

MEMORANDUM

TO: Honorable Mayor and Members of the City Council **CC:** C. Newton, K. Pulskamp, K. Striplin, P. Brotzman, L. Webber, S. Sorensen, F. Follstad

FROM: Joseph M. Montes

DATE: June 23, 2008

RE: Henry Mayo Newhall Memorial Hospital Entitlements

The City Council has held hearings on a proposed Master Plan, a Development Agreement and a Conditional Use Permit (CUP) for the construction of buildings in excess of the City's 35' height threshold for the above-referenced project. The 2008 Revised Draft Environmental Impact Report (DEIR) indicates that the applicant is now only seeking a Master Plan and Development Agreement, at the suggestion of City staff. The requested CUP for building heights has been included within the Master Plan request. This rolling of the CUP into the Master Plan has not changed the scope of the Project; it has merely streamlined the entitlement package, as detailed more fully below.

The original application for the project was made in August of 2004. At that time, the Master Plan section of the UDC did not exist--it was not adopted until February 2005. After the adoption of that section, the application was revised to include a request for a Master Plan--but the previously requested CUP for buildings in excess of 35' in height was not withdrawn. Staff did not require that the CUP application be withdrawn at that time, as it did not create an inconsistency with the Master Plan entitlement application, but was merely redundant in nature. With the preparation and circulation of the 2008 Revised Draft EIR, City staff, with the advice of the City Attorney's Office, has taken the opportunity to streamline the list of requested entitlements to include only the Master Plan and Development Agreement.

UDC section 17.03.025 provides in relevant part:

"17.03.025 Master Plans.

A. Purpose. *The purposes of this chapter are to:*

- 1. Establish a procedure by which multiple uses and development can be evaluated, considered, and approved concurrently, thereby reducing processing time and uncertainty by eliminating the need for multiple entitlements to be obtained over the life of a development project; and*
- 2. Ensure orderly and comprehensive City review of development plans resulting in more compatible and desirable development.*

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*B. **Permitted Uses.** Master plans may be considered for development projects which meet the following:*

1. Multiple uses can be included and considered as part of a master plan. The following uses may be approved as part of a master plan:

- a. Uses permitted or conditionally permitted in the underlying zone;*
- b. Uses accessory to a permitted or conditionally permitted use; and/or*
- c. Uses similar in nature and directly associated with and dependent upon the primary function of the master plan.”*

As contemplated by Section B.1.a. above, the proposed project includes a combination of both permitted and conditionally permitted uses: hospital within a residential zone, medical office buildings, two helipads, buildings in excess of 35 feet, and the exportation of 93,293 cubic yards of earth over the 15-year life of the project. By including all of these uses as expressly permitted by the Master Plan, rather than approve these various uses through separate entitlements, the City can ensure that all aspects of the project are developed subject to consistent conditions of approval, deadlines and expiration dates. Staff believes this approach is more consistent with the intent of the Master Plan ordinance; thus the revised discussion of entitlements in the Revised DEIR.

NOTE: This memorandum is intended for public distribution in connection with the recirculation of the DEIR.