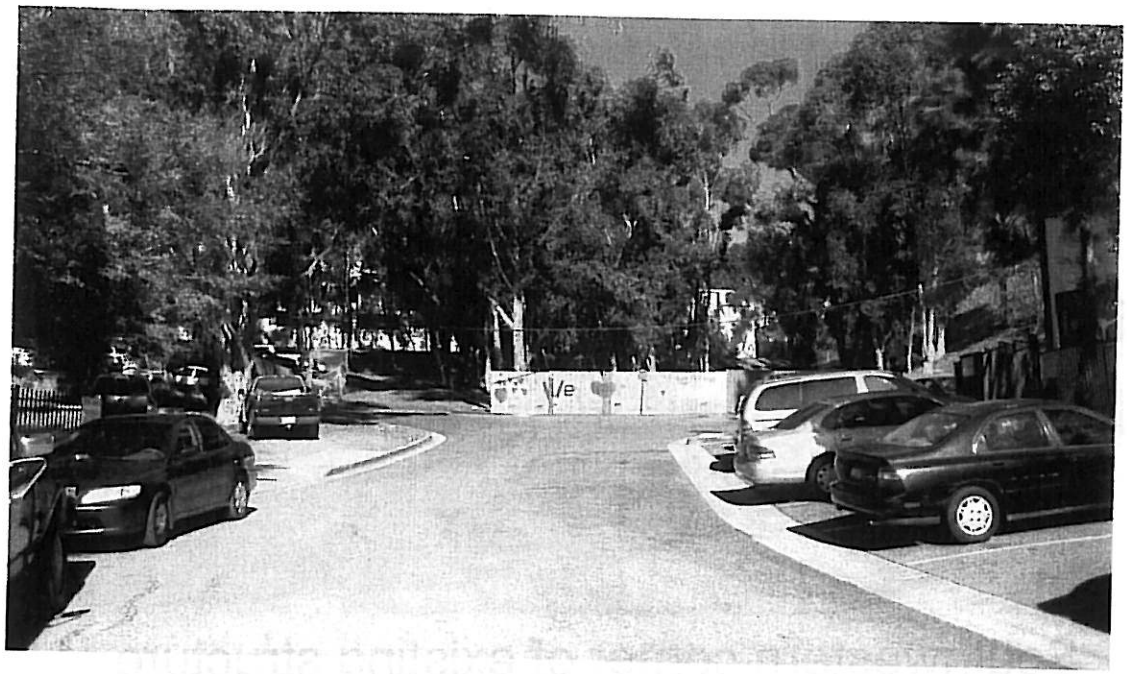
ATTACHMENT 15

DEVELOPMENT SERVICES

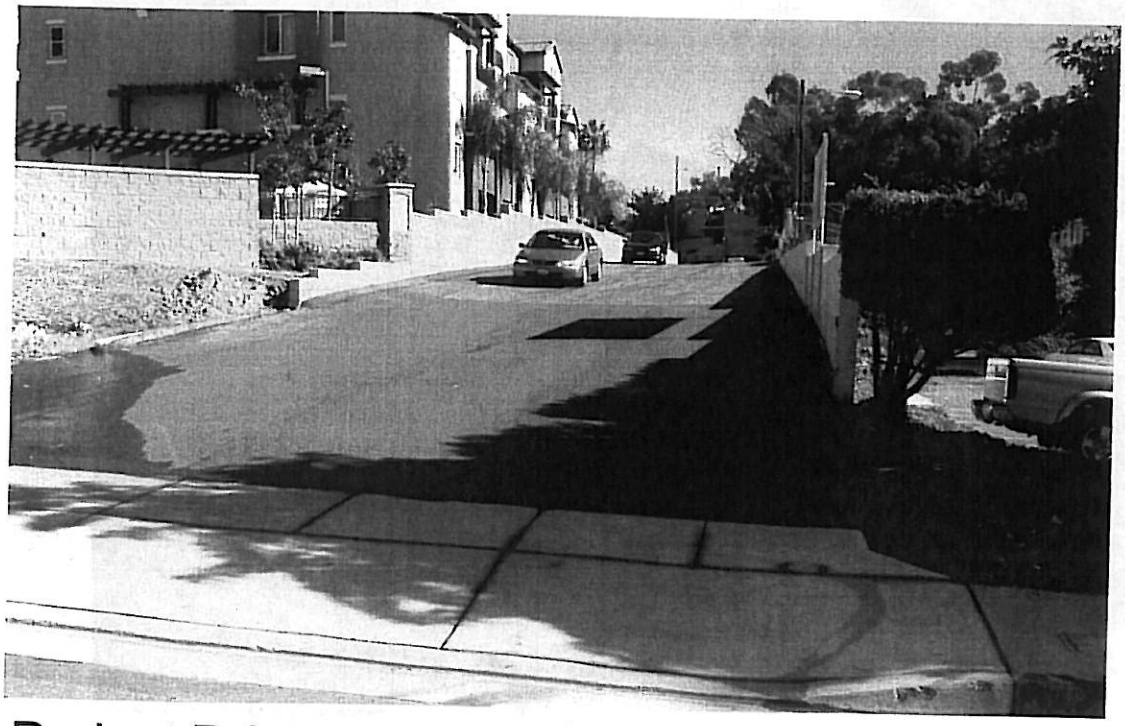
Project Chronology

JACOB HEALTH CARE; PROJECT NO. 146595

	Action	Description	City Review Time	Applicant Response
1/15/08	**First Submittal**	**Project Deemed Complete**		
3/5/08	First Assessment Letter	Assessment letter sent to applicant.	50 days	
8/5/08	Second submittal	Applicant's response to first assessment letter		153 days
9/10/08	Second Assessment Letter	Assessment letter sent to applicant.	36 days	
10/21/08	Third submittal	Applicant's response to second assessment letter		41 days
11/24/08	Third Assessment Letter	Assessment letter sent to applicant.	34 days	
12/3/08	Fourth submittal	Applicant's response to third assessment letter		9 days
12/22/08	All Cycle Issues Resolved	Staff review complete	19 days	
12/26//08	Draft MND Completed	Sent out for public review	4 days	
1/28/09	Final MND Completed		33 days	
2/19/09	Planning Commission Hearing		22 days	
TOTAL STAFF TIME**			**198 days**	
TOTAL APPLICANT TIME**				**203 days**
TOTAL PROJECT RUNNING TIME		From Deemed Complete to PC Hearing	401 days	



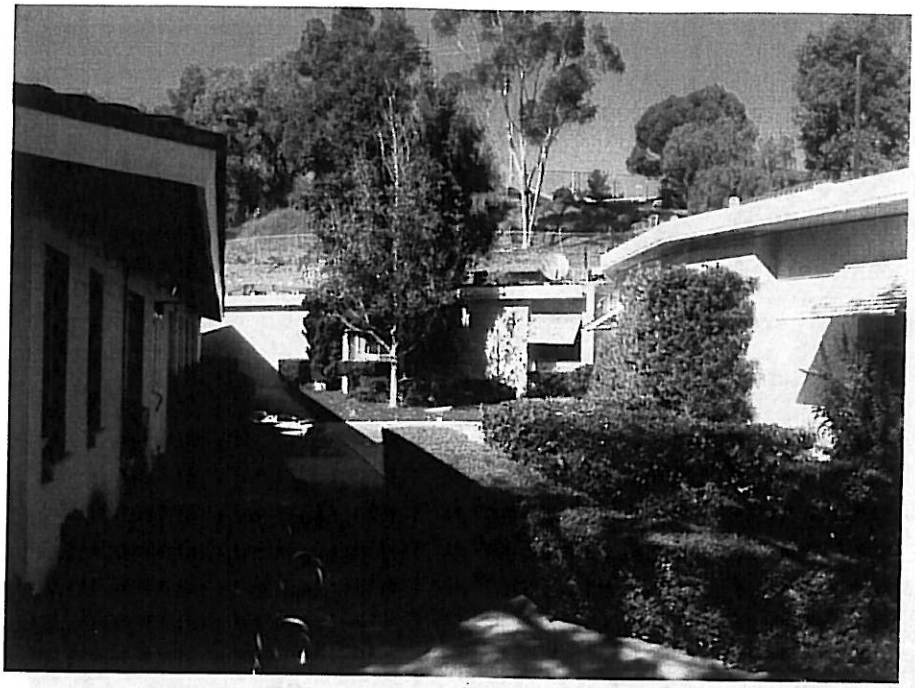
Project Driveway on University Avenue Looking North



Project Driveway on 54th Street, Looking East

Southwestern corner of existing structure

View of west elevation of existing structure when entering from driveway on 54th Street



Internal courtyard area of existing structure

Northwest elevation of existing structure

Looking south to the undeveloped portion of site proposed for development in Phase II

Looking east at the southern project boundary, area to be developed in Phase II