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(R-2008-1039)
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RESOLUTION NUMBER R- 303736
DATE OF FINAL PASSAGE MAY 20 2008

WHEREAS, Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, filed an application with the City of San Diego for a permit for the construction of a central energy plant, expansion of the emergency department, construction of two surface parking lots, demolish existing structures and construction of a six level parking structure, and a rezone of the site by reference to the approved Exhibits "A" and corresponding conditions of approval for the associated Permit Nos. 304755 and 531932, on portions of a 19.25-acre site; and

WHEREAS, the project site is located between Washington Street, 4th Avenue, 6th Avenue and Arbor Drive at 4077 5th Avenue in the NP-1 zone and the MR-800B zone of the Mid-City Communities Planned District, the RS-1-4 zone, the Airport Environs Overlay Zone, the FAA Notification Area for Lindbergh Field, and the Transit Area Overlay Zone within the Uptown Community Plan area; and

WHEREAS, the project site is legally described as Parcel 1 of Parcel Map 8543, Map No. 1069; Lot 11 in Block 3 of Hillcrest, Map No. 1024; Lots 7 through 9 and a portion of Lot 28, Block 3 of Hillcrest, Map No. 1024, a portion of the alley within Block 3 as vacated and a portion of Lot 2 of Mercy Subdivision, Map No. 5252, and a portion of the alley between Lot 2 and Lot 7 and Lot 8 as vacated, Map No. 11832; Lots 36 through 53, and Lots 74 through 91, and Lot 36A in Block 1, and Lots 37A and 38A in Block 3 of D.B. Williams Subdivision of Lots 35, 36, and a portion of Lots 47 and 50 of Fleishers Addition, Map No. 855, City of San Diego, County of San Diego, State of California; and

WHEREAS, on April 3, 2008, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 304755 and Site Development Permit No. 531932 and pursuant to the Resolution No. 4392PC; and

WHEREAS, under Charter section 280(a)(1) this resolution is not subject to veto by the Mayor because this matter is exclusively within the purview of the City Council and not affecting the administrative service of the City under the control of the Mayor; and

WHEREAS, the matter was set for public hearing on **MAY 20 2008**, testimony hearing been heard, evidence having been submitted and City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED by the City Council of the City of San Diego that the following findings are made:

A. CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE SECTION 126.0305

- 1. The proposed development will not adversely affect the applicable land use plan.**
The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

One of the objectives set forth in the Community Plan is to reduce parking impacts generated by the medical facilities. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

Another objective of the Community Plan is to preserve the vegetated canyons surrounding the medical complex area. Scripps Mercy Hospital and its accessory buildings are located above a small canyon that is designated open space. A portion of the property designated as open space was actually developed prior to the application of the open space designation. As part of the project, Scripps Mercy Hospital has asked the City to amend the Community Plan to remove the open space

designation from those areas erroneously designated. A small portion of the new parking structure will encroach on undeveloped land designated as open space. The Community Plan amendment will remove the open space designation from that portion of the site. In exchange, Scripps Mercy will designate additional land in the canyon exceeding the square footage of the land from which the open space designation will be removed. In addition, Scripps Mercy has agreed to rezone the designated open space area to an open space zone and place an open space easement over those portions of canyon that they own. The project will therefore not adversely affect the Uptown Community Plan and will actually cause the property to be more in keeping with the intent of the Community Plan.

A recommendation of the Community Plan is to improve the appearance of the existing hospital facilities through the use of screening and architectural design. The façade of the new parking structure has been architecturally enhanced and landscaped, making it a positive addition to the neighborhood from an aesthetic perspective. Landscaping will also be enhanced with additional plantings on the east side of the campus as viewed from 6th Avenue. By meeting the objectives and recommendations of the Community Plan, the project will not adversely affect the plan.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The addition to the emergency department will improve the ability of Scripps Mercy Hospital to serve the health needs of the community. In addition, the increase in the number of parking spaces on site will improve the parking situation in the neighborhood. Currently, the site lacks sufficient parking to accommodate patients, visitors, and hospital personnel. The neighborhood is impacted by drivers circling the site looking for available parking. The addition of a large parking structure for medical staff will improve the existing condition. The addition of handicap accessible spaces will also improve service to patients. The new central energy plant will consolidate and modernize an aging plant with state of the art technology that will improve energy efficiency.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of paleontology and biology. Implementation of the Mitigation, Monitoring and Reporting Program would require paleontological monitoring during grading and excavation that would reduce potential impacts to below a level of significance. All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project will not therefore be detrimental to the public

health, safety and welfare, but will improve the general well being of the community.

3. **The proposed development will comply to the maximum extent feasible with the regulations of the Land Development Code.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The proposed project complies with all applicable development regulations of the CN-1A and the NP-1 Zones of the Mid-City Communities Planned District, except for the two proposed deviations, which are allowed through the Site Development Permit process and in accordance with the Mid-City Communities Planned District. The deviations requested by the applicant are as follows:

- a. *Setbacks:* In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100 percent deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. The two proposed surface parking lots in the NP-1 zone and will therefore have a coverage of 0%. This is a 100 percent deviation from the requirement.

When considering the project as a whole, the requested deviations are minor in scope and provides for a more attractive design than would be achieved through the strict application of the development regulations.

4. **The proposed use is appropriate at the proposed location.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

The project is an amendment to an existing to Conditional Use Permit allowing a hospital use that is permitted in the underlying zone with a Conditional Use Permit. Furthermore, the site is specifically designated for medical uses in the Uptown Community Plan. The hospital has historically been located in this area in a neighborhood where many medical-related uses have arisen around the hospital use. Because of its central location at its proximity to the freeway, the hospital is able to accept residents from many communities that do not have their own hospital. By providing more parking and preserving the open space canyon, the project is able to

better serve the community and mitigate its impacts on the immediate neighborhood and it therefore appropriate at this location.

B. SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE SECTION 126.0504(a)

- 1. The proposed development will not adversely affect the applicable land use plan.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

One of the objectives set forth in the Community Plan is to reduce parking impacts generated by the medical facilities. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

Another objective of the Community Plan is to preserve the vegetated canyons surrounding the medical complex area. Scripps Mercy Hospital and its accessory buildings are located above a small canyon that is designated open space. A portion of the property designated as open space was actually developed prior to the application of the open space designation. As part of the project, Scripps Mercy Hospital has asked the City to amend the Community Plan to remove the open space designation from those areas erroneously designated. A small portion of the new parking structure will encroach on undeveloped land designated as open space. The Community Plan amendment will remove the open space designation from that portion of the site. In exchange, Scripps Mercy will designate additional land in the canyon exceeding the square footage of the land from which the open space designation will be removed. In addition, Scripps Mercy has agreed to rezone the designated open space area to an open space zone and place an open space easement over those portions of canyon that they own. The project will therefore not adversely affect the Uptown Community Plan and will actually cause the property to be more in keeping with the intent of the Community Plan.

A recommendation of the Community Plan is to improve the appearance of the existing hospital facilities through the use of screening and architectural design. The façade of the new parking structure has been architecturally enhanced and landscaped, making it a positive addition to the neighborhood from an aesthetic perspective. Landscaping will also be enhanced with additional plantings on the east side of the campus as viewed from 6th Avenue. By meeting the objectives and recommendations of the Community Plan, the project will not adversely affect the plan.

- 2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The addition to the emergency department will improve the ability of Scripps Mercy Hospital to serve the health needs of the community. In addition, the increase in the number of parking spaces on site will improve the parking situation in the neighborhood. Currently, the site lacks sufficient parking to accommodate patients, visitors, and hospital personnel. The neighborhood is impacted by drivers circling the site looking for available parking. The addition of a large parking structure for medical staff will improve the existing condition. The addition of handicap accessible spaces will also improve service to patients. The new central energy plant will consolidate and modernize an aging plant with state of the art technology that will improve energy efficiency.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of paleontology and biology. Implementation of the Mitigation, Monitoring and Reporting Program would require paleontological monitoring during grading and excavation that would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project will not therefore be detrimental to the public health, safety and welfare, but will improve the general well being of the community.

- 3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The proposed project complies with all applicable development regulations of the CN-1A and the NP-1 Zones of the Mid-City Communities Planned District, except for the two proposed deviations, which are allowed through the Site Development Permit process and in accordance with the Mid-City Communities Planned District. The deviations requested by the applicant are as follows:
- a. In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of

the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100 percent deviation.

- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. The two proposed surface parking lots in the NP-1 zone and will therefore have a coverage of 0%. This is a 100 percent deviation from the requirement.

When considering the project as a whole, the requested deviations are minor in scope and provides for a more attractive design than would be achieved through the strict application of the development regulations.

C. **MID-CITY COMMUNITIES DEVELOPMENT PERMIT – SAN DIEGO**
MUNICIPAL CODE SECTION 1512.0203(d) (1-6)

1. **The proposed use and project design meet the purpose and intent of the Mid-City Communities Plan District Ordinance and will not adversely affect the Uptown Community Plan.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood.

One of the objectives set forth in the Community Plan is to reduce parking impacts generated by the medical facilities. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

Another objective of the Community Plan is to preserve the vegetated canyons surrounding the medical complex area. Scripps Mercy Hospital and its accessory buildings are located above a small canyon that is designated open space. A portion of the property designated as open space was actually developed prior to the application of the open space designation. As part of the project, Scripps Mercy Hospital has asked the City to amend the Community Plan to remove the open space designation from those areas erroneously designated. A small portion of the new parking structure will encroach on undeveloped land designated as open space. The Community Plan amendment will remove the open space designation from that portion of the site. In exchange, Scripps Mercy will designate additional land in the canyon exceeding the square footage of the land from which the open space designation will be removed. In addition, Scripps Mercy has agreed to rezone the designated open space area to an open space zone and place an open space easement over those portions of canyon that they own. The project will therefore not adversely affect the Uptown Community Plan and will actually cause the property to be more in keeping with the intent of the Community Plan.

A recommendation of the Community Plan is to improve the appearance of the existing hospital facilities through the use of screening and architectural design. The façade of the new parking structure has been architecturally enhanced and landscaped, making it a positive addition to the neighborhood from an aesthetic perspective. Landscaping will also be enhanced with additional plantings on the east side of the campus as viewed from 6th Avenue. By meeting the objectives and recommendations of the Community Plan, the project will not adversely affect the plan.

Therefore, the use and project design do meet the purpose and intent of the Mid-City Communities Plan District Ordinance and would not adversely affect the Uptown Community Plan.

2. **The proposed development will be compatible with existing and planned land use on adjoining properties and will not constitute a disruptive element to the neighborhood and community. In addition, the proposed development will achieve architectural harmony with the surrounding neighborhood and community to the extent possible.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. Scripps Mercy is building a new parking structure therefore reducing parking impacts generated by the medical facilities on the surrounding neighborhoods. By providing additional staff and physician parking, the project will reduce the number of cars that currently circle the neighborhoods in search of parking. Visitors and patients will be able to find space in the existing parking structure more easily. Furthermore, the addition of new accessible parking spaces close to the hospital entrance will improve the efficiency of the traffic flow around the hospital.

The parking structure includes an open roof design with approximately twelve trellises, concrete, stone veneer and stainless steel materials, as well as a contemporary glass architectural element and a green screen to provide visual interest at a pedestrian friendly scale. A green screen panel is included for three floors on the north elevation of the structure. This green screen would compliment the proposed private fire lane north of the structure, which would connect Fourth and Fifth Avenue and provide Fire Department access as well as a landscape buffer to the residential properties to the north. Therefore, the proposed project would achieve architectural harmony with the surrounding neighborhood and community to the extent possible.

3. **The proposed use, because of conditions that have been applied to it, will not be detrimental to the health, safety and general welfare of persons residing or working in the area, and will not adversely affect other properties in the vicinity.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan

area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The addition to the emergency department will improve the ability of Scripps Mercy Hospital to serve the health needs of the community. In addition, the increase in the number of parking spaces on site will improve the parking situation in the neighborhood. Currently, the site lacks sufficient parking to accommodate patients, visitors, and hospital personnel. The neighborhood is impacted by drivers circling the site looking for available parking. The addition of a large parking structure for medical staff will improve the existing condition. The addition of handicap accessible spaces will also improve service to patients. The new central energy plant will consolidate and modernize an aging plant with state of the art technology that will improve energy efficiency.

A Mitigated Negative Declaration was prepared for this project in accordance with State of California Environmental Quality Act (CEQA) Guidelines. The proposed project includes mitigation measures to offset potential impacts to the environment in the areas of paleontology and biology. Implementation of the Mitigation, Monitoring and Reporting Program would require paleontological monitoring during grading and excavation that would reduce potential impacts to below a level of significance.

All Uniform Building, Fire, Plumbing, Electrical, Mechanical Code and City regulations governing the construction and continued operation of the development apply to this project to prevent adverse affects to those persons or properties in the vicinity of the project. The project will not therefore be detrimental to the public health, safety and welfare, but will improve the general well being of the community.

4. **Adequate Public Facilities (Park deficient neighborhoods).** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy and is not located in a park deficient neighborhood, therefore, this finding does not apply to this project. The Mid-City Communities Planned District identifies facility deficient neighborhoods as those neighborhoods that are shown on Map No. B-4104. The Central Urbanized Planned District now incorporates all neighborhoods that are shown on Map No. B-4101 and those neighborhoods are no longer within the Mid-City Communities Planned District.
5. **Adequate Lighting.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy and has been conditioned to conform with all current street lighting standards according to the adopted City of San Diego Street Design Manual and Council Policy 200-18. Implementation and review of these requirements will occur during the construction permit stage of this project.
6. **The proposed use will comply with the relevant regulations in the San Diego Municipal Code.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy

plant, and the expansion of the emergency department at Scripps Mercy. The proposed project complies with all applicable development regulations of the CN-1A and the NP-1 Zones of the Mid-City Communities Planned District, except for the two proposed deviations, which are allowed through the Site Development Permit process and in accordance with the Mid-City Communities Planned District. The deviations requested by the applicant are as follows:

- a. In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100 percent deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. The two proposed surface parking lots in the NP-1 zone and will therefore have a coverage of 0%. This is a 100 percent deviation from the requirement.

When considering the project as a whole, the requested deviations are minor in scope and provides for a more attractive design than would be achieved through the strict application of the development regulations.

**D. SITE DEVELOPMENT PERMIT FOR ESL – SUPPLEMENTAL FINDINGS –
SAN DIEGO MUNICIPAL CODE SECTION 126.0504(b)**

1. **The site is physically suitable for the design and siting of the proposed development and the development will result in minimum disturbance to environmentally sensitive lands.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. All new proposed construction is related to efficient operation of the hospital and to the minimization of its impacts on the surrounding neighborhood. The proposed parking structure, emergency room expansion, surface parking lots and central energy plant are to be built on previous disturbed or developed land. Therefore, the applicant's project will not disturb environmentally sensitive lands. However, the City's Metropolitan Wastewater Department has required the applicant to include as a project feature a road to be constructed in a canyon on the north side of the hospital campus to access existing manholes in the canyon. The road will extend partially into the canyon and will only be 17 feet wide. Grass-crete technology will be used for the 12 foot width of the 237 foot long road. A grass lined drainage swale of 5 feet will be constructed as part of the road. Only .01-acre of non-native grassland will be disturbed for the construction of the road. Therefore the project in its entirety will have minimal impact on environmentally sensitive lands.

- 2. The proposed development will minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The majority of the project features will be constructed on already disturbed or developed land. The access road is designed to be as narrow and unobtrusive as possible using grass-crete technology and located so that it only disturbs .01-acre of non-native grassland. The road will be located in an area of the canyon which has generally already been disturbed. No risk of geologic or erosional forces has been identified, and there is no flood hazard. Fire hazard will be reduced because the disturbed portion of the canyon bottom will be cleared of debris in the process of constructing the road.
- 3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The structures to be built with the exception of the parking garage are not located adjacent to environmentally sensitive lands. The parking structure will be buffered from environmentally sensitive lands with landscaping compatible with the adjacent canyon species. The access road required by the City to be built in the canyon will only disturb .01-acre of non-native grasses. Complete avoidance is not possible because the road is to be used to access existing manholes.
- 4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The project is not located within the MHPA.
- 5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The project is not located in the vicinity of a public beach. Best management practices established by the City are incorporated into the project. A grass-crete access road and adjacent grass lined swale will minimize the use of impervious surfaces, which contribute to seaward bound silt.
- 6. The nature and extent of mitigation required as a condition of the permit is reasonably related to, and calculated to alleviate, negative**

impacts created by the proposed development. The proposed project includes the demolition of existing structures, the construction of a parking garage, surface parking lots, a central energy plant, and the expansion of the emergency department at Scripps Mercy Hospital in the Uptown Community Plan area. The alignment would impact .01-acre of non-native grassland, which is defined by the Municipal Code as a Tier IIIB habitat. These impacts are not significant due to the small acreage of impact to biological resources. Furthermore, the grass-crete would allow non-native grasses to be planted on the road alignment and a grass-lined swale next to the road would replace the segment of drainage channel disturbed by the road. Therefore, no additional biological mitigation is necessary.

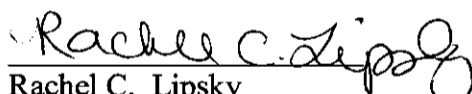
E. SUPPLEMENTAL FINDING

1. With respect to the proposed sewer access road, there is an individualized determination that the access road is related in both nature and extent to the impact of the proposed development.

BE IT FURTHER RESOLVED that Site Development Permit No. 531932 and Conditional Use Permit Amendment No. 304755 is granted to Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By


Rachel C. Lipsky
Deputy City Attorney

RL:mm
05/02/08
05/21/08 Rev.Copy
Or.Dept:DSD
R-2008-1039
MMS #6208

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

WHEN RECORDED MAIL TO
CITY CLERK
MAIL STATION 2A

SPACE ABOVE THIS LINE FOR RECORDER'S USE

JOB ORDER NUMBER 42-5937

CONDITIONAL USE PERMIT NO. 304755
(AMENDMENT TO CONDITIONAL USE PERMIT NO. 88-1062)
SITE DEVELOPMENT PERMIT NO. 531932
SCRIPPS MERCY HOSPITAL - PROJECT NO. 94392 [MMRP]
CITY COUNCIL

This Conditional Use Permit [CUP] Site Development Permit [SDP] is granted by the Council of the City of San Diego to Scripps Health, a California Non-Profit Benefit Corporation, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0303 and 1512.0203. The 19.25-acre site is located between Washington Street, 4th Avenue, 6th Avenue and Arbor Drive, in the NP-1 zone, and the MR-800B zone of the Mid-City Communities Planned District and the RS-1-4 zone. This approval would change the zones to CN-1A, NP-1 and the OC-1-1 zones as shown in the approved Exhibit "A." The project site is also located in the Airport Environs Overlay Zone, the FAA Notification Area for Lindbergh Field, and the Transit Area Overlay Zone, within the Uptown Community Plan area. The project site is legally described as Parcel 1 of Parcel Map 8543, Map No. 1069; Lot 11 in Block 3 of Hillcrest, Map No. 1024; Lots 7 through 9 and a portion of Lot 28, Block 3 of Hillcrest, Map No. 1024, a portion of the alley within Block 3 as vacated and a portion of Lot 2 of Mercy Subdivision, Map No. 5252, and a portion of the alley between Lot 2 and Lot 7 and Lot 8 as vacated, Map No. 11832; Lots 36 through 53, and Lots 74 through 91, and Lot 36A in Block 1, and Lots 37A and 38A in Block 3 of D.B. Williams Subdivision of Lots 35, 36, and a portion of Lots 47 and 50 of Fleishers Addition, Map No. 855, City of San Diego, County of San Diego, State of California.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the construction of a central energy plant, expansion of the emergency department, construction of two surface parking lots, demolition of existing structures to allow construction of a 6-level parking structure, and a rezone of the site

described and identified by size, dimension, quantity, type, and location on the approved exhibits, dated April 3, 2008, on file in the Development Services Department.

This Permit acknowledges that each individual project may be constructed in phases, with separate and not necessarily concurrent schedules. Where permit conditions apply to site specific development conditions, fulfillment of the condition requirements shall apply to the individual project seeking a building permit or occupancy, as identified in the following requirements and conditions. The required satisfaction of conditions for any phase of the project shall be at the sole discretion of the Development Services Department.

The project or facility shall include:

- a. The demolition of a 3,276 square-foot daycare center;
- b. The construction of an approximately 13,796-square-foot expansion of the existing emergency department, including 21 new exam rooms, a 3-bed trauma unit and remodeling of 16 existing exam bays in the facility, resulting in approximately 28,796 square feet and 40 exam beds;
- c. The construction of two surface parking lots with a total of 44 parking spaces between 4th and 5th Avenues;
- d. The construction of an approximately 223,842-square-foot parking structure with 648 parking spaces;
- e. The construction of an approximately 17,895-square-foot central energy plant;
- f. Maintenance of two modular imaging facilities totaling 4,439 square feet located on Lewis Street between the existing garage and the College Building;
- g. Maintenance of an existing 467-bed general hospital plus a 50-bed psychiatric unit, for a total of 517 beds;
- h. Maintenance of 23 existing apartment style housing units for person with AIDS within a rehabilitated, 25,000 square-foot, 5-story, former nuns convent, with common lounges, managers office, library and other common areas and 24 off-street parking spaces located in the Mercy Gardens building. This use is permitted under Conditional Use Permit 98-1075 and will remain in effect and shall not be rescinded;
- i. Maintain and reconfiguration of the existing parking garage to add accessible parking spaces for a total of 749 parking spaces;

- j. Maintenance of two of the existing 47-square-foot directional signs located on the pedestrian overpass to Sixth Avenue extension as authorized by CUP 86-0403;
- k. Maintenance of an Emergency Helipad;
- l. Landscaping (planting, irrigation and landscape related improvements); and
- m. 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. Construction, grading or demolition must commence and be pursued in a diligent manner within thirty-six months after the effective date of final approval by the City, following all appeals. Failure to utilize the permit within thirty-six months will automatically void the permit unless an Extension of Time has been granted. Any such Extension of Time must meet all the SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker.
2. No permit for the construction, occupancy or operation of any facility or improvement described herein shall be granted, nor shall any activity authorized by this Permit be conducted on the premises until:
 - a. The 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 utilization and continued use of this Permit shall be subject to the regulations of this and any other applicable governmental agency.

6. Issuance of this Permit by the City of San Diego does not authorize the 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 is informed that to secure these permits, substantial modifications to the building and site improvements to comply with applicable building, fire, mechanical and plumbing codes and State law requiring access for disabled people may be required.

8. Before issuance of each building or grading permit, complete grading and working drawings shall be submitted to the Development Services Department for approval. Plans shall be in substantial conformity to Exhibit "A," on file in the Development Services Department. No changes, modifications or alterations shall be made unless appropriate application(s) or amendment(s) to this Permit have been granted.

9. All of the conditions contained in this Permit have been considered and have been determined to be necessary in order to make the findings required for this Permit. It is the intent of the City that the holder of this Permit 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" condition(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. 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, including, but not limited to, any 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.

11. Prior to issuance of any construction permit the applicant shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

12. This project shall conform with the provisions of the Public Right-of-Way Vacation Nos. 525320, and 525326, Public Right-of-Way Dedication Nos. 525322, and 525327, Easement Dedication No. 525329, Easement Vacation No. 525323, 525331, 525330, 525324, and 525332, and Rezone No. 525271.

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. As conditions of Conditional Use Permit No. 94392, the mitigation measures specified in the MMRP, and outlined in Mitigated Negative Declaration No. 94392, 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 the Mitigated Negative Declaration No. 94392 satisfactory to the City Manager and 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:

Paleontology
Biological Resources

16. Prior to issuance of any construction permit, the applicant 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.

17. A Job Order number open to the Land Development Review Division of the Development Services Department shall be required to cover the Land Development Review Division's cost associated with the implementation of the MMRP.

ENGINEERING REQUIREMENTS:

18. Prior to the issuance of any construction permits, the applicant shall dedicate additional right-of-way, at the southeast corner of Fourth Avenue and Fifth Avenue and along the project frontage on Fourth Avenue and Fifth Avenue, to provide a minimum of 10 feet curb to property line distance, satisfactory to the City Engineer.
19. The applicant shall construct City standard driveways, adjacent to the project site on Fourth Avenue and Fifth Avenue, satisfactory to the City Engineer. All work shall be completed and accepted by the City Engineer, prior to building occupancy.
20. The applicant shall remove and reconstruct a modified driveway, on Fifth Avenue, serving the single-family residence north of the proposed private fire lane, satisfactory to the City Engineer.
21. The drainage system for this project shall be private, unless noted otherwise on the plans, and will be subject to approval by the City Engineer.
22. The applicant shall grant storm drain easements on all proposed public storm drainpipes, satisfactory to the City Engineer.
23. Prior to the issuance of any building permits, 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.
24. Prior to the issuance of any construction permit, the applicant shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.
25. Prior to the issuance of any construction permit, the applicant shall incorporate any construction Best Management Practices necessary to comply with Chapter 14, Article 2, Division 1 (Grading Regulations) of the Municipal Code, into the construction plans or specifications.
26. Prior to the issuance of any construction permit the applicant shall incorporate and show the type and location of all post construction Best Management Practices (BMPs) on the final construction drawings, consistent with the approved Water Quality Technical Report.
27. Development of this project shall comply with all requirements of State Water Resources Control Board (SWRCB) Order No. 99 08 and the Municipal Storm Water Permit, Order No. 2001-01 (NPDES General Permit No. CAS000002 and CA S0108758), 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.

28. 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)/Permittee(s) and subsequent Owner(s)/Permittee(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 Section C.7 of SWRCB Order No. 99 08 DWQ.

29. This project proposes to export 10,000 cubic yards of material from the project site. All export material shall be discharged into a legal disposal site. The approval of this project does not allow the onsite processing and sale of the export material unless the underlying zone allows a construction and demolition debris recycling facility with an approved Neighborhood Use Permit or Conditional Use Permit per LDC Section 141.0620(i).

30. Prior to the construction of the private improvements over the storm drain pipe easement, within the vacated portion of 5th Avenue, an Encroachment Maintenance and Removal Agreement must be obtained, satisfactory to the City Engineer.

TRANSPORTATION REQUIREMENTS:

31. The center of the proposed 24-foot driveway on the north side of 5th Avenue shall be offset no more than two feet from the north/south centerline of the re-aligned 5th Avenue, satisfactory to the City Engineer.

32. No fewer than 1,861 off-street parking spaces shall be maintained on the property in the approximate location shown on Exhibit "A," dated April 3, 2008, on file in the Development Services Department. Parking spaces shall comply at all times with the SDMC and shall not be converted for any other use unless otherwise authorized by the Development Services Department. Landscaping located in parking areas shall be permanently maintained and not converted for any other use.

33. The project shall install a minimum of 21 feet of red curb at the southwest corner of Montecito Way and 4th Avenue along the south side of Montecito Way, satisfactory to the City Engineer.

34. Stop signs shall be installed on 5th Avenue adjacent to the proposed crosswalks on 5th Avenue, satisfactory to the City Engineer.

35. The proposed parking structure located on a 2.6-acre parcel north of the existing parking structure at 4th Avenue and Montecito Way shall contain no fewer than 648 automobile parking spaces, including 13 accessible parking spaces (of which a minimum

2 shall be van accessible parking spaces), and these spaces shall be permanently maintained on the property within the approximate location shown on the project's Exhibit "A." All new on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code.

LANDSCAPE REQUIREMENTS:

36. In the event the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to meet the Landscape Regulations.

37. Prior to issuance of any construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall submit landscape construction documents for the revegetation and hydroseeding of all disturbed land in accordance with the Land Development Manual Landscape Standards and to the satisfaction of the Development Services Department. All plans shall be in substantial conformance to this permit (including Environmental conditions) and Exhibit 'A,' on file in the Office of the Development Services Department.

38. Prior to issuance of any construction permits for public right-of-way improvements, the Owner/Permittee or Subsequent Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements to the Development Services Department for approval. Improvement plans shall take into account a 40 sq-ft area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

39. In the event that a foundation only permit is requested by the Owner/Permittee or Subsequent Owner/Permittee, a site plan or staking layout plan shall be submitted identifying all landscape areas consistent with Exhibit 'A,' Landscape Development Plan, on file in the Office of the Development Services Department. These landscape areas shall be clearly identified with a distinct symbol, noted with dimensions and labeled as 'landscaping area.'

40. Prior to issuance of any construction permits for buildings, including shell, the Owner/Permittee or Subsequent Owner/Permittee 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.

41. Prior to issuance of any Certificate of Occupancy, it shall be the responsibility of the Owner/Permittee or Subsequent Owner/Permittee to install all required landscape and obtain all required landscape inspections. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

42. The Owner/Permittee or Subsequent Owner/Permittee 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.

43. The Owner/Permittee or Subsequent Owner/Permittee shall be responsible for the maintenance of all landscape improvements in the right-of-way consistent with the Land Development Manual Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. In this case, a Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

44. 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 Owner/Permittee or Subsequent Owner/Permittee 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 a Certificate of Occupancy.

45. Prior to issuance of construction permits for grading, the Owner/Permittee or Subsequent Owner/Permittee shall ensure that all proposed landscaping shall not include exotic plant species that may be invasive to native habitats. Plant species found within the California Invasive Plant Council's (Cal-IPC) Invasive Plant Inventory and the prohibited plant species list found in Table 1 of the Landscape Standards shall not be permitted.

46. The Owner/Permittee or Subsequent Owner/Permittee shall maintain nonpermanently irrigated landscape located offsite for a period not less than 25 months. All temporary irrigation shall be removed prior to final acceptance by Development Services Department.

47. All revegetated areas shall be maintained by the Permittee until final approval by Development Services Department. The maintenance period begins on the first day following acceptance and may be extended at the determination of Development Services Department.

48. Prior to final approval of landscape and revegetation areas, Development Services Department may require corrective action including but not limited to, replanting, the provision or modification of irrigation systems, and the repair of any soil erosion or slope slippage.

49. Prior to issuance of any construction permit the applicant shall enter into a Landscape Easement and Maintenance Agreement for any and all required landscape and revegetation that is located offsite, satisfactory to the Development Services Department.

PLANNING/DESIGN REQUIREMENTS:

50. Fees may be charged for non-employee parking within the parking structures.

51. This Conditional Use Permit shall supersede all previous amendments(as listed below) granted to Scripps Mercy Hospital and Medical Center with the exception of uses permitted under Conditional Use Permit 98-1075;

- a. CUP 5816 Amendments 1-8
- b. CUP 83-0657
- c. CUP 85-0275
- d. CUP 86-0403 (except as mentioned in Condition No. 56)
- e. CUP 83-0657.1
- f. CUP 88-1062

52. There shall be compliance with the regulations of the underlying zone(s) unless a deviation or variance to a specific regulation(s) is approved or granted as a condition of approval of this Permit. Where there is a conflict between a condition (including exhibits) of this Permit and a regulation of the underlying zone, the regulation shall prevail unless the condition provides for a deviation or variance from the regulations. Where a condition (including exhibits) of this Permit establishes a provision which is more restrictive than the corresponding regulation of the underlying zone, then the condition shall prevail.

53. As a component of this project , two deviations are granted as shown on the approved Exhibit "A" dated April 3, 2008. The two deviations are as follows:

- a. In the CN-1A zone there shall be a building wall of at least 13 feet in height located within 6 feet of any street frontage property line, along not less than 65 percent of both the front and if applicable street side street property lines. The proposed project, if rezoned, would require a street wall within 6 feet of the property line along the frontage and applicable street sides. The project does not propose any street wall and requests a 100% deviation.
- b. In the NP-1 Zone for the surface parking lots, there shall be a minimum lot coverage of 20 percent. There are no structures being proposed within the two surface parking lots and would therefore have a coverage of 0%. This is a 100% deviation from the requirement.

54. 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.

55. 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 Permittee.

56. 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.

57. Other than those signs authorized by CUP 86-0403, all signs associated with this development shall be consistent with sign criteria established by the Citywide sign regulations.

58. 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.

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

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

61. No mechanical equipment, tank, duct, elevator enclosure, cooling tower, 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.

HELIPAD OPERATION

62. Operation of the helicopter landing facility requires a permit from the California Department of Transportation, Aeronautics Division.

63. Heliport lights shall be adjusted or screened so as not to create glare or shine upon adjacent streets or properties.

64. Helicopter flights shall be limited to emergency flights to transport the critically ill and injured emergency cases and shall be limited to an average of 25 round trips per month (landing and takeoffs), or 300 per year. The permittee shall maintain records on a monthly basis of flight activity, to be provided for review. An amendment to the permit shall be required, along with appropriate environmental review if deviation from the maximum of 300 flights per year occurs.

65. The helicopter takeoff and landing flight pattern shall be as indicated on Exhibit "BB" and "BB-1," dated December 18, 1986, and shall be strictly adhered to unless a state of emergency has been declared but the proper public officials.
66. No helicopter shall be based at this location.
67. The primary approach and departure paths and the alternate departure path shall be as required by CALTRANS Aeronautics Division and as submitted to Development Services Department.
68. The applicant shall notify all helicopter pilots using the helipad of the primary approach and departure paths and shall recommend their use except in such an instances as the pilot, in their sole professional judgment, shall deem these primary approach and departure paths unsafe, in which event and alternative path shall be utilized.
69. A helicopter preference landing plan shall be developed by U.C.S.D. Medical Center, Scripps Mercy Hospital and County of San Diego Emergency Medical Services to implement the following: between the hours of 11 p.m. and 6 a.m., U.C.S.D. Medical Center shall be the preferred landing site. When U.C.S.D. Medical Center is unable to accommodate this preference, the helicopter would be directed to land at Scripps Mercy (if available).
70. County of San Diego Emergency Medical Services shall monitor the impact of the helicopter preference landing plan on individual patients and the system.
71. The involved parties shall meet and confer on any proposed changes to the helicopter preference landing plan, or on an as-needed basis.

WASTEWATER REQUIREMENTS:

72. All onsite sewer facilities that serve only this site shall be private.
73. Prior to the issuance of any building permits, the developer shall privatize the existing onsite public sewer mains that serves only this lot, satisfactory to the Metropolitan Wastewater Department Director. All associated public sewer easements shall be vacated, satisfactory to the Metropolitan Wastewater Department Director.
74. 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 Metropolitan Wastewater Department Director. Vehicular access roadbeds shall be a minimum of 20 feet wide and surfaced with grass-crete, satisfactory to the Metropolitan Wastewater Department Director.
75. 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.

76. No approved improvements or landscaping, including grading, irrigation, private utilities and enhanced paving, shall be installed in or over any easement prior to the applicant acquiring an Encroachment Maintenance and Removal Agreement.

77. 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.

78. 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.

79. 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.

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

81. Prior to the issuance of any public improvement permits, an Industrial Waste Permit will be required from the Metropolitan Wastewater Department (858-654-4106) for this site.

WATER REQUIREMENTS:

82. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water service(s), if required, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

83. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permit(s) for the installation of appropriate private back flow prevention device(s) on all proposed water services to the development, including all domestic, fire and irrigation services, in a manner satisfactory to the Cross Connection Control Group, the Water Department Director and the City Engineer.

84. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Water Department Director and the City Engineer. Fire hydrants shall be located a minimum of

five feet from any structures above, at or below grade. All on-site fire hydrants shall be private.

85. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall design and construct new public water facilities in acceptable alignments and rights-of-way.

86. Prior to the issuance of any certificates of occupancy all public water facilities necessary to serve this development, including meters and services, shall be complete and operational in a manner satisfactory to the Water Department Director and the City Engineer.

87. All on-site water facilities shall be private including domestic, fire and irrigation systems.

88. Prior to the issuance of any building or engineering permits, except grading, the Owner/Permittee shall grant adequate water easements over all public water facilities that are not located within fully improved rights-of-way, satisfactory to the Water Department Director and the City Engineer. All paving within easements shall conform to Schedule "J" or better. Easements, as shown on approved Exhibit "A," will require modification based on standards at final engineering.

89. It is the sole responsibility of the Owner/Permittee for any damage caused to or by public water facilities, adjacent to the project site, due to the construction activities associated with this development. In the event any such facility loses integrity then, prior to the issuance of any certificates of occupancy, the Owner/Permittee shall reconstruct any damaged public water facility in a manner satisfactory to the Water Department Director and the City Engineer.

90. The Owner/Permittee 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," will require modification based on standards at final engineering.

91. Prior to the issuance of any building permits the Owner/Permittee shall assure, by permit and bond, the design and construction of new water mains and services, outside of any driveway or drive aisle and the removal of any existing unused water services within all rights-of-way adjacent to the project site, in a manner satisfactory to the Water Department Director and the City Engineer.

GEOLOGY REQUIREMENTS:

92. Additional geotechnical review will be required as part of the ministerial permit issuance process if a grading or building permit is required for this project.

INFORMATION ONLY:

- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this development permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on _____
by Resolution No. _____
AUTHENTICATED BY THE CITY MANAGER

By _____

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

**SCRIPPS HEALTH,
A CALIFORNIA NON-PROFIT
BENEFIT CORPORATION**
Owner/Permittee

By _____

By _____

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