

RESOLUTION NUMBER R- 308573

DATE OF FINAL PASSAGE NOV 05 2013

A RESOLUTION GRANTING CONDITIONAL USE PERMIT NO. 963644, SITE DEVELOPMENT PERMIT NO. 1069754 AND PLANNED DEVELOPMENT PERMIT NO. 963645 FOR THE KAISER SAN DIEGO CENTRAL MEDICAL CENTER-PROJECT NO. 274240 (MMRP).

WHEREAS, County of San Diego, Owner and Kaiser Foundation Hospital and Health Plan, a California nonprofit public benefit corporation, Permittee, filed an application with the City of San Diego for a Conditional Use Permit, Site Development Permit and Planned Development Permit to demolish a 337,564-square foot building and construction of a hospital complex known as the Kaiser Permanente San Diego Medical Center project, located at 5201 Ruffin Road, legally described as: Lot 1 of Astronautics Point, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4674, filed in the Office of the County Recorder of San Diego County, December 2, 1960; Excepting therefrom that portion of said Lot 1 lying Easterly of the following described line: Commencing at the Northeasterly corner of said Lot 1; thence along the Northwesterly line thereof South 55° 27.46. West, 298.05 feet to the beginning of a tangent 1045.00 foot radius curve, concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of 11° 37.48., a distance of 212.12 feet to the true point of beginning; thence leaving said Northwesterly line South 00° 24.28., West, 310.03 feet; thence 89° 40.44., East, 152.36 feet; thence South 00° 24.28., West, 685.25 feet to the Northerly right of way line of Ruffin Court (Shown as 2nd Street on said Map No. 4674) and the point of terminus; in the Kearny Mesa Community Plan within the IL-2-1 Zone, the Airport Land Use Compatibility Overlay Zone (Marine Corps Air Station (MCAS) Miramar and Montgomery Field), the Airport Influence Area (MCAS Miramar Review Area 2,

Montgomery Field Review Area 1 on southwestern corner of property, Montgomery Field Review Area 2), the Federal Aviation Administration (FAA) Part 77 Noticing Area, the Montgomery Field Overflight Notification Area, and the Montgomery Field Safety Zone 6; and

WHEREAS, on October 17, 2013, the Planning Commission of the City of San Diego considered Conditional Use Permit No. 963644, Site Development Permit No. 1069754 and Planned Development Permit No. 963645, and pursuant to Resolution No. 4556-PC voted to recommend to the City Council their approval; and

WHEREAS, under Charter section 280(a)(2), this resolution is not subject to veto by the Mayor because this matter requires the City Council to act as a quasi-judicial body and where a public hearing was required by law implicating due process rights of individuals affected by the decision and where the Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; and

WHEREAS, the matter was set for public hearing on NOV 05 2013, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that it adopts the following findings with respect to Conditional Use Permit No. 963644, Site Development Permit No. 1069754 and Planned Development Permit No. 963645:

I. CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC)
Section 126.0305

A. Findings for all Conditional Use Permit

1. The proposed development will not adversely affect the applicable land use plan. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the Kearny Mesa

Community Plan (KMCP). The project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex called the Kaiser Permanente San Diego Central Medical Center Project ("Project"). The community plan designates the site for County Facilities and is zoned for light industrial and office uses with limited commercial uses. A hospital use is allowed within the zone and the community plan through a CUP.

The Project will be constructed in two phases and the hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the Hospital would include ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

In addition, the site is designated as Institutional and Public and Semi-Public Facilities in the General Plan's Land Use Element (City of San Diego 2008). The Institutional and Public and Semi-Public Facilities land use designation provides for uses which offer public and semi-public services to the community, which include a hospital use. The project proposes hospital-related structures and components and would therefore be compatible with the existing General Plan land use designation and will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The Project will be constructed in two phases.

The hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the hospital would include ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

An Environmental Impact Report (EIR) has been prepared for the Project in accordance with California Environmental Quality Act (CEQA) guidelines. A series of mitigation measures are identified in specific issue areas of discussions in Chapter 5.0, Environmental Analysis, within the EIR to reduce environmental impacts. The mitigation measures are also fully contained in Chapter 10.0, Mitigation Monitoring and Reporting Program (MMRP). The implementation of the mitigation measures in the EIR shall reduce impacts to below a level of significance in the areas of: Transportation/Traffic Circulation (direct impacts), Biological Resources (direct impacts), Paleontological Resources (direct impacts), and Health and Safety (direct impacts).

The evaluation of environmental issue areas in the EIR concluded that the Project would result in significant and unmitigated direct and/or cumulative impacts related to: Land Use (direct impacts), Transportation/Traffic Circulation (direct and cumulative impacts), Noise (direct and cumulative impacts), Air Quality (direct and cumulative impacts), and Greenhouse Gas Emissions (cumulative impacts).

The Project would be required to obtain building permits through the Office of State Health and Planning (OSHPD) for the hospital-related structures and components. This state office reviews, permits, and inspects all hospital construction for compliance with all applicable federal and state building, mechanical, electrical, and fire code requirements. The building permit for the parking structure, grading and public improvements shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, and fire code requirements, and development regulations.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in CUP No. 963644, SDP No. 1069754 and PDP No. 963645, and other regulations and guidelines pertaining to the subject property per the LDC. Therefore, 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 including any allowable deviations pursuant to the Land Development Code. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The Project will be constructed in two phases and would achieve a Leadership in Energy and Environmental Design (LEED) Gold level certification.

The Project includes a request for deviations to the floor area ratio (FAR) and retaining wall height and design. The Project proposes a FAR of 1.0, where a maximum FAR of 0.50 is allowed in the IL-2-1 Zone within the KMCP area. However, development proposals which exceed 0.50 FAR within the KMCP area can be considered through a discretionary permit process that would address potential traffic and environmental impacts (KMCP Recommendations Section, FAR, Page 25). In accordance with LDC Section 143.0410(a)(3)(B), a PDP may be granted to deviate from the allowable FAR for development within the KMCP area. This deviation request is to allow for a 1.0 FAR at build out on the 20.01 acre site.

The Project also includes a deviation to LDC Section 142.0340 to allow for a two-tier retaining wall system located along the south side of Clairemont Mesa Boulevard, commencing at the Project's eastern boundary and terminating easterly in the vicinity of Murphy Canyon Road. The two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's

Center ball field. The length of the bottom tier would be 810 linear feet and the top tier would be 440 linear feet. Each tier of the retaining wall system would measure up to 23 feet high, with an approximate visible height of 20 feet, and landscaping would be installed at the bottom and top of the two-tier retaining wall system to integrate the walls into the hillside. This deviation request is to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the frontage traffic improvements.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, and the surrounding development. It has been determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing site, while meeting the purpose and intent of the development regulations in effect for this site per the LDC. The project complies with all other regulations of the LDC.

4. The proposed use is appropriate at the proposed location. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the KMCP. The project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The community plan designates the site for County Facilities and is zoned for light industrial and office uses with limited commercial uses. A hospital use is allowed within the zone and the community plan through a CUP.

The Project will be constructed in two phases and the hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the Hospital would include ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

The General Plan's Public Facilities, Services, and Safety Element Policy PF-0.1 recommends to "[e]ncourag[ing] the provision of diverse, adequate and easily accessible healthcare facilities and services to meet the needs of all residents." The Project would meet the need for public and private healthcare services and facilities for residents in surrounding areas. The Project would be easily accessible and public transportation to the site is available. The site is currently served by Metropolitan Transit System (MTS) service routes 20, 25, 27, 120, 870, 928, and 960, including the Kearny Mesa Transit Center. The Project will also implement several Transportation Demand Management (TDM) measures to increase transit ridership and alternative modes of transportation for employees and patients. Therefore, the proposed use is appropriate at the proposed location.

II. SITE DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0504

A. Findings for all Site Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the KMCP. The project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The community plan designates the site for County Facilities and is zoned for light industrial and office uses with limited commercial uses. A hospital use is allowed within the zone and the community plan through a CUP.

The Project will be constructed in two phases and the hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the Hospital would include ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

In addition, the site is designated as Institutional and Public and Semi-Public Facilities in the General Plan's Land Use Element (City of San Diego 2008). The Institutional and Public and Semi-Public Facilities land use designation provides for uses which offer public and semi-public services to the community, which include a hospital use. The project proposes hospital-related structures and components and would therefore be compatible with the existing General Plan land use designation and will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The Project will be constructed in two phases.

The hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the hospital would include ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

An EIR has been prepared for the Project in accordance with CEQA guidelines. A series of mitigation measures are identified in specific issue areas of discussion in Chapter 5.0,

Environmental Analysis, within the EIR to reduce environmental impacts. The mitigation measures are also fully contained in Chapter 10.0, MMRP. The implementation of the mitigation measures in the EIR shall reduce impacts to below a level of significance in the areas of: Transportation/Traffic Circulation (direct impacts), Biological Resources (direct impacts), Paleontological Resources (direct impacts), and Health and Safety (direct impacts).

The evaluation of environmental issue areas in the EIR concluded that the Project would result in significant and unmitigated direct and/or cumulative impacts related to: Land Use (direct impacts), Transportation/Traffic Circulation (direct and cumulative impacts), Noise (direct and cumulative impacts), Air Quality (direct and cumulative impacts), and Greenhouse Gas Emissions (cumulative impacts).

The Project would be required to obtain building permits through the OSHPD for the hospital-related structures and components. This state office reviews, permits, and inspects all hospital construction for compliance with all applicable federal and state building, mechanical, electrical, and fire code requirements. The building permit for the parking structure, grading and public improvements shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, and fire code requirements, and development regulations.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the LDC in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in CUP No. 963644, SDP No. 1069754 and PDP No. 963645, and other regulations and guidelines pertaining to the subject property per the LDC. Therefore, 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, including any allowable deviations pursuant to the Land Development Code. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The Project will be constructed in two phases and would achieve a LEED Gold level certification.

The Project includes a request for deviations to the FAR and retaining wall height and design. The Project proposes a FAR of 1.0, where a maximum FAR of 0.50 is allowed in the IL-2-1 Zone within the KMCP area. However, development proposals which exceed 0.50 FAR within the KMCP area can be considered through a discretionary permit process that would address potential traffic and environmental impacts (KMCP Recommendations Section, FAR, Page 25). In accordance with LDC Section 143.0410(a)(3)(B), a PDP may be granted to deviate from the allowable FAR for development within the KMCP area. This deviation request is to allow for a 1.0 FAR at build out on the 20.01 acre site.

The Project also includes a deviation to LDC Section 142.0340 to allow for a two-tier retaining wall system located along the south side of Clairemont Mesa Boulevard, commencing at the Project's eastern boundary and terminating easterly in the vicinity of Murphy Canyon Road. The two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's Center ball field. The length of the bottom tier would be 810 linear feet and the top tier would be 440 linear feet. Each tier of the retaining wall system would measure up to 23 feet high, with an approximate visible height of 20 feet, and landscaping would be installed at the bottom and top of the two-tier retaining wall system to integrate the walls into the hillside. This deviation request is to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the frontage traffic improvements.

Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, and the surrounding development. It has been determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing site, while meeting the purpose and intent of the development regulations in effect for this site per the LDC. The project complies with all other regulations of the LDC.

B. Supplemental Findings--Environmentally Sensitive Lands

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 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building and construction of a hospital complex. The Project includes the installation of a two-tier retaining wall system to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the frontage traffic improvements. This area along Clairemont Mesa Boulevard consists of urban/developed land (DEV), disturbed habitat (DH), coastal sage scrub (CSS), disturbed coastal sage scrub (dCSS), and ornamental plantings (ORN). Therefore, the Project requires a SDP for development on a site that contains environmentally sensitive lands (ESL) in the form of sensitive biological resources.

The Project study area (including frontage road improvements) includes 0.1 acre of CSS, 0.3 acre of dCSS, 0.4 acre of ornamental plantings, 0.5 acre of disturbed habitat and 19.5 acres of urban/developed land. Development of the site would result in direct impacts to 0.4 acre of coastal sage scrub habitat (Tier II) land and 20.4 acres of Tier IV land. Direct impacts include both the permanent loss of on-site habitat and the plant and wildlife species that it contains and the temporary loss of on-site habitat. All biological resources within the direct permanent impact area are considered 100 percent lost. To mitigate and reduce the impacts to the 0.1 acre of CSS, 0.3 acre of dCSS, to below a level of significance, the applicant would contribute to the City of San Diego Habitat Acquisition Fund (HAF) to mitigate for the loss of 0.4 acre of coastal sage scrub habitat. This mitigation has been included within the MMRP for the Project.

The remaining 19.61 acres of the site does not contain ESL and has been previously graded. The site is currently developed with a 337,564-square foot building that was formerly the County of San Diego annex building and associated parking lots. The Project's building design is intended to complement, enhance, and integrate the site with the existing surrounding uses. The massing and organization of the buildings and their elevations is classic modern. Fin-type sunscreens provide shading of the glass areas facing east, south and west and provide a depth to the building façade's appearance while also providing additional visual detail and interest due to shade/shadow cast patterns. The design of the project layout maximizes sunlight. The design emphasizes pedestrian access with pathways to and across the site from adjoining streets, seating and gathering spaces, water features and connections between indoor functions and outdoor adjunct spaces such as for dining. Walkways allow pedestrians to easily and safely access various buildings from parking garages. Therefore, the site is physically suitable for the design and siting of the proposed development and the development will result in minimal disturbance to 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 20.01 acre site is located at 5201 Ruffin Road. The Project proposes the demolition of a 337,564-square foot building and construction of a hospital complex. The site is located in an urban setting and is surrounded by existing development and major transportation corridors. The site is bordered by Clairemont Mesa Boulevard to the north, Ruffin Court to the south, Ruffin Road to the west, and Polinsky Children's Center to the east. Interstate 15 (I-15) is located approximately 0.28 mile to the east.

The site is approximately 3 to 5 feet lower than Ruffin Court, to the south, and up to approximately 10 feet lower than Ruffin Road, to the west. Along the north property line, the site transitions from being at a lower elevation to a higher elevation than Clairemont Mesa Boulevard. The transition occurs approximately 300 feet east of the west property line where the Clairemont Mesa Boulevard entrance to the site is located. The elevation of the site ranges from approximately 408 feet above mean sea level (amsl) at the northern end to 420 feet amsl at the southern end.

The project also would include frontage street improvements along the south side of Clairemont Mesa Boulevard where retaining walls are proposed to create adequate area needed for the proposed road widening. A two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's Center ball field. The length of the bottom tier would be 810 linear feet and the top tier would be 440 linear feet. Each tier of the retaining wall system would measure up to 23 feet high, with an approximate visible height of 20 feet, and landscaping would be installed at the bottom and top of the two-tier retaining wall system to integrate the walls into the hillside.

Based on the description of the geologic materials provided in geotechnical report prepared for the Project, the stratigraphic profile at the site consists of man-made fill materials (silty sand and silt with varying amounts of gravel and cobbles) overlying insitu silty sands with varying amounts of gravel and cobbles. These insitu silty sands are underlain by sandstone bedrock. In some areas, the man-made fill is underlain directly by the sandstone bedrock. Along

the east side of the site, no man-made fill materials were encountered and the insitu silty sands overlies the sandstone bedrock.

The site is not located within an Alquist–Priolo Earthquake Fault Zone designated by the California Geological Survey (CGS) or within a Bruch Management and Fire Hazard Severity Zones. In addition, the Natural Flood Insurance Program’s Flood Insurance Rate Map (FIRM) identifies the site is located within a Zone X. Zone X corresponds to area determined to be outside the 0.2% annual chance of floodplain and flooding is not considered as a hazard to the project.

The Project has been designed and incorporates the Site Development Recommendations, Foundation Recommendations, Pavement Recommendations, and Recommendations for Additional Work as stated in the Geotechnical Reports included in Appendix G within the EIR, as well as adherence with appropriate engineering design and construction measures to meet California Building Code (CBC) standards. Therefore, the proposed development has been designed to minimize the alteration of natural land forms and will not result in undue risk from geologic and erosional forces, flood hazards, or fire hazards.

3. The proposed development will be sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands. The 20.01 acre site is located at 5201 Ruffin Road. The Project proposes the demolition of a 337,564-square foot building and construction of a hospital complex. Approximately 19.61 acres of the site does not contain ESL and has been previously graded. The site is located in an urban setting and is surrounded by existing development and major transportation corridors. The site is bordered by Clairemont Mesa Boulevard to the north, Ruffin Court to the south, Ruffin Road to the west, and Polinsky Children’s Center to the east. Interstate 15 (I-15) is located approximately 0.28 mile to the east.

There are no native vegetation communities adjacent to the Project site. The surrounding area is developed and mostly vegetated and maintained with ornamental species. Runoff from the site does drain, via streets and the storm drain system, toward Murphy Canyon which supports a corridor of riparian vegetation and ultimately through the San Diego River to the Pacific Ocean. Implementation of stormwater regulations would substantially control adverse edge effects during and following construction both adjacent and downstream from the site. There are no vegetation communities that have the potential to support special-status plant species adjacent to the Project site.

The Project site is within the San Diego’s Multiple Species Conservation Program (MSCP), in the City of San Diego (City) Subarea Plan in an area designated as the “Urban Areas.” The project site is not located within or adjacent to the City’s MSCP Multiple Habitat Preservation Area (MHPA). The nearest MHPA boundary is located approximately 1,200 feet south of the site.

The Project’s building design is intended to complement, enhance, and integrate the site with the existing surrounding uses. The massing and organization of the buildings and their elevations is classic modern. Fin-type sunscreens provide shading of the glass areas facing east, south and west and provide a depth to the building façade’s appearance while also providing

additional visual detail and interest due to shade/shadow cast patterns. The design of the project layout maximizes sunlight. The design emphasizes pedestrian access with pathways to and across the site from adjoining streets, seating and gathering spaces, water features and connections between indoor functions and outdoor adjunct spaces such as for dining. Walkways allow pedestrians to easily and safely access various buildings from parking garages. Therefore, the proposed development has been sited and designed to prevent adverse impacts on any adjacent environmentally sensitive lands.

4. The proposed development will be consistent with the City of San Diego's Multiple Species Conservation Program (MSCP) Subarea Plan. The Project site is within the San Diego's MSCP, in the City's Subarea Plan in an area designated as the "Urban Areas." The project site is not located within or adjacent to the City's MSCP MHPA. The nearest MHPA boundary is located approximately 1,200 feet south of the site. The project will be consistent with the MSCP Subarea Plan.

5. The proposed development will not contribute to the erosion of public beaches or adversely impact local shoreline sand supply. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the KMCP. The site is located approximately nine miles from the Pacific Ocean and four miles from the San Diego River. Runoff from the site does drain, via streets and the storm drain system, toward Murphy Canyon which supports a corridor of riparian vegetation and ultimately through the San Diego River to the Pacific Ocean. Implementation of stormwater regulations are expected to substantially control adverse edge effects during and following construction both adjacent and downstream from the site. Therefore, the proposed development would not contribute to the erosion of public beaches or adversely impact local shoreline sand supply.

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. An EIR has been prepared for the Project in accordance with CEQA guidelines. A series of mitigation measures are identified in specific issue areas of discussion in Chapter 5.0, Environmental Analysis, within the EIR to reduce environmental impacts. The mitigation measures are also fully contained in Chapter 10.0, MMRP. Implementation of the mitigation measures in the EIR will reduce impacts to below a level of significance in the areas of: Transportation/Traffic Circulation (direct impacts), Noise (direct impacts) Biological Resources (direct impacts), Paleontological Resources (direct impacts), and Health and Safety (direct impacts).

The evaluation of environmental issue areas in the EIR concluded that the Project would result in significant and unmitigated direct and/or cumulative impacts related to: Land Use (indirect impacts), Transportation/Traffic Circulation (direct and cumulative impacts), Noise (direct impacts), Air Quality (direct and cumulative impacts), and Greenhouse Gas Emissions (direct and cumulative impacts). All of the mitigation measures identified in the EIR as well as the conditions required as part of the Permit are reasonably related to, and calculated to alleviate, negative impacts created by the proposed development.

O. Supplemental Findings--Public Right-of Way Encroachments

1. **The proposed encroachment is reasonably related to public travel, or benefits a public purpose, or all record owners have given the applicant written permission to maintain the encroachment on their property.** The Project proposes a PDP for a deviation to LDC Section 142.0340 to allow for a two-tier retaining wall system located along the south side of Clairemont Mesa Boulevard, commencing at the Project's eastern boundary and terminating easterly in the vicinity of Murphy Canyon Road. The two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's Center ball field. The far eastern portion of the retaining wall system encroaches into the public right-of-way along Clairemont Mesa Boulevard, which requires the Site Development Permit (SDP) for the encroachment within the public right-of-way. The PDP and SDP is to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the Project's frontage traffic improvements; therefore, the proposed encroachment is reasonably related to public travel.

2. **The proposed encroachment does not interfere with the free and unobstructed use of the public right-of way for public travel.** The proposed encroachment for the two-tier retaining wall system is to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the Project's frontage traffic improvements. Therefore, the proposed encroachment does not interfere with the free and unobstructed use of the public right-of way for public travel.

3. **The proposed encroachment will not adversely affect the aesthetic character of the community.** The two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's Center ball field. The far eastern portion of the retaining wall system encroaches into the public right-of-way along Clairemont Mesa Boulevard. The length of the bottom tier would be 810 linear feet and the top tier would be 440 linear feet. Each tier of the retaining wall system would measure up to 23 feet high, with an approximate visible height of 20 feet, and landscaping would be installed at the bottom and top of the two-tier retaining wall system to integrate the walls into the hillside and surrounding community. Therefore, the proposed encroachment will not adversely affect the aesthetic character of the community.

4. **The proposed encroachment does not violate any other Municipal Code provisions or other local, state, or federal law.** The Project proposes a PDP for a deviation to LDC Section 142.0340 to allow for a two-tier retaining wall system located along the south side of Clairemont Mesa Boulevard, commencing at the Project's eastern boundary and terminating easterly in the vicinity of Murphy Canyon Road. The two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's Center ball field. The far eastern portion of the retaining wall system encroaches into the public right-of-way along Clairemont Mesa Boulevard, which requires the SDP for the encroachment within the public right-of-way. The PDP and SDP is to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the Project's frontage traffic improvements. Therefore, with the approval of the PDP and SDP, the proposed

encroachment would not violate any other municipal code provisions or other local, state, or federal law.

5. For coastal development in the coastal overlay zone, the encroachment is consistent with Section 132.0403 (Supplement Use Regulations of the Coastal Overlay Zone). The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the KMCP. The site is located approximately nine miles from the Pacific Ocean and is not located within the Coastal Overlay Zone.

III. PLANNED DEVELOPMENT PERMIT - SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0604

A. Findings for all Planned Development Permits

1. The proposed development will not adversely affect the applicable land use plan. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the KMCP. The project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The community plan designates the site for County Facilities and is zoned for light industrial and office uses with limited commercial uses. A hospital use is allowed within the zone and the community plan through a CUP.

The Project will be constructed in two phases and the hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the Hospital would include ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

In addition, the site is designated as Institutional and Public and Semi-Public Facilities in the General Plan's Land Use Element (City of San Diego 2008). The Institutional and Public and Semi-Public Facilities land use designation provides for uses which offer public and semi-public services to the community, which include a hospital use. The project proposes hospital-related structures and components and would therefore be compatible with the existing General Plan land use designation and will not adversely affect the applicable land use plan.

2. The proposed development will not be detrimental to the public health, safety, and welfare. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building that was formerly the County of San Diego annex building and construction of a hospital complex. The Project will be constructed in two phases.

The hospital would be a full-service general acute care hospital that would accommodate 450 beds (build-out). In addition to the inpatient nursing functions, the hospital would include

ancillary services, such as medical imaging/radiology, clinical laboratory and blood bank, operating rooms and associated recovery spaces, inpatient pharmacies, and an emergency department which would have associated treatment rooms. The hospital would also include administrative offices and conference rooms, as well as general building support departments such as environmental and material services, cafeteria and inpatient food services, communication, linen, and biomedical engineering.

An EIR has been prepared for the Project in accordance with CEQA guidelines. A series of mitigation measures are identified in specific issue areas of discussion in Chapter 5.0, Environmental Analysis, within the EIR to reduce environmental impacts. The mitigation measures are also fully contained in Chapter 10.0, MMRP. The implementation of the mitigation measures in the EIR shall reduce impacts to below a level of significance in the areas of: Transportation/Traffic Circulation (direct impacts), Biological Resources (direct impacts), Paleontological Resources (direct impacts), and Health and Safety (direct impacts).

The evaluation of environmental issue areas in the EIR concluded that the Project would result in significant and unmitigated direct and/or cumulative impacts related to: Land Use (direct impacts), Transportation/Traffic Circulation (direct and cumulative impacts), Noise (direct and cumulative impacts), Air Quality (direct and cumulative impacts), and Greenhouse Gas Emissions (cumulative impacts).

The Project would be required to obtain building permits through the OSHPD for the hospital-related structures and components. This state office reviews, permits, and inspects all hospital construction for compliance with all applicable federal and state building, mechanical, electrical, and fire code requirements. The building permit for the parking structure, grading and public improvements shall be reviewed, permitted, and inspected by the City for compliance with all applicable building, mechanical, electrical, and fire code requirements, and development regulations.

The permit for the Project includes various conditions and referenced exhibits of approval relevant to achieving project compliance with the applicable regulations of the LDC in effect for this project. Such conditions have been determined as necessary to avoid adverse impacts upon the health, safety and general welfare of persons residing or working in the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in CUP No. 963644, SDP No. 1069754 and PDP No. 963645, and other regulations and guidelines pertaining to the subject property per the LDC. Therefore, 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 including any proposed deviations pursuant to Section 126.0602(b)(1) that 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; and any allowable deviations that are otherwise authorized pursuant to the Land Development Code. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road. The Project proposes the demolition of a 337,564-square foot building that was formerly the County

of San Diego annex building and construction of a hospital complex. The Project will be constructed in two phases and would achieve a LEED Gold level certification.

The Project includes a request for deviations to the FAR and retaining wall height and design. The Project proposes a FAR of 1.0, where a maximum FAR of 0.50 is allowed in the IL-2-1 Zone within the KMCP area. However, development proposals which exceed 0.50 FAR within the KMCP area can be considered through a discretionary permit process that would address potential traffic and environmental impacts (KMCP Recommendations Section, FAR, Page 25). In accordance with LDC Section 143.0410(a)(3)(B), a PDP may be granted to deviate from the allowable FAR for development within the KMCP area. This deviation request is to allow for a 1.0 FAR at build out on the 20.01 acre site.

The Project proposes a deviation to LDC Section 142.0340 to allow for a two-tier retaining wall system located along the south side of Clairemont Mesa Boulevard, commencing at the Project's eastern boundary and terminating easterly in the vicinity of Murphy Canyon Road. The two-tier retaining wall system would be situated in an existing sloped area located between the southerly Clairemont Mesa Boulevard right-of-way and existing Polinsky Children's Center ball field. The length of the bottom tier would be 810 linear feet and the top tier would be 440 linear feet. Each tier of the retaining wall system would measure up to 23 feet high, with an approximate visible height of 20 feet, and landscaping would be installed at the bottom and top of the two-tier retaining wall system to integrate the walls into the hillside. This deviation request is to allow for the adequate area needed for the proposed road widening and new lane along the south side of Clairemont Mesa Boulevard as part of the frontage traffic improvements.

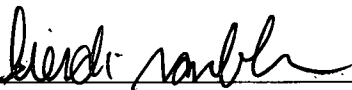
Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration with its varying topographic conditions, and the surrounding development. It has been determined that the deviations are appropriate and will result in a more desirable project that efficiently utilizes the site and achieves the revitalization and re-use of the existing site, while meeting the purpose and intent of the development regulations than would be achieved if designed in strict conformance with the development regulations of the applicable zone.

The above findings are supported by the minutes, maps and exhibits, all of which are incorporated herein by this reference.

BE IT FURTHER RESOLVED, that Conditional Use Permit No. 963644, Site Development Permit No. 1069754 and Planned Development Permit No. 963645 are granted to County of San Diego, Owner and Kaiser Foundation Hospital and Health Plan, a California

nonprofit public benefit corporation, Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Heidi K. Vonblum
Deputy City Attorney

HKV:nja
10/17/13
Or.Dept:DSD
Doc. No. 656044

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: 24002680

CONDITIONAL USE PERMIT NO. 963644
SITE DEVELOPMENT PERMIT NO. 1069754
PLANNED DEVELOPMENT PERMIT NO. 963645
KAISER SAN DIEGO CENTRAL MEDICAL CENTER-PROJECT NO. 274240 [MMRP]
CITY COUNCIL

This Conditional Use Permit No. 963644, Site Development Permit No. 1069754 and Planned Development Permit No. 963645 is granted by the City Council of the City of San Diego to County of San Diego, Owner and Kaiser Foundation Hospital and Health Plan, a California nonprofit public benefit corporation, Permittee, pursuant to San Diego Municipal Code [SDMC] Sections 126.0305, 126.0504 and 126.0604. The 20.01 acre site is located at 5201 Ruffin Road, on the southeastern corner of Clairemont Mesa Boulevard and Ruffin Road, in the IL-2-1 Zone within the Kearny Mesa Community Plan, the Airport Land Use Compatibility Overlay Zone (Marine Corps Air Station (MCAS) Miramar and Montgomery Field), the Airport Influence Area (MCAS Miramar Review Area 2, Montgomery Field Review Area 1 on southwestern corner of property, Montgomery Field Review Area 2), the Federal Aviation Administration (FAA) Part 77 Noticing Area, the Montgomery Field Overflight Notification Area, Montgomery Field Safety Zone 6, and Council District 6. The project site is legally described as: Lot 1 of Astronautics Point, in the City of San Diego, County of San Diego, State of California, according to Map thereof No. 4674, filed in the Office of the County Recorder of San Diego County, December 2, 1960; Excepting therefrom that portion of said Lot 1 lying Easterly of the following described line: Commencing at the Northeasterly corner of said Lot 1; thence along the Northwesterly line thereof South 55° 27.46. West, 298.05 feet to the beginning of a tangent 1045.00 foot radius curve, concave Northwesterly; thence Southwesterly along the arc of said curve through a central angle of 11° 37.48., a distance of 212.12 feet to the true point of beginning; thence leaving said Northwesterly line South 00° 24.28., West, 310.03 feet; thence 89° 40.44., East, 152.36 feet; thence South 00° 24.28., West, 685.25 feet to the Northerly right of way line of Ruffin Court (Shown as 2nd Street on said Map No. 4674) and the point of terminus.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition of the County of San Diego annex building and construction of a hospital complex; described and identified by size, dimension, quantity, type, and location

on the approved exhibits [Exhibit "A"] dated NOV 05 2013, on file in the Development Services Department.

The project shall include:

- a. Demolition of a 337,564 square foot building and construction of a hospital complex that will be constructed in two phases. Phase I: a 565,000 square foot, seven-story general acute and tertiary care hospital building (Hospital), a 75,000 square foot outpatient hospital support building (HSB), and a 38,981 square foot central utility plant (Energy Center). The Hospital would include 321 beds, an outdoor service yard, and a 1,359 stall six-story parking structure in addition to 100 surface parking spaces. Phase II (build-out): the expansion of the Hospital by an additional seven-story, 155,000 square foot building to accommodate 129 beds (for a total of 450 beds), an additional 105,000 square foot HSB (for a total of 180,000 square feet), and an additional 1,134 stall seven-story parking structure (for a total of 2,593 parking spaces);
- b. Deviations as follows;
 - (1) Floor Area Ratio- A deviation to allow for a floor area ratio (FAR) of 1.0, where a maximum allowable FAR of 0.50 is allowed. A Planned Development Permit may be used to deviate from the allowed FAR pursuant to the Kearny Mesa Community Plan and SDMC Section 143.0410(a)(3)(B);
 - (2) Retaining Wall- A deviation to SDMC Section 142.0340 to allow for a two-tier retaining wall system on the south side of Clairemont Mesa Boulevard to allow for the expansion of the existing roadway as shown on Exhibit A;
- c. Landscaping (planting, irrigation and landscape related improvements);
- d. Off-street parking;
- e. Leadership in Energy and Environmental Design (LEED) Gold Level Certification; and
- f. Public and private accessory improvements determined by the Development Services Department to be consistent with the land use and development standards for this site in accordance with the adopted community plan, the California Environmental Quality Act [CEQA] and the CEQA Guidelines, the City Engineer's requirements, zoning regulations, conditions of this Permit, and any other applicable regulations of the SDMC.

STANDARD REQUIREMENTS:

1. This Permit must be utilized within thirty-six (36) months after the date on which all rights of appeal have expired. If this permit is not utilized in accordance with Chapter 12, Article 6, Division 1 of the SDMC within the 36 month period, this permit shall be void unless an Extension of Time has been granted. Any such Extension of Time must meet all SDMC requirements and applicable guidelines in effect at the time the extension is considered by the appropriate decision maker. This permit must be utilized by NOV 05 2016.

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. While this Permit is in effect, the subject property shall be used only for the purposes and under the terms and conditions set forth in this Permit unless otherwise authorized by the appropriate City decision maker.
4. This Permit is a covenant running with the subject property and all of the requirements and conditions of this Permit and related documents shall be binding upon the Owner/Permittee and any successor(s) in interest.
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 building modifications and site improvements may be required to comply with applicable building, fire, mechanical, and plumbing codes, and State and Federal disability access laws.
8. Construction plans shall be in substantial conformity to Exhibit "A." Changes, modifications, or alterations to the construction plans are prohibited 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 were determined-necessary to make the findings required for approval of this Permit. The Permit holder is required to comply with each and every condition in order to maintain the entitlements that are granted by this Permit.

If any condition of this Permit, on a legal challenge by the Owner/Permittee of this Permit, is found or held by a court of competent jurisdiction to be invalid, unenforceable, or unreasonable, this Permit shall be void. However, in such an event, the Owner/Permittee shall have the right, by paying applicable processing fees, to bring a request for a new permit without the "invalid" conditions(s) back to the discretionary body which approved the Permit for a determination by that body as to whether all of the findings necessary for the issuance of the

proposed permit can still be made in the absence of the "invalid" condition(s). Such hearing shall be a hearing de novo, and the discretionary body shall have the absolute right to approve, disapprove, or modify the proposed permit and the condition(s) contained therein.

10. The Owner/Permittee 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 Owner/Permittee of any claim, action, or proceeding and, if the City should fail to cooperate fully in the defense, the Owner/Permittee 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, Owner/Permittee 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 Owner/Permittee 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 Owner/Permittee shall not be required to pay or perform any settlement unless such settlement is approved by Owner/Permittee.

11. This Permit may be developed in phases. Each phase shall be consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

ENVIRONMENTAL/MITIGATION REQUIREMENTS:

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program No. 274240 [MMRP] shall apply to this Permit. These MMRP conditions are hereby incorporated into this Permit by reference.

13. The mitigation measures specified in the MMRP and outlined in Environmental Impact Report (EIR) No. 274240 (SCH No. 2012071092), shall be noted on the construction plans and specifications under the heading ENVIRONMENTAL MITIGATION REQUIREMENTS.

14. The Owner/Permittee shall comply with the MMRP as specified in Environmental Impact Report No. 274240 (SCH No. 2012071092), to the satisfaction of the Development Services Department and the City Engineer. Prior to issuance of any construction permit, all conditions of the MMRP shall be adhered to, to the satisfaction of the City Engineer. All mitigation measures described in the MMRP shall be implemented for the following issue areas:

- Transportation/Traffic Circulation (direct impacts only)
- Biological Resources
- Paleontology
- Health and Safety
- Noise

AIRPORT REQUIREMENTS:

15. Prior to the issuance of a building permit, the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued.

ENGINEERING REQUIREMENTS:

16. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the closure of all non-utilized driveways with City Standard curb, gutter and sidewalk, satisfactory to the City Engineer.

17. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the construction of City standard driveways, on Ruffin Road and Ruffin Court, satisfactory to the City Engineer.

18. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond the replacement of all existing non-standard curb ramps with City standard curb ramps with truncated domes and the construction of a new curb ramp at the intersection of Ruffin Court and Greencraig Lane, satisfactory to the City Engineer.

19. Prior to the issuance of any building permits, the Owner/Permittee shall obtain an Encroachment Maintenance and Removal Agreement from the City Engineer for the private storm drain systems, and landscape and irrigation located within the City's rights-of-way, satisfactory to the City Engineer.

20. Prior to the issuance of any construction permit, the Owner/Permittee shall enter into a Maintenance Agreement for the ongoing permanent Best Management Practices (BMP) maintenance, satisfactory to the City Engineer.

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

22. Prior to the issuance of any construction permit, the Owner/Permittee shall incorporate and show the type and location of all post construction BMPs on the final construction drawings, consistent with the approved Water Quality Technical Report.

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

24. 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.

25. Development of this project shall comply with all storm water construction requirements of the State Construction General Permit, Order No. 2009-0009-DWQ and the Municipal Storm Water Permit, Order No. R9-2007-0001 in accordance with Order No. 2009-0009DWQ. A Risk Level Determination shall be calculated for the site and a Storm Water Pollution Prevention Plan (SWPPP) shall be implemented concurrently with the commencement of grading activities.

26. Prior to issuance of a grading or a construction permit, a copy of the Notice of Intent (NOI) with a valid Waste Discharge ID number (WDID#) shall be submitted to the City of San Diego as a proof of enrollment under the Construction General Permit. When ownership of the entire site or portions of the site changes prior to filing of the Notice of Termination (NOT), a revised NOI shall be submitted electronically to the State Water Resources Board in accordance with the provisions as set forth in Section II.C of Order No. 2009-0009-DWQ and a copy shall be submitted to the City.

GEOLOGY REQUIREMENTS:

27. Prior to the issuance of any construction permits, the Owner/Permittee shall submit a geotechnical investigation report or update letter that specifically addresses the proposed construction plans. The geotechnical investigation report or update letter shall be reviewed for adequacy by the Geology Section of Development Services.

28. Prior to exoneration of the bond and grading permit close-out, the Owner/Permittee shall submit an as-graded geotechnical report prepared in accordance with the City's "Guidelines for Geotechnical Reports" following completion of the grading. The as-graded geotechnical report shall be reviewed for adequacy by the Geology Section of Development Services.

LANDSCAPE REQUIREMENTS:

29. Prior to issuance of any construction permits for public right-of-way improvements, the 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 square-foot area around each tree, which is unencumbered by utilities. Driveways, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

30. Prior to the issuance of any construction permit, the Owner/Permittee shall submit complete landscape and irrigation construction documents consistent with the Land Development Manual 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. Construction plans shall take into account a 40 square-foot area around each tree, which is unencumbered by hardscape and utilities as set forth under SDMC 142.0403(b)(5).

31. In the event that the Landscape Plan and the Site Plan conflict, the Site Plan shall be revised to be consistent with the Landscape Plan such that landscape areas are consistent with the Exhibit "A," Landscape Development Plan.

32. Prior to issuance of any Certificate of Occupancy, the Owner/Permittee shall install all required landscape and obtain all required landscape inspections.

33. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, consistent with the Landscape Standards unless long-term maintenance of said landscaping will be the responsibility of a Landscape Maintenance District or other approved entity. All required landscape shall be maintained in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted unless specifically noted in this Permit. The trees shall be maintained in a safe manner to allow each tree to grow to its mature height and spread.

34. 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 shall repair and/or replace in kind and equivalent size per the approved documents to the satisfaction of the Development Services Department within 30 days of damage or a Final Landscape Inspection, whichever occurs earlier.

35. The Owner/Permittee shall replace any required planting that dies within 3 years of installation, within 30 calendar days of plant death with the same size and species of plant material shown on the approved plan.

PLANNING/DESIGN REQUIREMENTS:

36. Prior to issuance of building permits, the Owner/Permittee shall provide documentation that the project has been submitted to the U.S. Green Building Council for review and will achieve at least a Leadership in Energy and Environmental Design (LEED) Gold Certification. Construction documents shall note all criteria included in the design and construction of the project as identified in the LEED certification application.

37. Prior to issuance of building permits for the northern retaining walls, both on and off site, along Clairemont Mesa Blvd, construction documents shall identify the use of anti-graffiti coating on said walls.

38. All storage, service, and repair areas shall be located on the premises or screened so that they are not visible from adjacent development and public rights-of-way.

39. Prior to the issuance of building permits for the offsite retaining walls, construction documents shall fully illustrate, to the satisfaction of the Development Services Department, the use of upgraded materials, other than concrete masonry unit (CMU), or the retaining walls shall be textured and colored to have a natural appearance.

40. The retaining walls shall substantially conform to the approved Exhibit "A."

41. Prior to issuance of any building permit for the parking structure or hospital, construction documents shall fully illustrate compliance with the obstruction marking and lighting condition

as described in the FAA Determination of No Hazard to Air Navigation (Aeronautical Study No. 2013-AWP-2239-OE, prior Study No. 2012-AWP-7135-OE).

42. 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.

43. All signs associated with this development shall be consistent with sign criteria established by either the approved Exhibit "A" or City-wide sign regulations.

44. All private outdoor lighting shall be shaded and adjusted to fall on the same premises where such lights are located and in accordance with the applicable regulations in the SDMC.

TRANSPORTATION REQUIREMENTS:

45. The Owner/Permittee shall permanently maintain a minimum of 1,620 automobile parking spaces including 32 standard accessible spaces, 32 motorcycle spaces, and 40 bicycle spaces with racks as required by the SDMC. The approved Exhibit "A" proposes to provide 1,459 automobile parking spaces including 60 standard accessible spaces, 29 motorcycle spaces, and 29 bicycle spaces with racks in Phase I, and 1,134 automobile parking spaces including 93 standard accessible spaces, 23 motorcycle spaces, and 23 bicycle spaces with racks in Phase II for a total of 2,593 automobile parking spaces including 153 standard accessible spaces, 52 motorcycle, and 52 bicycle spaces.

46. All on-site parking stalls and aisle widths shall be in compliance with requirements of the City's Land Development Code and shall not be converted and/or utilized for any other purpose, unless otherwise authorized in writing by the Development Services Director.

47. Prior to issuance of any grading permit, the Owner/Permittee shall assure by permit and bond the installation of a traffic signal at the intersection of Clairemont Mesa Boulevard/Project Driveway and provide interconnect to the existing coordinated signal system on Clairemont Mesa Boulevard, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

48. The new signal at the intersection of Clairemont Mesa Boulevard/Project Driveway shall have the following lane configuration:

- a. Westbound: Two 300-foot long left-turn lanes and three through lanes
- b. Northbound: Two right-turn lanes and one left-turn lane
- c. Eastbound: One 150-foot long right-turn lane, three through lanes and a Class II bike lane.

49. Prior to issuance of any construction permit, the Owner/Permittee shall dedicate additional right-of-way along its entire frontage on Clairemont Mesa Boulevard including adequate off-site transitions, and assure by permit and bond construction of a third eastbound through lane on

Clairemont Mesa Boulevard between Ruffin Road and Murphy Canyon Road, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

50. Prior to issuance of any grading permit, the Owner/Permittee shall assure by permit and bond the modification of the traffic signal at the intersection of Clairemont Mesa Boulevard/ Murphy Canyon Road to accommodate the widening for the third eastbound through lane on Clairemont Mesa Boulevard, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

51. Prior to issuance of any grading permit, the Owner/Permittee shall assure by permit and bond the installation of a raised median on Ruffin Road between Ruffin Court and Clairemont Mesa Boulevard, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

52. Prior to issuance of any grading permit, the Owner/Permittee assure by permit and bond the installation of standard full-height curb, gutter, and non-contiguous sidewalk (contiguous at transitions per landscaping and approved traffic study) along the project's frontage along Clairemont Mesa Boulevard, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

53. Prior to issuance of any grading permit, the Owner/Permittee shall assure by permit and bond the installation of standard full-height curb, gutter, and non-contiguous sidewalk (contiguous at transitions per landscaping and approved traffic study) along the project's frontage along Ruffin Road, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

54. Prior to issuance of any grading permit, the Owner/Permittee shall assure by permit and bond the installation of standard full-height curb, gutter, and non-contiguous sidewalk (contiguous at transitions per landscaping and approved traffic study) along the project's frontage along Ruffin Court, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

55. The Owner/Permittee shall implement signal modification to provide SB to WB right-turn overlap phasing at the Balboa Avenue/Ruffin Road intersection, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy for Phase II.

56. The Owner/Permittee shall implement restriping of southbound approach of the Balboa Avenue/ Viewridge Avenue intersection to provide a second southbound left-turn lane including required signal modifications to accommodate the second southbound left-turn lane, satisfactory to the City Engineer. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy for Phase II.

57. The Owner/Permittee shall relocate the existing bus stop for eastbound MTS Routes #25 and #928 on Clairemont Mesa Boulevard (currently located just west of Ruffin Road on the

south side of Clairemont Mesa Boulevard) to the east side on Ruffin Road along the projects frontage, including installation of the appropriate concrete bus pad. Improvements shall be completed and accepted by the City Engineer prior to issuance of the first certificate of occupancy.

58. Prior to issuance of any construction permit, the Owner/Permittee shall provide evidence of the recordation of a Joint Use Driveway/Mutual Access Agreement (Form DS-3248) with the adjacent neighbor to the east, satisfactory to the City Engineer.

59. Prior to issuance of the first certificate of occupancy, the Owner/Permittee shall develop and implement a comprehensive Transportation Demand Management Plan that includes information kiosks in central locations, bike racks, lockers and showers, priority parking spaces for carpool vehicles, discounted transit passes for employees, flexible work schedule as possible and on-site shared car program utilizing hybrid vehicles, and coordination with Metropolitan Transit System (MTS) for additional bus service, satisfactory to the City Engineer.

60. No objects higher than 36 inches are permitted in the visibility triangle areas as shown on the approved Exhibit "A".

WATER ASSESSMENT REQUIREMENTS:

61. The Owner/Permittee shall incorporate in the plans, reviewed and approved by the Office of State Health and Planning (OSHDP), the LEED Water Efficiency Credit design elements that will achieve the goal of 32% water use reduction with a minimum reduction of 15% based on the comparison to the EPA established baseline (EPA Act 1992 and 2005, UPC/IPC 2006)). Within twelve (12) months issuance of the first certificate of occupancy, upon receiving the U.S. Green Building Council certificate for a LEED rated project, the Owner/Permittee shall provide a copy of the LEED certificate to the City of San Diego Development Services and Public Utilities Departments.

PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:

62. Prior to the issuance of any building permits, the Owner/Permittee shall apply for a plumbing permit for the installation of appropriate private back flow prevention device(s) [BFPDs] on each water service (domestic, fire and irrigation), in a manner satisfactory to the Director of Public Utilities and the City Engineer. BFPDs shall be located above ground on private property, in line with the service and immediately adjacent to the right-of-way.

63. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public water facilities, including services and meters, 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.

64. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of all public sewer facilities in accordance with established criteria in the most current City of San Diego sewer design guide.

65. All proposed private water and sewer facilities located within a single lot are to be designed to meet the requirements of the California Uniform Plumbing Code and will be reviewed as part of the building permit plan check.

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

67. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, capping (abandonment) at the property line any existing unused sewer lateral and installation of new sewer lateral(s) which must be located outside of any driveway or vehicular use area.

68. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, removal (kill) at the main any existing unused water service.

INFORMATION ONLY:

- The issuance of this discretionary use permit alone does not allow the immediate commencement or continued operation of the proposed use on site. The operation allowed by this discretionary use permit may only begin or recommence after all conditions listed on this permit are fully completed and all required ministerial permits have been issued and received final inspection.
- Any party on whom fees, dedications, reservations, or other exactions have been imposed as conditions of approval of this Permit, may protest the imposition within ninety days of the approval of this development permit by filing a written protest with the City Clerk pursuant to California Government Code-section 66020.
- This development may be subject to impact fees at the time of construction permit issuance.

APPROVED by the City Council of the City of San Diego on NOV 05 2013 and
Resolution No. R- 308573.

Permit Type/PTS Approval No.: CUP No. 963644,
SDP No. 1069754 and PDP No. 963645
Date of Approval: _____

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES
DEPARTMENT

Jeffrey A. Peterson
Development Project Manager

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

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

COUNTY OF SAN DIEGO
Owner

By _____
NAME
TITLE

KAISER FOUNDATION HOSPITAL AND HEALTH PLAN
a California Corporation
Permittee

By _____
NAME
TITLE

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

Passed by the Council of The City of San Diego on NOV 05 2013, by the following vote:

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

Date of final passage NOV 05 2013.

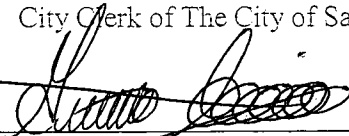
(Please note: When a resolution is approved by the Council President as interim Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

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

(Seal)

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

By , Deputy

Office of the City Clerk, San Diego, California
Resolution Number R- 308573