

RESOLUTION NUMBER R- 305632

DATE OF FINAL PASSAGE FEB 23 2010

A RESOLUTION APPROVING SITE DEVELOPMENT PERMIT NO. 447403, PLANNED DEVELOPMENT PERMIT NO. 447402 AND NEIGHBORHOOD USE PERMIT NO. 681661.

WHEREAS, Palomar Pomerado Health, Owner/Permittee, filed an application with the City of San Diego for site development permit, planned development permit and neighborhood use permit to demolish portions of the existing building, retain the nave portion of the existing chapel that will be incorporated into the wellness center and construct a 40,000 square-foot urgent care facility and an 11,500 square-foot wellness center known as the Community Wellness Campus project, located at 12855 Black Mountain Road, and legally described as Parcel 2 of Map No. 14569, in the Rancho Peñasquitos Community Plan area, in the RS-1-14 zone which is proposed to be rezoned to the CC-1-1 zone; and

WHEREAS, on January 7, 2010, the Planning Commission of the City of San Diego considered Site Development Permit No. 447403, Planned Development Permit No. 447402, and Neighborhood Use Permit No. 681661 and pursuant to Resolution No. 305632 PC voted to recommend City Council approval of the permit; and

WHEREAS, the matter was set for public hearing on February 23, 2010, 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 Site Development Permit No. 447403, Planned Development Permit No. 447402, and Neighborhood Use Permit No. 681661:

A. **SITE DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE [SDMC]  
SECTION 126.0504**

1. **Findings for all Site Development Permits SDMC section 126.0504(a)**

a. **The proposed development will not adversely affect the applicable land use plan.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road. The project site is designated “Religious Facilities” within the Rancho Peñasquitos Community Plan. The proposed project site would be re-designated in the Rancho Peñasquitos Community Plan as “General Institutional-Healthcare Services” from “Religious Facilities”. The proposed project is consistent with the use and intensity for the General Institutional-Healthcare Services land use designation. Palomar Pomerado Health (PPH), covering 800 square miles, is the largest healthcare district in California. The PPH District has an immediate need to modernize and expand the facilities and services available to serve their constituents. One of the district’s key methods of improving service delivery is to establish satellite facilities to augment existing and proposed hospitals in order to improve access to local healthcare services and meet projected future demands. The District’s adopted Facilities Master Plan has identified the need for a satellite facility in Rancho Peñasquitos, which is within the boundaries of the District’s existing service area. PPH determined the need and community benefit of establishing Outpatient Satellite facilities in communities throughout the district to improve access to local healthcare services. Therefore, the project will not adversely affect the adopted land use plan.

b. **The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development has been designed and will be constructed to meet all applicable zoning codes, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. An Addendum to a Mitigated Negative Declaration (MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). A Mitigation Monitoring Reporting Program (MMRP) will be implemented in the following issue areas: Air Quality, Biological Resources, Historical Resources (Archaeology), and Noise. As such, the proposed development will not be detrimental to the public health, safety and welfare.

c. **The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the

Rancho Peñasquitos Community Plan. The proposed development complies with General Institutional-Healthcare Services as the proposed designation within the Rancho Peñasquitos Community Plan. Further, the proposed development is consistent with the scale of the buildings adjacent to the project site. The proposed development is architecturally consistent in terms of style and materials with the surrounding development and the adjoining community.

As allowed through the approval of a Planned Development Permit, the proposed design of the Wellness Campus would comply with the regulations of the Land Development Code, including requirements for floor area ratio, setbacks, street design, open space, grading, landscaping, parking, etc. and the development criteria of the CC-1-1 zone. Implementation of the proposed project will require the following deviations:

- Maximum Lot Depth –The CC-1-1 zone has a maximum lot depth of 150 feet. The proposed Wellness Campus is situated on an existing legal parcel with a lot depth of approximately 675 feet.
- Maximum Front Setback-The CC-1-1 zone has a maximum front setback of 100 feet. The proposed front setback for the new clinic building would be approximately 261 feet. The addition of a lobby area to the re-modeled Wellness Center would reduce the existing front setback for the second building from approximately 448 to 420 feet. The project will comply with all other setbacks standards.
- Building Height-The applicable zoning standard is 30 feet. The proposed Wellness Campus includes two structures: a remodel of the existing building to a maximum height of 30 feet, 6-inches and a new clinic building with a maximum height of 42 feet.
- Retaining Walls- A proposed retaining wall of 510 lineal feet contains an approximately 293 foot segment which varies in height from 10 to 14 feet. The wall is located along the northern property line adjacent to CALTRANS property and State Route 56. The portions of the proposed retaining wall, which exceed 12 feet, require a deviation. All other proposed walls are consistent with the San Diego Municipal Code.

One of the elements of the Wellness Campus is Urgent Care which is proposed to be located on the ground floor of the new clinic building. The CC-1-1 zone allows Urgent Care with the approval of a Neighborhood Use Permit.

Upon the approval of the referenced deviations contained in the Planned Development Permit and a Neighborhood Use Permit, the project will fully comply with the Land Development Code.

2. **Supplemental Site Development Permit Findings--Environmentally Sensitive Lands**

a. **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 development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development would result in impacts to 0.07 acres of Diegan coastal sage scrub (Tier II), in addition to 3.0 acres of impacts to developed areas of the site that are not considered sensitive. These impacts would not require mitigation, in accordance with the requirements of the MSCP and the Biology Guidelines. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands. As such, the proposed buildings are sited in an appropriate location that is best physically suitable for development.

b. **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 development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed buildings are sited in an appropriate location that will not result in undue risk from geologic and erosional forces, flood hazards or fire hazards.

c. **The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed project would result in impacts to 0.07 acres of Diegan coastal sage scrub (Tier II), in addition to 3.0 acres of impacts to developed areas of the site that are not considered sensitive. These impacts would not require mitigation, in accordance with the requirements of the MSCP and the Biology Guidelines. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands. As such, the proposed buildings are sited in an appropriate location that is the least impact on environmentally sensitive lands.

d. **The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000

square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed project would result in impacts to 0.07 acres of Diegan coastal sage scrub (Tier II), in addition to 3.0 acres of impacts to developed areas of the site that are not considered sensitive. These impacts would not require mitigation, in accordance with the requirements of the MSCP and the Biology Guidelines. The proposed project impacts to habitat would be less than significant and none of the project features would directly impact any City wetlands. As such, the proposed development will be fully consistent with the City of San Diego's MSCP Subarea Plan.

**e. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development includes a number of best management practices (BMPs) that will be implemented both pre-and post-construction to reduce water onto the adjacent properties. The project isn't located near any public beaches or the local shoreline. As such, the proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

**f. 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 development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. All mitigation measures identified within the Addendum to the Mitigated Negative Declaration (MND) have been incorporated into the permit conditions for the proposed development. The proposed development's mitigation measures reduce the impact of the proposed project to below a level of significance in all areas. As such, all mitigation reasonably related to and calculated to alleviate negative impacts created by the proposed development has been incorporated into the permit conditions for the proposed development.

**B. PLANNED DEVELOPMENT PERMIT – SAN DIEGO MUNICIPAL CODE  
[SDMC] SECTION 126.0604**

**1. The proposed development will not adversely affect the applicable land use plan.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road. The project site is designated "Religious Facilities" within the Rancho Peñasquitos Community Plan. The proposed project site would be re-designated in the Rancho Peñasquitos Community Plan as

“General Institutional-Healthcare Services” from “Religious Facilities”. The proposed project is consistent with the use and intensity for the General Institutional-Healthcare Services land use designation. Palomar Pomerado Health (PPH), covering 800 square miles, is the largest healthcare district in California. The PPH District has an immediate need to modernize and expand the facilities and services available to serve their constituents. One of the district’s key methods of improving service delivery is to establish satellite facilities to augment existing and proposed hospitals in order to improve access to local healthcare services and meet projected future demands. The District’s adopted Facilities Master Plan has identified the need for a satellite facility in Rancho Peñasquitos, which is within the boundaries of the District’s existing service area. PPH determined the need and community benefit of establishing Outpatient Satellite facilities in communities throughout the district to improve access to local healthcare services. Therefore, the project will not adversely affect the adopted land use plan.

**2. The proposed development will not be detrimental to the public health, safety, and welfare.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development has been designed and will be constructed to meet all applicable zoning codes, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. An Addendum to a Mitigated Negative Declaration (MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). A Mitigation Monitoring Reporting Program (MMRP) will be implemented in the following issue areas: Air Quality, Biological Resources, Historical Resources (Archaeology), and Noise. As such, the proposed development will not be detrimental to the public health, safety and welfare.

**3. The proposed development will comply with the regulations of the Land Development Code.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development complies with General Institutional-Healthcare Services as the proposed designation within the Rancho Peñasquitos Community Plan. Further, the proposed development is consistent with the scale of the buildings adjacent to the project site. The proposed development is architecturally consistent in terms of style and materials with the surrounding development and the adjoining community.

As allowed through the approval of a Planned Development Permit, the proposed design of the Wellness Campus would comply with the regulations of the Land Development Code, including requirements for floor area ratio, setbacks, street design, open space, grading, landscaping, parking, etc. and the development criteria of the CC-1-1 zone. Implementation of the proposed project will require the following deviations:

- **Maximum Lot Depth** –The CC-1-1 zone has a maximum lot depth of 150 feet. The proposed Wellness Campus is situated on an existing legal parcel with a lot depth of approximately 675 feet.
- **Maximum Front Setback**-The CC-1-1 zone has a maximum front setback of 100 feet. The proposed front setback for the new clinic building would be approximately 261 feet. The addition of a lobby area to the re-modeled Wellness Center would reduce the existing front setback for the second building from approximately 448 to 420 feet. The project will comply with all other setbacks standards.
- **Building Height**-The applicable zoning standard is 30 feet. The proposed Wellness Campus includes two structures: a remodel of the existing building to a maximum height of 30 feet, 6-inches and a new clinic building with a maximum height of 42 feet.
- **Retaining Walls**- A proposed retaining wall of 510 lineal feet contains an approximately 293 foot segment which varies in height from 10 to 14 feet. The wall is located along the northern property line adjacent to CALTRANS property and State Route 56. The portions of the proposed retaining wall, which exceed 12 feet, require a deviation. All other proposed walls are consistent with the San Diego Municipal Code.

One of the elements of the Wellness Campus is Urgent Care which is proposed to be located on the ground floor of the new clinic building. The CC-1-1 zone allows Urgent Care with the approval of a Neighborhood Use Permit.

Upon the approval of the referenced deviations contained in the Planned Development Permit and a Neighborhood Use Permit, the project will fully comply with the Land Development Code.

**4. The proposed development, when considered as a whole, will be beneficial to the community.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development complies with General Institutional-Healthcare Services as the proposed designation within the Rancho Peñasquitos Community Plan. The project area was developed through Conditional Use Permit No. 4792, which allowed for the operation of a church, school and day care facility on the project site. The church has moved to another location and school/day care operations ceased in August 2006. There are no current active uses on site.

The proposed project has been designed and will be developed in accordance with the intent of the Rancho Peñasquitos Community Plan to assure that the theme, architectural

character, development considerations and other functional concepts of the Plans are implemented. The proposed project would also be consistent with the General Plan.

Palomar Pomerado Health [PPH], covering 800 square miles, is the largest healthcare district in California. The PPH District has an immediate need to modernize and expand the facilities and services available to serve their constituents. One of the district's key methods of improving service delivery is to establish satellite facilities to augment existing and proposed hospitals in order to improve access to local healthcare services and meet projected future demands. The District's adopted Facilities Master Plan has identified the need for a satellite facility in Rancho Peñasquitos, which is within the boundaries of the District's existing service area. PPH determined the need and community benefit of establishing Outpatient Satellite facilities in communities throughout the district to improve access to local healthcare services. As such, the proposed uses are appropriate at the proposed location and the proposed development will be beneficial to the entire community.

**5. Any proposed deviations pursuant to Section 126.0602(b)(1) are appropriate for this location and will result in a more desirable project than would be achieved if designed in strict conformance with the development regulations of the applicable zone.** The City of San Diego does not have zoning classifications that are specifically written for institutional uses. In this instance the CC-1-1 zone has been directed by the City Council to limit building height and floor area ratio, particularly if the proposed development permits that accompany the rezoning are never vested or expire.

The proposed zone of CC-1-1 is a community commercial zone which is intended to provide regulations for "development with strip commercial characteristics." Since the Wellness Campus is not a strip commercial or retail development, the project is proposing several deviations which will result in a more desirable project than would be achieved in strict conformance with the development regulations of the applicable zone.

- **Maximum Lot Depth-**The CC-1-1 zone has a maximum lot depth of 150 feet because this zone generally regulates small strip commercial centers which may be subdivided into multiple parcels. The proposed Wellness Campus is situated on a single legal parcel with a lot depth of approximately 675 feet. Creating several smaller lots on this property to strictly comply would make for illogically configured parcels, complicate access and parking by requiring reciprocal agreements and not offer any tangible benefits.
- **Maximum Front Setback-**The CC-1-1 zone has a maximum front setback of 100 feet. The primary objectives of having this standard are to: (1) promote locating commercial retail buildings along the frontage for a street presence and (2) limit large visible parking fields along a street frontage. Neither of these objectives is particularly applicable to the proposed medical use or the configuration of this specific site.

Both buildings have front setbacks exceeding 100 feet. The proposed front setback for the new clinic building would be approximately 261 feet. The addition



of a lobby area to the re-modeled wellness building would reduce the setback from approximately 448 to 420 feet. The proposed building setbacks are superior to the zone requirement from a design standpoint for several reasons. The site has irregular boundaries, limited street frontage and a single access point.

Redesigning the site to move the buildings closer to the street to comply with the ordinance would: (1) not allow for the adaptive re-use of an existing building which is currently beyond the maximum setback standard, (2) make the two buildings prominently visible from Black Mountain Road rather than being screened by a hillside adjacent to State Route 56, (3) interfere with site access, and (4) improperly relocate parking spaces that have been situated in a convenient manner to serve patients with health problems.

- Building Height -The CC-1-1 zone has a maximum building height of 30 feet as this zone is typically applied to single-story strip commercial structures. The proposed Wellness Campus includes two structures: a remodel of the existing building to 30 feet, 6-inches and a new building with a maximum height of 42 feet on the north and south elevations. All structure heights would be limited by the approved Exhibit "A" for the life of the Planned Development Permit. If the permit ever expired, the CC-1-1 building height limit of 30 feet would govern.

The proposed two-story clinic building has been sited and designed in an optimal manner for purposes of minimizing the height. The structure is located adjacent to the freeway and near a LDS Church. The longer portions of the new building will be screened by an existing hillside which is adjacent to CALTRANS property and State Route 56. Newly proposed landscaping along the perimeter will include Bamboo, Eucalyptus and Carrotwood trees. The new structure will not be visible from adjacent residences which are on Pipilo Street due to the horizontal and vertical separation.

A significant portion of the structure height above 30 feet results from the necessity of screening mechanical equipment located on the rooftop. Floor to floor heights have been set as required to accommodate structural requirements and the building mechanical services necessary for the safe and comfortable operation of this type of facility. Literally complying with the zone's height limit could possibly be achieved by a combination of significant modifications. These changes could involve some or all of the following measures: (1) eliminating the screening for rooftop mechanical equipment which is not permitted by the Land Development Code, (2) increasing the amount of grading, retaining walls and ramps, (3) reducing the floor to ceiling heights which are essential for creating comfortable and inviting spaces to practice medicine and/or (4) creating a larger first floor footprint which will disrupt access, parking while also potentially impacting additional open space and the ability to preserve one of the two buildings.

- Retaining Wall – The project is requesting a deviation for a portion of the retaining wall height behind the proposed clinic building. The retaining wall, which is proposed within the northern portion of the site, is 510 feet long and an approximate length of 293 feet varies in height from 10 to 14 feet. The portions of the wall exceeding 12 feet require the requested deviation from the San Diego Municipal Code. The proposed retaining wall allows for internal vehicular circulation and adequate separation from the proposed Wellness Center. All other proposed walls and retaining walls within the project site comply with the San Diego Municipal Code.

Additionally, this retaining wall and all others proposed within the proposed site have been designed throughout to minimize any potential visual impact to the maximum extent feasible.

The proposed project will be designed in designed in conformance with applicable development regulations and the Rancho Peñasquitos Community Plan. The Rancho Peñasquitos Community Plan would re-designate the project site for General Institutional-Healthcare Services use with the propose community plan amendment. The proposed project is consistent with the land use recommendation and development standards in effect for the subject property pursuant to the adopted Rancho Peñasquitos Community Plan.

**C. NEIGHBORHOOD USE PERMIT – SAN DIEGO MUNICIPAL CODE SDMC SECTION 126.0205**

**1. The proposed development will not adversely affect the applicable land use plan.** The Social Element of the Rancho Peñasquitos Community Plan notes the limited nature of social programs and institutions and advocates the need to expand health and mental health services. Other portions of the document indicate that consideration should be given to establishing a community health care clinic, centrally located in Rancho Peñasquitos to serve the North City area. The clinic, as envisioned by the community plan, could provide community health education and information services, as well as operate as a center for prevention and education services. Limited emergency, diagnosis and treatment services could also be possible. Palomar Pomerado, by establishing and operating the proposed satellite facility which includes Urgent Care will fulfill an important goal of the community plan.

Palomar Pomerado Health, as a public health care district, offers services to the community regardless of insurance status. One of the elements of the proposal is Urgent Care which is located on a portion of the ground floor of the new clinic building. Urgent Care will be used to treat patients with routine injuries or illnesses on an unscheduled, walk-in basis. Serious cases such as emergencies will continue to be served by Pomerado Hospital, Palomar Hospital or other providers. It should be noted the proposed facility will not be licensed by the State of California as an emergency room or a hospital.

**2. The proposed development will not be detrimental to the public health, safety and welfare.** The proposed development is to demolish portions of the existing building on site,

retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development has been designed and will be constructed to meet all applicable zoning codes, building, fire and other regulations applicable to this type of development as imposed by the City of San Diego, the State of California and all federal agencies. An Addendum to a Mitigated Negative Declaration (MND) has been prepared for the project in accordance with the California Environmental Quality Act (CEQA). A Mitigation Monitoring Reporting Program (MMRP) will be implemented in the following issue areas: Air Quality, Biological Resources, Historical Resources (Archaeology), and Noise. As such, the proposed development will not be detrimental to the public health, safety and welfare.

**3. The proposed development will comply with the applicable regulations of the Land Development Code.** The proposed development is to demolish portions of the existing building on site, retaining the nave portion of the existing chapel that will be incorporated into the wellness center and construction of a 40,000 square foot urgent care facility and an 11,500 square foot wellness center on an existing 4.45 acre site located at 12855 Black Mountain Road, east of Black Mountain Road and south of State Route 56, within the Rancho Peñasquitos Community Plan. The proposed development complies with General Institutional-Healthcare Services as the proposed designation within the Rancho Peñasquitos Community Plan. Further, the proposed development is consistent with the scale of the buildings adjacent to the project site. The proposed development is architecturally consistent in terms of style and materials with the surrounding development and the adjoining community.

As allowed through the approval of a Planned Development Permit, the proposed design of the Wellness Campus would comply with the regulations of the Land Development Code, including requirements for floor area ratio, setbacks, street design, open space, grading, landscaping, parking, etc. and the development criteria of the CC-1-1 zone. Implementation of the proposed project will require the following deviations:

- Maximum Lot Depth –The CC-1-1 zone has a maximum lot depth of 150 feet. The proposed Wellness Campus is situated on an existing legal parcel with a lot depth of approximately 675 feet.
- Maximum Front Setback-The CC-1-1 zone has a maximum front setback of 100 feet. The proposed front setback for the new clinic building would be approximately 261 feet. The addition of a lobby area to the re-modeled Wellness Center would reduce the existing front setback for the second building from approximately 448 to 420 feet. The project will comply with all other setbacks standards.
- Building Height-The applicable zoning standard is 30 feet. The proposed Wellness Campus includes two structures: a remodel of the existing building to a maximum height of 30 feet, 6-inches and a new clinic building with a maximum height of 42 feet.

- Retaining Walls- A proposed retaining wall of 510 lineal feet contains an approximately 293 foot segment which varies in height from 10 to 14 feet. The wall is located along the northern property line adjacent to CALTRANS property and State Route 56. The portions of the proposed retaining wall, which exceed 12 feet, require a deviation. All other proposed walls are consistent with the San Diego Municipal Code.

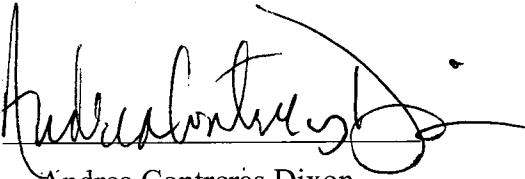
One of the elements of the Wellness Campus is Urgent Care which is proposed to be located on the ground floor of the new clinic building. The CC-1-1 zone allows Urgent Care with the approval of a Neighborhood Use Permit.

Upon the approval of the referenced deviations contained in the Planned Development Permit and a Neighborhood Use Permit, the project will fully comply with the Land Development Code.

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 Site Development Permit No. 447403, Planned Development Permit No. 447402, and Neighborhood Use Permit No. 681661 is granted to Palomar Pomerado Health, Owner/Permittee, under the terms and conditions set forth in the permit attached hereto and made a part hereof.

APPROVED: JAN I. GOLDSMITH, City Attorney

By:   
Andrea Contreras Dixon  
Deputy City Attorney

ACD:cw  
01/27/10  
Or.Dept:DSD  
JO: 42-7821  
Drawing No. 20719-B  
R-2010-528  
MMS: #11411

**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

INTERNAL ORDER NUMBER: 42-7821

SITE DEVELOPMENT PERMIT NO. 447403  
PLANNED DEVELOPMENT PERMIT NO. 447402  
NEIGHBORHOOD USE PERMIT NO. 681661  
**COMMUNITY WELLNESS CAMPUS**  
**PROJECT NO. 129854 [MMRP]**  
CITY COUNCIL

This Site Development Permit No. 447403, Planned Development Permit No. 447402, and Neighborhood Use Permit No. 681661, is granted by the City Council of the City of San Diego to Palomar Pomerado Health, Owner/Permittee, pursuant to San Diego Municipal Code [SDMC] sections 126.0504 and 126.0604. The 4.45-acre site is located at 12855 Black Mountain Road within the Rancho Peñasquitos Community Plan. The project site is legally described as Parcel 2 of Map No. 14569.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee to demolish portions of the existing building, retain the nave portion of the existing chapel that will be incorporated into the wellness center and construct a 40,000 square foot urgent care facility and an 11,500 square foot wellness center, described and identified by size, dimension, quantity, type, and location on the approved exhibits ["Exhibit A"] dated FEB 23, 2010, on file in the Development Services Department.

The project shall include:

- a. Demolition of portions of the existing building, preserving the nave portion of the existing chapel to be incorporated in the wellness center building;
- b. Construction of a one-story, 11,500 square-foot wellness center and a two-story, 40,000 square-foot clinic;
- c. A retaining wall along the northern portion of the site 510 feet long and approximately 293 feet in length varying in height from 10 to 14 feet;

- d. Landscaping (planting, irrigation and landscape related improvements);
- e. Off-street parking; and
- f. 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. 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, 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.

**ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

11. 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.

12. The mitigation measures specified in the Mitigation Monitoring and Reporting Program, and outlined in the Addendum to Mitigated Negative Declaration for PPH Rancho Penasquitos Satellite Medical Facility, prepared by PBS&J, and certified on October 2, 2009, shall be noted on the construction plans and specifications under the heading Environmental/Mitigation Requirements.

13. The Owner/Permittee shall comply with the Mitigation, Monitoring, and Reporting Program (MMRP) as specified in the Addendum to Mitigated Negative Declaration for PPH Rancho Penasquitos Satellite Medical Facility, prepared by PBS&J, and certified on October 2, 2009, 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:

Air Quality

Biological Resources

Archaeological Resources

Noise

14. 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:**

15. The Owner/Permittee shall dedicate one-half of a 142 foot wide right-of-way and shall provide one-half of 98 feet of pavement, curb, gutter, and five-foot wide sidewalk within a ten-foot curb to property line distance on Black Mountain Road, satisfactory to the City Engineer.

16. Prior to the issuance of any building permit, the Owner/Permittee shall replace the existing driveway with City standard driveway, on Black Mountain Road, per Standard Drawing G-14A, G-16 and SDG-100, satisfactory to the City Engineer.

17. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent BMP maintenance, satisfactory to the City Engineer.



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

19. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction Best Management Practices (BMP's) on the final construction drawings, consistent with the approved Water Quality Technical Report.

20. The drainage system for this project shall be private and will be subject to approval by the City Engineer.

21. Prior to the issuance of any building permits, the Owner/Permittee 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.

22. 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.

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 Section C.7 of SWRCB Order No. 99 08 DWQ.

#### **LANDSCAPE REQUIREMENTS:**

24. Prior to issuance of construction permits, the Owner/Permittee shall submit landscape construction documents for the revegetation and hydro-seeding 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.

25. Prior to issuance of any construction permits, the 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.

26. 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. A "No Fee" Street Tree Permit shall be obtained for the installation, establishment, and on-going maintenance of all street trees.

27. The 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.

28. The 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. A Landscape Maintenance Agreement shall be submitted for review by a Landscape Planner.

29. 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 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.

30. Prior to issuance of construction permits, the Owner/Permittee shall ensure that all proposed landscaping, especially landscaping adjacent to native habitat and/or Multiple Habitat Planning Area (MHPA), 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 City of San Diego's Land Development Manual, Landscape Standards are prohibited.

**BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

31. The Owner/Permittee shall implement the following requirements in accordance with the Modified Brush Management Program shown on Exhibit "A", Brush Management Plan, on file in the Office of the Development Services Department.

32. Prior to issuance of any construction permits for grading, Landscape Construction Documents required for the construction permit shall be submitted showing the brush management zones on the property in substantial conformance with Exhibit "A".

33. The applicant shall work with the City of San Diego to provide additional irrigation and landscaping in the City easement between the site and SR-56 to the north.

34. Prior to issuance of any construction permits, a complete set of Brush Management Construction Documents shall be submitted for approval to the Development Services Department and the Fire Marshall. The construction documents shall be in substantial conformance with Exhibit "A" and shall comply with the Uniform Fire Code, M.C. 55.0101; the Land Development Manual, Landscape Standards; and the Land Development Code, Landscape Regulations Section 142.0412.

35. The Modified Brush Management Program shall implement two zones consistent with the Brush Management Regulations of the Land Development Code Section 142.0412(i) as follows: Brush Management Zone One shall fall between the proposed building and the top of slope. All Zone One landscaping shall be under a Modified Brush Management Program per the Fire Marshall. Due to the limited property boundaries on the south side of the subject site, Brush Management Zone Two has been modified or reduced in width (less than 65 feet) per the Fire Marshall.

36. Fire-Rated construction materials shall be proposed for the clinic building in lieu of a Brush Management Program. These structural enhancements shall be in addition to the standard requirements found in LDC Section 145.0502 of the Building Regulations.

37. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while non-combustible accessory structures may be approved within the designated Zone One area subject to Fire Marshall and Development Services Department approval.

38. The following note shall be provided on the Brush Management Construction Documents: "It shall be the responsibility of the Permittee to schedule a pre-construction meeting on-site with the contractor and the Development Services Department to discuss and outline the implementation of the Modified Brush Management Program."

39. In Zone One, plant material shall be selected to visually blend with the existing hillside vegetation. No invasive plant material shall be permitted as jointly determined by the Landscape Analysis Section [LAS] and the Environmental Analysis Section [EAS].

40. All new Zone Two planting shall be temporarily irrigated with an above-ground irrigation system until established. Zone Two shall be maintained on a regular basis by pruning and thinning plants, removing weeds, and maintaining the temporary irrigation system. Only native vegetation shall be planted or hydroseeded. If Zone Two is being revegetated, 50% of the planting area shall be seeded with material that does not grow taller than 24 inches.

41. Prior to final inspection and issuance of any Certificate of Occupancy, the approved Modified Brush Management Program shall be implemented. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Land Development Manual, Landscape Standards.

**PLANNING/DESIGN REQUIREMENTS:**

42. No fewer than 206 off-street parking spaces shall be maintained on the property at all times in the approximate locations shown on the approved Exhibit "A." 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.

43. The following deviations are allowed with this project:

44. A retaining wall located along the northern portion of the site and approximately 510 feet long, with a 293 foot portion varying in height from 10 to 14 feet. The portions of the retaining wall exceeding 12 feet require the requested deviation from the San Diego Municipal Code.

45. Maximum Lot Depth –The CC-1-1 zone has a maximum lot depth of 150 feet. The proposed Wellness Campus is situated on an existing legal parcel with a lot depth of approximately 675 feet.

46. Maximum Front Setback-The CC-1-1 zone has a maximum front setback of 100 feet. The proposed front setback for the new clinic building would be approximately 261 feet. The addition of a lobby area to the re-modeled Wellness Center would reduce the existing front setback for the second building from approximately 448 to 420 feet. The project will comply with all other setbacks standards.

47. Building Height-The applicable zoning standard is 30 feet. The proposed Wellness Campus includes two structures: a remodel of the existing building to a maximum height of 30 feet, 6-inches and a new clinic building with a maximum height of 42 feet.

48. 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.

49. Prior to the issuance of construction permits, the Owner/Permittee shall file an application with the Development Services Department for the rescission of Conditional Use Permit Nos. C-19501 and 4792. The said development permits shall be rescinded in accordance with SDMC Section 126.0110(b).

50. An interior café/food kiosk and pharmacy are allowed accessory uses for this development.

51. The project shall be built in accordance with approved Exhibit "A," with a maximum height of 42'-0".

52. The owner/applicant shall apply for LEED Silver Certification and shall consider the use of a photovoltaic system.

53. The owner/applicant shall consult the Rancho Penasquitos Community Planning Board regarding the signage on site.

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

55. 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.

**WASTEWATER REQUIREMENTS:**

56. All onsite sewer facilities serving this site shall be private.

57. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide evidence of the private sewer easement across the adjacent lot to the southwest that benefits this project's lot, satisfactory to the City of San Diego Director of Public Utilities.

58. Prior to the issuance of any engineering or building permits, the Owner/Permittee shall provide an Encroachment Maintenance and Removal Agreement for all private utilities installed in or over the public sewer easement.

59. The Owner/Permittee shall design and construct any proposed public sewer facilities to the most current edition of the City of San Diego's Sewer Design Guide.

60. 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.

61. No trees or shrubs exceeding three feet in height at maturity shall be installed within ten feet of any sewer facilities.

**WATER REQUIREMENTS:**

62. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the cut & plug and abandonment of the easterly portion of the existing 8-inch PVC easement main.

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of recycled water facilities, identified in the "City of San Diego Recycled Water Master Plan" and accepted site specific studies, in a manner satisfactory to the Director of Public Utilities and the City Engineer. The pipe shall be extended easterly from the existing 8-inch stub to the east side of the intersection of Black Mountain Road and Pimpernel Drive. A tee shall be installed and the pipe shall be extended parallel to Black Mountain Road to the property's frontage and approximately 10 feet beyond the southerly project boundary. Both ends should be capped for future connection.

64. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond the design and construction of reclaimed water irrigation service(s), in a manner satisfactory to the Director of Public Utilities and the City Engineer.
65. All irrigation systems must be designed to utilize reclaimed water. This will necessitate a separate irrigation service.
66. Construction on the remaining portion of the easement main shall include removal of the 90 degree bend and replacement with an 8-inch tee and 8-inch gate valve.
67. To the north of the 8-inch tee, the existing 8-inch gate valve will be removed and replaced with a blind flange.
68. The Owner/Permittee will be required to process B-Sheet and D-Sheet drawings for the water easement abandonment, the cut & plug and abandonment of a portion of the easement water main and the proposed main additions/alterations.
69. An Encroachment, Maintenance and Removal Agreement will be required for all private encroachments into the existing 24-foot-wide City of San Diego water easement.
70. Prior to the issuance of any building permits, the Owner/Permittee shall apply for plumbing permits for the installation of appropriate private back flow prevention devices 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 Director of Public Utilities and the City Engineer.
71. Prior to the issuance of any certificates of occupancy, the Owner/Permittee shall install fire hydrants at locations satisfactory to the Fire Department, the Director of Public Utilities 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.
72. 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.
73. Prior to the issuance of any certificates of occupancy all public water facilities necessary to serve this development, including meters and services, and the cut & plug and abandonment of the easterly portion of the easement main, shall be complete and operational in a manner satisfactory to the Director of Public Utilities and the City Engineer.
74. All on-site water facilities shall be private including domestic, fire and irrigation systems.
75. 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 Director of Public Utilities 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.

76. 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.

77. 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.

**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 FEB 23 2010,  
Resolution No. R- 305632.

Permit Type/PTS Approval No.:  
Site Development Permit No. 447403  
Planned Development Permit No. 447402  
Neighborhood Use Permit No. 681661  
Approved \_\_\_\_\_, 2010

AUTHENTICATED BY THE DEVELOPMENT SERVICES DEPARTMENT

\_\_\_\_\_  
Mike Westlake  
Program Manager, Development Services

**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.**

**PALOMAR POMERADO HEALTH**  
Owner/Permittee

By \_\_\_\_\_  
Michael H. Covert  
President and CEO

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