

RESOLUTION NUMBER R- **315332**  
DATE OF FINAL PASSAGE **FEB 05 2024**

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO APPROVING OF PLANNED DEVELOPMENT PERMIT NO. 2410288, CONDITIONAL USE PERMIT NO. 2410279 AMENDING CONDITIONAL USE PERMIT NO. 304755, SITE DEVELOPMENT PERMIT NO. 2410289 TO AMEND SITE DEVELOPMENT PERMIT 531932, AND NEIGHBORHOOD USE PERMIT NO. 2609691, TO DEMOLISH EXISTING STRUCTURES, CONSTRUCT NEW MEDICAL OFFICE AND HOSPITAL SPACE, WITH PARKING, ALL A PART OF THE SCRIPPS MERCY SAN DIEGO HOSPITAL CAMPUS PROJECT, LOCATED AT 4077 FIFTH AVENUE.

WHEREAS, Scripps Health, Owner/Permittee filed an application with the City of San Diego for Planned Development Permit No. 2410288, Conditional Use Permit No. 2410279 amending Conditional Use Permit No. 304755, Site Development Permit No. 2410289 to amend Site Development Permit 531932, and Neighborhood Use Permit No. 2609691 to demolish existing structures; construct new medical office and hospital space with parking, and to consolidate and subdivide the existing lots into five new lots, and to vacate certain public easements which will no longer be needed to serve a public use, all known as the Scripps Mercy San Diego Hospital project, located at 4077 Fifth Avenue encompassing an area generally east of Fourth Avenue, north of Washington Street, west of Eighth Avenue, and south of the alley south of Arbor Drive, and legally described as Lots 7, 8, 9, 10, and a portion of Lot 28 in Block 3 of Hillcrest Map No. 1024, and a portion of Lot 2 of Mercy Subdivision Map No. 5252, together with a portion of an adjoining alley vacated and closed to public use; Lots 12, 13, and 14 of Block 3 of Hillcrest Map No. 1069; Parcels 1 and 2 of Parcel Map No. 15947; Lots 36 through 50 inclusive, a portion of Lots 51, 52, and 53, and lots 74 to 91 inclusive, and Lot 36A, all in Block 1, and Lots 37A and 38A in Block 3 of D.B. Williams Subdivision Map No. 855; Parcels

1 and 2 of Parcel Map No. 18598, and adjoining portions of 5<sup>th</sup> Avenue, Montecito Way, and 6<sup>th</sup> Avenue as vacated and closed to public use, within the CC-3-8, CC-3-9, OC-1-1, and OR-1-1 within the Uptown Community Plan area; and

WHEREAS, on December 14, 2023, the Planning Commission of the City of San Diego considered Planned Development Permit No. 2410288, Conditional Use Permit No. 2410279 amending Conditional Use Permit No. 304755, Site Development Permit No. 2410289 to amend Site Development Permit 531932, and Neighborhood Use Permit No. 2609691 and pursuant to Resolution No.5270 Planning Commission voted to recommend approval of the Permit; and

WHEREAS, the matter was set for public hearing on February 5, 2024, testimony having been heard, evidence having been submitted, and the City Council having fully considered the matter and being fully advised concerning the same; and

WHEREAS, the Office of the City Attorney has drafted this resolution based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, under San Diego 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 City Council was required by law to consider evidence at the hearing and to make legal findings based on the evidence presented; NOW, THEREFORE,

BE IT RESOLVED, by the City Council of the City of San Diego, that it adopts the following findings with respect to Planned Development Permit No. 2410288, Conditional Use Permit No. 2410279 amending Conditional Use Permit No. 304755, Site Development Permit

No. 2410289 to amend Site Development Permit 531932, and Neighborhood Use Permit No. 2609691:

**A. CONDITIONAL USE PERMIT – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0305**

**1. Findings for Conditional Use Permit – SDMC Section 126.0305:**

**a. The proposed development will not adversely affect the applicable land use plan.** This project proposes amendments to Conditional Use Permit No. 304755 and Site Development Permit No. 531932, along with a Planned Development Permit, a Tentative Map, and Vacation of Public Service Easements. The project will demolish an existing hospital building, related medical buildings, and parking facilities to make way for construction of new hospital buildings, related medical buildings, parking facilities, the expansion of the Central Energy Plant and two utility yards. The project is located at 4077 Fifth Avenue, in the Uptown Community Plan and Council District 3, of the City of San Diego. The project site also lies within the CC-3-8, CC-3-9, OC-1-1, and OR-1-1 zones, Community Plan Implementation Overlay Zone Type A, San Diego International Airport Influence Area Review Area 2, FAA Part 77 Noticing Area, Parking Standards Transit Priority Area, Transit Area Overlay Zone, and Transit Priority Area.

The subject site is designated for Institutional Use within the Medical Complex Neighborhood of the Uptown Community Plan. The proposed project will redevelop a site within the Mercy Medical Complex. The project is consistent with the applicable goals and policies of the Uptown Community Plan Land Use Element, including:

LU-2.16 Evaluate proposed institutional uses for appropriate development intensity and effects on visual quality and neighborhood character. Additional factors, such as those related to mobility, noise, and parking demand should also be evaluated as needed.

LU-2.18 Ensure that new office development within the Medical Complex neighborhood is evaluated for design compatibility (building height, architectural detailing, setbacks, access, lot configuration, and views), relationship to residential development and open space, and potential traffic circulation impacts.

The project will construct new medical office buildings within the existing footprint of the Mercy Medical Complex. It preserves and expands upon the distribution of land uses that provides for a range of goods and services that meet the needs of the community by expanding upon the existing medical care and providing modernized facilities. The Medical Complex Neighborhood supports the intensification of hospital and medical uses in the area without necessitating expansion into the surrounding established community. The project is compatible with the established neighborhood surrounding the site because it provides adequate transitions between new and existing development, both by the siting of proposed buildings intermixed with existing buildings within the Mercy Medical Complex, as well as with the inclusion of setbacks and step backs in proposed building design. The project accomplishes this by requesting several

deviations to the Land Development (further described in Planned Development Permit finding (c) which facilitate a great variety of bulk, scale, and visual interest. Redevelopment would keep with the established character on-site and in the surrounding community. The current and proposed height of the hospital tower allows for this building to be a landmark element on the project site and within the Medical Complex neighborhood. Requested deviations allow for such a landmark element to remain on the site and in the same location already familiar to the community, patients, and medical care providers.

This support of medical uses is also in support of the Community Plan's Economic Prosperity Element, which aims to promote growth in Uptown's health sector. It supports the Mobility Element by contributing to a safe, walkable neighborhood by enhancing pedestrian circulation via non-contiguous sidewalks with landscaped parkways along Washington Street, Fourth Avenue, and Fifth Avenue. These pedestrian enhancements create more defined pedestrian connections between the Medical Complex neighborhood and Hillcrest. The project includes short- and long-term bicycle parking located in convenient and logical locations. Parking would be accommodated almost entirely within integrated parking structures and screened via site buildings and landscaping, as well as architectural design.

The project is consistent with the Urban Design Element of the Uptown Community Plan because the partial redevelopment of the site contributes to development diversity within Uptown as well as within the Mercy Medical Complex. As described above, the proposed buildings have been designed to ensure appropriate scale and graceful transitions. Landscaping would be extensive, contributing to the community character, screening various building elements, and enhancing the pedestrian experience. Additionally, project design incorporates a series of plazas starting at Washington Street and through to the heart of the site, which act as a cohesive wayfinding element connecting to the new buildings and providing informal outdoor space for employees, patients, visitors, and community members traversing the site. Elements of site and building design, such as wayfinding and lighting, entrances and window placement, and active and passive sustainable features meet applicable policies of the Community Plan. Sustainable features also ensure that the project is consistent with the Conservation Element goals and policies. Therefore, the project is consistent with the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** This project proposes amendments to Conditional Use Permit No. 304755 and Site Development Permit No. 531932, along with a Planned Development Permit, a Tentative Map, and Vacation of Public Service Easements. The project includes the demolition of an existing hospital building, related medical buildings and parking facilities to make way for construction of new hospital buildings, related medical buildings, parking facilities, the expansion of the Central Energy Plant and two utility yards, as shown on the associated exhibits.

Construction permits, obtained through the California Department of Health Care Access and Information (HCAI), will be required 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. Construction permits for other buildings, parking structures, grading and public improvements shall be reviewed, issued, 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 references exhibits of approval relevant to achieving project compliance with the applicable regulations of the Land Development Code (LDC) in effect for this project, as modified by the allowable project deviations for building height and floor area ratio. Such conditions have been determined as necessary to ensure the health, safety and general welfare of persons residing in, or working in, the surrounding area. The project shall comply with the development conditions in effect for the subject property as described in PDP No. 2410288, CUP No. 2410279, SDP No. 2410289, and NUP No. 2609691, 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. In addition, the upgrades to the hospital facilities would benefit the public health and safety by providing a modernized facility that meets updated seismic standards for hospitals.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** This project proposes amendments to Conditional Use Permit No. 304755 and Site Development Permit No. 531932, along with a Planned Development Permit, Neighborhood Use Permit, a Tentative Map, and Vacation of Public Service Easements. The project does not require or propose a Community Plan Amendment nor a rezone. The Community Plan land use designation for the subject site Institutional. The site lies within the Medical Complex Neighborhood of the Uptown Community Plan. As noted, the proposed project is redevelopment of the Mercy Medical Complex.

The project has been designed to comply with the regulations of the LDC to the extent possible; however, implementation of the project will require deviations to building height, floor area ratio and driveway width for two, one-way driveways on Sixth Avenue.

Maximum Structure Height (San Diego Municipal Code Table 131-05E)

MOB – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 150 feet

Hospital I – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 315 feet

Hospital II – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 252 feet, 8 inches

HSB – Maximum height per CC-3-8 zone: 100 feet; Proposed height: 130 feet

Maximum Floor Area Ratio (San Diego Municipal Code Table 131-05E)

1. Maximum FAR per CC-3-8 zone: 2.0; Proposed FAR: 2.44

Driveway Width

1. Two one-way driveways on Sixth Avenue will be 27 feet wide and 30 feet wide, where the maximum one-way driveway width is 20 feet per LDC Table 143-05M.

The deviations are necessary to allow the site to be developed with maximum consistency with the intent of providing improved design and access as outlined within Planned Development Permit Finding (a)(3), listed below. Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. Therefore, the project will comply with the regulations of the LDC, including the

allowable deviations for building height, driveway width, and floor area ratio pursuant to the LDC.

**d. The proposed use is appropriate at the proposed location.** This project proposes amendments to Conditional Use Permit No. 304755 and Site Development Permit No. 531932, along with a Planned Development Permit, a Tentative Map, and Vacation of Public Service Easements. The site lies within the Medical Complex Neighborhood of the Uptown Community Plan. As noted, the proposed project is redevelopment of the Mercy Medical Complex. Therefore, the proposed use is appropriate at the proposed location.

The project has been designed to comply with the regulations of the LDC to the extent possible; however, implementation of the project will require deviations to building height and floor area ratio. The deviations are proposed through the PDP and are necessary to allow the site to be developed with greater flexibility from the strict applications of the regulations than would be allowed through the deviation process, while assuring that the development achieves the purpose and intent of the applicable land use plan. The deviations are outlined within Planned Development Permit Finding (A)(1)(c), listed below. Each of the requested deviations has been reviewed as they relate to the proposed design of the project, the property configuration, and the surrounding development. Therefore, the project will comply with the regulations of the LDC, including the allowable deviations for building height and floor area ratio pursuant to the LDC. Therefore, the proposed Hospital use is appropriate at the proposed location.

**B. SITE DEVELOPMENT PERMIT FINDINGS – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION SDMC 126.0505:**

**1. Findings for Site Development Permit – SDMC Section 126.0505(a):**

**a. The proposed development will not adversely affect the applicable land use plan.** As stated in Conditional Use Permit finding (a) above, herein incorporated by reference, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** As stated in Conditional Use Permit finding (b) above, herein incorporated by reference, the proposed development will not be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** As stated in Conditional Use Permit finding (c) above, herein incorporated by reference, the project will comply with the regulations of the Land Development Code.

**C. PLANNED DEVELOPMENT PERMIT FINDINGS – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION SDMC 126.0605:**

**1. Findings for Planned Development Permit – SDMC Section 126.0605(a):**

**a. The proposed development will not adversely affect the applicable land use plan.** As stated in Conditional Use Permit finding (a) above, herein incorporated by reference, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** As stated in Conditional Use Permit finding (b) above, herein incorporated by reference, the proposed development will not be detrimental to the public health, safety, and welfare.

**c. 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 project has been designed to comply with the regulations of the LDC to the extent possible; however, implementation of the project in a manner that maximizes efficiency of the site will require deviations for building height, floor area ratio, and driveway width. The deviations are necessary to allow the site to be developed consistent with the intent of the Uptown Community Plan. The following table is a matrix of the proposed deviations related to height and floor area ratio:

DEVIATION SUMMARY				
DEVIATION DESCRIPTION	BUILDING / LOT	DEVIATION FROM SDMC	REQUIRED	PROPOSED
Max Structure Height (ft)	(N) MEDICAL OFFICE BUILDING II	Table 131-05E	100'-0"	150'-0"
Max Structure Height (ft)	(N) HOSPITAL I	Table 131-05E	100'-0"	315'-0"
Max Structure Height (ft)	(N) HOSPITAL II	Table 131-05E	100'-0"	252'-8"
Max Structure Height (ft)	(N) HOSPITAL SUPPORT BUILDING	Table 131-05E	100'-0"	130'-0"
Max Floor Area Ratio	LOTS 1, 2, 3, 4, 5	Table 131-05E	2.0	2.37

As noted above, the base zone height limit is a maximum of 100 feet, and the project proposes a maximum building height of 315 feet, with other buildings also exceeding the 100-foot height limit of underlying zones. In addition, the base zone regulations allow for a Floor Area Ratio (FAR) limit of 2.0 and the project proposes a FAR of 2.44.

These deviations are necessary because hospitals need to include 8 basic services per state code as listed below:

1. Nursing Service Space
2. Surgical Service Space
3. Anesthesia Service Space
4. Clinical lab Service Space
5. Radiological Imaging Service Space
6. Pharmaceutical Service Space

7. Dietetic Service Space
8. Support Spaces, including Admin, Central sterile supply, Storage, Morgue, and autopsy, Staff dressing and lockers, Housekeeping and Laundry.

Above and beyond these basic services, Scripps is a Trauma Center that is also providing Comprehensive Emergency Services to the community, along with space in the outpatient observation unit located within the new hospital. The observation unit is provided so that patients can be observed without necessarily being fully admitted and taking up a full patient room within the building.

Over the years, and as the codes have evolved, more space has been required for various components. Patient rooms require certain clear floor space that is not impeded by casework and other fixed items. Clear space next to the bed and at the foot of the bed is required. The biggest and most impactful trend has been the need/desire to provide single patient rooms vs. semi-private rooms, so the number of rooms needing to be built has increased to cover the same number of previously licensed beds. Depending on the census of the hospital, the need for beds directly impacts how many new rooms they need to build. Patient rooms also have their own separate toilet and showers.

ICU rooms are now required to be larger than what was permitted before. Also, the greater need for infection control has promoted more isolation rooms on the units. These rooms also need ante rooms next to them, thus requiring more square footage and floors.

Surgical service spaces and operating rooms have increased in size. More equipment is needed, and they are much larger. Therefore, the need for more space in each building.

Older hospital buildings were built with lower floor-to-floor heights. The existing hospital building utilizes a 13'-6" dimension for its floor-to-floor height. More equipment and systems in the buildings require higher heights, and more room in the interstitial space above the ceilings. The new replacement hospital utilizes a more standard 15' dimension for each typical nursing floors, and higher dimensions for the Diagnostic and Treatment areas below – from 16' to 17', and even a 20' height for the intermediate mechanical floor on level 2. In conclusion, all these new regulations add to the overall building height, especially considering the site's size constraints, the only means of expansion is vertical. Therefore, deviating from height and FAR under the PDP will allow the hospital to be a state-of-the-art facility that would meet the immediate and future needs of the community.

A deviation for driveway width is also proposed for the driveway at the entrance from Sixth Avenue on the east side of the site. There will be two, one-way driveways, one of which is under 27 feet and the other is 30 feet, where 20 feet is allowed.

Under the Planned Development Permit (PDP) requirement the project proposes to deviate from an allowable one-way driveway width of 20 feet along 6th Avenue. The project proposes two driveways with curb returns on 6th Avenue for the following reasons:

- 1) minimizes potential conflicts on the south bound of 6th Avenue by allowing multiple delivery trucks to enter and exit at the same time,



- 2) allows for emergency vehicles to access the site while other trucks are at the dock, and
- 3) they are the primary access for the fire department.

This section of Sixth Avenue is a freeway off-ramp with no pedestrian access. There are no sidewalks existing or proposed at this location, and there is no street parking along the project frontage. Therefore, the typical negative aspects associated with curb returns, such as the need for additional curb ramps, and potential conflicts between vehicular and pedestrian access, are not present at this location.

In conclusion, allowing these deviations will provide flexibility in the application of development regulations where strict application of the base zone development regulations would restrict design options and result in a less desirable project. In addition, these deviations are necessary to comply with state regulations which increase overall space requirements for the basic services the hospital must provide. Allowing these deviations through a PDP provides for a superior project by constructing a state-of-the-art hospital that meets the new seismic regulations and allows for updated equipment and better patient care immediately and in the future than adhering strictly to the height and FAR allowed by the zone.

Other than the requested deviations, the project meets all applicable regulations and policy documents, and is consistent with the recommended Uptown Community Plan land use designation and applicable design guidelines, as well as the development standards in effect for this site per the LDC.

**D. NEIGHBORHOOD USE PERMIT FOR COMPREHENSIVE SIGN PLAN – SAN DIEGO MUNICIPAL CODE (SDMC) SECTION 126.0205**

**1. Findings for Neighborhood Use Permits – SDMC Section 126.0205(a):**

**a. The proposed development will not adversely affect the applicable land use plan.** As stated in Conditional Use Permit finding (a) above, herein incorporated by reference, the proposed development will not adversely affect the applicable land use plan.

**b. The proposed development will not be detrimental to the public health, safety, and welfare.** As stated in Conditional Use Permit finding (b) above, herein incorporated by reference, the proposed development will be detrimental to the public health, safety, and welfare.

**c. The proposed development will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.** As stated in Conditional Use Permit finding (c) above, herein incorporated by reference, the proposed development will comply with the regulation of the Land Development Code.


In addition, pursuant to San Diego Municipal Code section 141.1103, comprehensive sign plans may be permitted with a Neighborhood Use Permit to modify applicable sign requirements if the proposed signs, as a whole, are in conformance with the intent of the sign

regulations and if the exceptions result in an improved relationship among the signs and building facades on the premises. The comprehensive sign plan for the project allows wall signs, monument signs, and wayfinding signs to be cohesive and enhance the experience of all who visit the project campus. For all these reasons, the project will comply with the regulations of the Land Development Code including any allowable deviations pursuant to the Land Development Code.

BE IT FURTHER RESOLVED, that Planned Development Permit No. 2410288, Conditional Use Permit No. 2410279 amending Conditional Use Permit No. 304755, Site Development Permit No. 2410289 to amend Site Development Permit 531932, and Neighborhood Use Permit No. 2609691 is granted to Scripps Health, Owner/Permittee, under the terms and conditions set forth in the attached permit which is made a part of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By

  
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Noah J. Brazier  
Deputy City Attorney

NJB:nja  
01/16/2024  
Or. Dept: DSD  
Doc. No. 3529682

Attachment: Conditional Use Permit No.2410279/Site Development Permit No.  
2410289/Neighborhood Use Permit No. 2609691/Planned Development Permit  
No. 2410288

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

**WHEN RECORDED MAIL TO  
CITY CLERK  
MAIL STATION 2A**

INTERNAL ORDER NUMBER: 24008562

SPACE ABOVE THIS LINE FOR RECORDER'S USE

PLANNED DEVELOPMENT PERMIT NO. 2410288, CONDITIONAL USE PERMIT NO. 2410279 AMENDING CONDITIONAL USE PERMIT NO. 304755, SITE DEVELOPMENT PERMIT NO. 2410289 TO AMEND SITE DEVELOPMENT PERMIT 531932, and NEIGHBORHOOD USE PERMIT NO. 2609691

**SCRIPPS MERCY PROJECT NO. 658548 - MMRP  
CITY COUNCIL**

This Planned Development Permit No. 2410288, Conditional Use Permit No. 2410279 amending Conditional Use Permit No. 304755, Site Development Permit No. 2410289 amending Site Development Permit No. 531932, and Neighborhood Use Permit No. 2609691 is granted by the City Council of the City of San Diego to Scripps Health, Owner/Permittee, pursuant to San Diego Municipal Code (SDMC) sections 126.0605, 126.0305, and 126.0505. The 21.19 -acre site is located at 4077 5th Avenue in the CC-3-8, CC-3-9, RM-3-9, OC-1-1, and OR-1-1 zone(s) of the Uptown Community Plan area. Conditional Use Permit No. 304755 and Site Development Permit No. 531932 were recorded on June 11, 2008 as Document Number 2008-0314642 with the San Diego County Recorder's Office. The project site is legally described as: Lots 7, 8, 9, 10, and a portion of Lot 28 in Block 3 of Hillcrest Map No. 1024, and a portion of Lot 2 of Mercy Subdivision Map No. 5252, together with a portion of an adjoining alley vacated and closed to public use; Lots 12, 13, and 14 of Block 3 of Hillcrest Map No. 1069; Parcels 1 and 2 of Parcel Map No. 15947; Lots 36 through 50 inclusive, a portion of Lots 51, 52, and 53, and lots 74 to 91 inclusive, and Lot 36A, all in Block 1, and Lots 37A and 38A in Block 3 of D.B. Williams Subdivision Map No. 855; Parcels 1 and 2 of Parcel Map No. 18598, and adjoining portions of 5th Avenue, Montecito Way, and 6th Avenue as vacated and closed to public use. A complete legal description is attached as Exhibit 1; APNs: 444-531-1200; 444-531-3100; 444-531-3300; 444-531-3400; 444-533-2500; 444-533-2600; 444-560-3400; 444-560-3500; 444-710-2500; and 444-710-2600.

Subject to the terms and conditions set forth in this Permit, permission is granted to Owner/Permittee for the demolition, modification, and construction of buildings within the Scripps Mercy Hospital site as described and identified by size, dimension, quantity, type, and location on the approved exhibits (Exhibit "A") dated February 5, 2024, on file in the Development Services Department.

The project shall include:

- a. Demolition of: Facility Building (three stories, 12,984 square feet); Behavioral Health Clinic (four stories, 64,341 square feet; 50 beds); Hospital Building (12 stories above ground and one below, 507,580 square feet; 517 beds); 550 Washington Building (eight stories, 73,448 square feet); 550 Garage (two stories, 30,364 square feet; 156 parking spaces); Mercy Manor (three stories, 16,688 square feet); Parking Structure 4.1 (three stories, 161,939 square feet; 749 parking spaces); Emergency Department (three stories, 13,796 square feet); Boiler and Laundry Building (three stories, 15,130 square feet).
- b. Construction of: Hospital I (15 stories, approximately 631,590 square feet; 351 beds); Hospital II (15 stories, approximately 380,000 square feet; 166 beds); Hospital Support Building (HSB) (three stories with three stories of subterranean parking, approximately 67,000 square feet); Medical Office Building (MOB) (seven stories with two levels of subterranean parking and three levels of above-ground parking, approximately 200,000 square feet); Ambulance Drop-off Area; Loading Dock Area; Central Energy Plant Expansion (approximately 2,400 square feet); Utility Yards (totaling approximately 18,500 square feet).
- c. Landscaping (planting, irrigation, and landscape and hardscape-related improvements);
- d. Off-street parking; and
- e. Existing chapel to be rehabilitated per the June 15, 1949 chapel addition, Mercy Hospital drawings prepared by architect Martin Rist. Rehabilitation is limited to the Mercy Chapel's exterior elevations where the demolition takes place and is initiated by the demolition of the laundry and boiler buildings, and the 1964 additions of the chapel, and will be consistent with the Secretary of the Interior's Standards for the treatment of historic properties
- f. Certain electrical utility improvements which will be coordinated with SDG&E
- g. 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 February 6, 2027.

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" 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 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 constructed prior to sale or lease to individual owners or tenants to ensure that all development is consistent with the conditions and exhibits approved for each respective phase per the approved Exhibit "A."

#### **ENVIRONMENTAL/MITIGATION REQUIREMENTS:**

12. Mitigation requirements in the Mitigation, Monitoring, and Reporting Program (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 No. 658548/SCH No. 2021040374 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. 658548/SCH No. 2021040374 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:

**Air Quality**  
**Noise (Construction)**

### **CLIMATE ACTION PLAN REQUIREMENTS:**

15. Owner/Permittee shall comply with the Climate Action Plan (CAP) Consistency Checklist stamped as Exhibit "A." Prior to issuance of any construction permit, all CAP strategies shall be noted within the first three (3) sheets of the construction plans under the heading "Climate Action Plan Requirements" and shall be enforced and implemented to the satisfaction of the Development Services Department.

### **WASTE MANAGEMENT PLAN**

16. The Owner/Permittee shall comply with the Waste Management Plan (WMP) as specified in the WMP prepared by KLR Planning (June 2022).

### **AIRPORT REQUIREMENTS:**

17. Prior to issuance of any building permits the Owner/Permittee shall provide a valid "Determination of No Hazard to Air Navigation" issued by the Federal Aviation Administration (FAA).

18. Prior to the issuance of building permits for each phase, the Owner/Permittee shall provide a copy of the signed agreement (DS-503) and show certification on the building plans verifying that the structures do not require Federal Aviation Administration (FAA) notice for Determination of No Hazard to Air Navigation, or provide an FAA Determination of No Hazard to Air Navigation as specified in Information Bulletin 520

### **ENGINEERING REQUIREMENTS:**

19. The Conditional Use Permit, Planned Development Permit, Neighborhood Use Permit, and Easement Vacation shall comply with all Conditions of the Final Map for the Tentative Map.

20. The Owner/Permittee shall obtain an Encroachment Maintenance Removal Agreement for the two non-standard driveways, site wall, landscape, irrigation, private storm drain connections, adjacent to the site in the Fourth Avenue, Fifth Avenue, Washington Street, Sixth Avenue Right of Way and city easements, satisfactory to the City Engineer.

21. The Owner/Permittee shall assure by permit and bond the closure of the existing driveways with current city standard curb, gutter and sidewalk, adjacent to the site on Fifth Avenue, satisfactory to the City Engineer.

22. The Owner/Permittee shall assure by permit and bond the construction of new current city standard driveways, adjacent to the site on Fourth Avenue , satisfactory to the City Engineer.

23. The Owner/Permittee shall assure by permit and bond the construction of new current city standard driveways, adjacent to the site on Fifth Avenue, satisfactory to the City Engineer.

24. The applicant/Permittee shall construct directional (dual) curb ramps per current City Standards on the northeast corner of 4th and 5th Avenue to the satisfaction of the City Engineer.
25. The Owner/Permittee shall assure by permit and bond the reconstruction of the existing sidewalk per current city standards, maintaining the existing sidewalk scoring pattern, adjacent to the site on Fifth Avenue and Washington Street as shown on approved Exhibit A, satisfactory to the City Engineer.
26. The Owner/Permittee shall assure by permit and bond the reconstruction of the existing damaged cross gutter per current city standards, at the intersection of Fourth Avenue and Fifth Avenue, satisfactory to the City Engineer.
27. The Owner/Permittee shall assure by permit and bond the construction of new curb and gutter per current city standards, adjacent to the site on Sixth Avenue, satisfactory to the City Engineer.
28. The Owner/Permittee shall prepare a Drainage Study to the approval of the City Engineer.
29. The Owner/Permittee shall include in the Drainage Study a quantification of pre-developed and post-developed 50-year and 100-year peak flows to each discharge location inclusive of both onsite and offsite flows to each discharge location.
30. The Owner/Permittee shall include in the Drainage Study verification that the project does not negatively impact the downstream public storm drain system. If the developed condition peak flow exceeds the pre-developed condition peak flow at any discharge location, then peak flow attenuation calculations will be required complying with conjunctive use guidelines and based on a 6-hour hydrograph.
31. The Owner/Permittee shall demonstrate in the Drainage Study that the 100-year design flow to Sixth Avenue is captured in the storm drain conveyance system without any overflows to Sixth Avenue.
32. The Owner/Permittee shall prepare a Stormwater Quality Management Plan (SWQMP) to the approval of the City Engineer.
33. Owner/Permittee shall demonstrate in the SWQMP that all proposed BMPs meet both pollutant control and hydromodification management criteria. Special attention should be focused on the BMP-1 and cistern system, in which it appears that volume retention requirements have not been met since the stated volume appears to overlap with required hydromodification management volume (which is not allowed). The drawdown time from the HMP cistern associated with BMP-1 must be demonstrated.

#### **LANDSCAPE REQUIREMENTS:**

34. Prior to issuance of any grading permit, the Owner/Permittee shall submit complete construction documents for the revegetation and hydro-seeding of all disturbed land within the



area of work permitted by the grading permit in accordance with the City of San Diego 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 Development Services Department.

35. Prior to issuance of any public improvement permit, the Owner/Permittee shall submit complete landscape construction documents for right-of-way improvements associated with the construction being permitted to the Development Services Department for approval. Improvement plans shall show, label, and dimension a 40-square-foot area around each tree which is unencumbered by utilities. Driveways, utilities, drains, water and sewer laterals shall be designed so as not to prohibit the placement of street trees.

36. Prior to issuance of any building permit (including shell), the Owner/Permittee shall submit complete landscape and irrigation construction documents associated with the work being permitted, which are consistent with the 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 Development Services Department. Construction plans shall provide a 40-square-foot area around each tree that is unencumbered by hardscape and utilities unless otherwise approved per §142.0403(b)6.

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

38. The Owner/Permittee shall be responsible for the maintenance of all landscape improvements shown on the approved plans, including in the right-of-way, unless long-term maintenance of said landscaping will be the responsibility of another entity approved by the Development Services Department. All required landscape shall be maintained consistent with the Landscape Standards in a disease, weed, and litter free condition at all times. Severe pruning or "topping" of trees is not permitted.

39. If any required landscape (including existing or new plantings, hardscape, landscape features, etc.) indicated on the approved construction documents is damaged or removed, 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 Certificate of Occupancy.

#### **BRUSH MANAGEMENT PROGRAM REQUIREMENTS:**

40. The Owner/Permittee shall implement the following requirements in accordance with the Brush Management Program shown on Exhibit "A" on file in the Development Services Department.

41. The Brush Management Program shall consist of a modified Zone One ranging from 4.5-ft. to 58-ft. in width with a corresponding Zone Two of 95-ft. to 54-ft. in width, extending out from the occupiable structures towards the native/naturalized vegetation consistent with §142.0412(h)(7).

42. Alternative Compliance: Full defensive space for Zone 1 cannot be provided at the new Medical Office Building due to the existing slope gradient greater than 4:1. Proposed mitigation measures include dual glazed windows, a sprinklered building, and a brush management plan for the abutting property which is also part of the Scripps Mercy campus.

43. Prior to issuance of any grading permit, landscape construction documents required for the engineering permit shall be submitted showing the brush management zones in the work area in substantial conformance with Exhibit "A."

44. Prior to issuance of each Building Permit, a complete Brush Management Program shall be submitted for approval to the Development Services Department and shall be in substantial conformance with Exhibit "A" on file in the Development Services Department. The Brush Management Program shall comply with the City of San Diego's Landscape Regulations and the Landscape Standards.

45. Within Zone One, combustible accessory structures (including, but not limited to decks, trellises, gazebos, etc.) shall not be permitted while accessory structures of non-combustible, one-hour fire-rated, and/or Type IV heavy timber construction may be approved within the designated Zone One area subject to Fire Marshal's approval.

46. The Brush Management Program shall be maintained at all times in accordance with the City of San Diego's Landscape Standards.

#### **PLANNING/DESIGN REQUIREMENTS:**

47. The Helipad shall be subject to the following requirements:

- a. Helicopter facilities in urban areas shall be located within 1/2 mile of freeways or primary arterials. Access to both private and public transportation should be provided for the purposes of emergency medical services only.
- b. Helicopter facilities shall be located to ensure that the approach and departure paths are over terrain that affords emergency landing areas such as open parks, golf courses, industrial areas, highways, freeways, and open land.
- c. The site shall be served by streets that are adequate in width and pavement type for the quantity and level of traffic generated by the helicopter facility. Paths for pedestrian use shall be provided.
- d. Additional screening, beyond the required fencing, may be required to minimize visual impacts. All auxiliary facilities shall be screened. Outdoor storage of equipment or parts is not permitted.

- e. A telephone shall be provided adjacent to the helicopter facility.
- f. The site shall be served by a fire station, or fire prevention service, within reasonable proximity.
- g. The sound generated by any helicopter shall not exceed the weighted maximum sound level provided in San Diego Municipal Code section 141.0610 within Table 141-06A on the boundary or beyond the boundary of the property on which the facility is located. The sound subject to these limits is that part of the total sound at the property boundary that is due solely to the operation of the helicopter. The sound level limit at a location on a boundary between two land uses shall be the lower of the two sound levels specified.

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

50. 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**

51. All automobile, motorcycle and bicycle parking spaces must be constructed in accordance with the requirements of the SDMC. 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 appropriate City decision maker in accordance with the SDMC.

52. Prior to the issuance of the first grading permit for Hospital I, the Owner/Permittee shall assure by permit and bond, the installation of a traffic signal at the Fourth Avenue / Fifth Avenue intersection, which would also include restriping of the southbound approach to provide two through lanes and a shared through left lane, and restriping of the westbound approach to provide an exclusive left-turn lane and an exclusive right-turn lane by removing approximately five (5) metered on-street parking spaces on the north curb. These improvements shall be constructed and operational prior to first occupancy of Hospital I, satisfactory to the City Engineer.

53. Prior to the issuance of the first grading permit for Hospital I the Owner/Permittee shall assure by permit and bond, the restriping of the southbound approach of the Fourth Avenue / Washington Street intersection to provide a left-turn lane, a shared through left-turn lane, one through lane, and one exclusive right-turn lane and modification of the traffic signal accordingly. To accommodate these improvements, approximately 16 on-street parking on the east side of Fourth Avenue between Washington Street and Fifth Avenue would be removed. This

improvement shall be constructed and operational prior to first occupancy of Hospital I, satisfactory to the City Engineer.

54. Prior to the issuance of the first grading permit for Hospital II, the Owner/Permittee shall assure by permit and bond, the restriping of the southbound approach of the Sixth Avenue / University Avenue intersection to provide an exclusive right-turn lane and modification of the traffic signal accordingly. This improvement shall be constructed and operational prior to first occupancy of Hospital II, satisfactory to the City Engineer.

55. Prior to the issuance of the first grading permit for Hospital I, the Owner/Permittee shall assure by permit and bond, the restriping of Fourth Avenue between Fifth Avenue and Washington Street to include three southbound lanes and one northbound lane. To accommodate these improvements, on-street parking on the east side of Fourth Avenue between Washington Street and Fifth Avenue would be removed. This improvement shall be constructed and operational prior to first occupancy of Hospital I, satisfactory to the City Engineer.

56. Prior to the issuance of the first grading permit for Hospital I, the Owner/Permittee shall assure by permit and bond the modification of the traffic signal at the Richmond Street/Washington Street/SR-163 On-Ramp for the Increase of the cycle length to 150 seconds during the AM and PM peak hours. This improvement shall be operational prior to the first occupancy of Hospital I, satisfactory to the City Engineer and Caltrans.

57. Prior to the issuance of the first grading permit for the Hospital Support Building (HSB), the Owner / Permittee shall assure by permit and bond, the widening of the north side of Washington Street to provide half-width improvements to include a Class II buffered bike lane and sidewalk. The project will dedicate 2 feet and construct a 14 foot contiguous sidewalk along the Washington Street frontage. This improvement shall be constructed and operational prior to first occupancy of the Hospital Support Building, satisfactory to the City Engineer.

58. Prior to the issuance of the first grading permit for the Hospital Support Building (HSB), the Owner / Permittee shall assure by permit and bond, the addition of the fourth leg (southbound approach) of the Fifth Avenue / Washington Street intersection and modification of the traffic signal accordingly. This improvement shall be constructed and operational prior to first occupancy of the Hospital Support Building, satisfactory to the City Engineer.

59. Prior to the issuance of the first grading permit for Hospital I, the Owner/Permittee shall prepare and maintain a Transportation Demand Management Program (TDM) for the site, to include the following measures:

- Provide a 30% subsidy (which is approximately \$1 per day per employee for the current monthly pass of \$72) towards transit passes for MTS Bus, Trolley or COASTER trains for employees to promote transit usage. Additionally, the Owner / Permittee will allow transit passes to be purchased on a pre-tax basis through payroll deduction.
- Provide a \$30 per month subsidy for employees using vanpools.

- Offer a carpool program to employees and preferred parking spaces (designated) for employees that self-select to carpool with other employees.
- Provide staggered employee work hours and shift changes.
- Upgrade the existing bus stop on Washington Street and Fifth Avenue (Stop ID 11243) to add a shelter and maps/way finding signs.
- Promote Telecommuting and provide virtual doctor and urgent care visits, which will allow doctors to work remotely and patients not needing to drive to appointments.
- Provide employees “work at home” options via Telecommuting, Telemedicine, Clinical Documentation Integrity Specialist (CDIS), or other programs shifting up to 5% of the workforce to working remotely for one or more days per week.
- Install TDM information Boards in the hospital and MOB lobbies.
- Participate in the SANDAG iCommute Program, which promotes RideMatcher services to the employees.

A TDM Monitoring and Reporting Program will be prepared post-occupancy to assess the estimated net reduction in project trips due to the proposed TDM measures. The Owner / Permittee will conduct the monitoring program annually for a period of five years. Annual TDM Reports will be prepared and submitted to the satisfaction of the City Engineer for a period of five years.

60. Prior to the issuance of the first grading permit for Hospital I, the Owner/Permittee shall assure by permit and bond, the installation of high visibility crosswalks (if not already constructed) and pedestrian countdown heads (if not already constructed) at the Fourth Avenue / Washington Street, Fifth Avenue / Washington Street and Eighth Avenue / Washington Street intersections at the appropriate intersection corners. This improvement shall be constructed and operational prior to first occupancy of Hospital I, satisfactory to the City Engineer.

61. Prior to the issuance of the first grading permit for Hospital I, the Owner/Permittee shall assure by permit and bond, the striping of shared lane markings to delineate a Class III Bike Route on Fifth Avenue between Fourth Avenue and Washington Street; and Fourth Avenue between Lewis Street and Fifth Avenue. This improvement shall be constructed and operational prior to first occupancy of Hospital I, satisfactory to the City Engineer.

62. Prior to the issuance of the first grading permit for Hospital II, the Owner/Permittee shall assure by permit and bond, the installation of high visibility crosswalks (if not already constructed) at the southbound approach of the Sixth Avenue / University Washington Street intersection. This improvement shall be constructed and operational prior to first occupancy of Hospital II, satisfactory to the City Engineer.

#### **PUBLIC UTILITIES DEPARTMENT REQUIREMENTS:**

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

64. Prior to the issuance of any building permits, the Owner/Permittee shall assure, by permit and bond, the design and construction of new water and sewer service(s) outside of any driveway or drive aisle and the abandonment of any existing unused water and sewer services within the public right-of-way adjacent to the project site, in a manner satisfactory to the Public Utilities Department and the City Engineer.

65. 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 Public Utilities Department and the City Engineer.

66. Prior to the recordation of the public right of way vacation the Owner/Permittee shall assure, by permit, bond and As-built completion the privatization of all public water facilities, in a manner satisfactory to the Director of Public Utilities and the City Engineer.

67. Prior to the issuance of any grading permit for Hospital 1, the Owner/Permittee shall assure, by permit and bond the design and construction of an 8" public water line within Sixth Avenue right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

68. Prior to the issuance of any building permits, the Owner/Permittee shall assure by permit and bond, the design and construction for all fire service inline valves on the existing water mains within the public right-of-way as shown on the approved Exhibit "A", in a manner satisfactory to the Public Utilities Department and the City Engineer.

69. The Owner/Permittee shall be responsible for any damage caused to City of San Diego water and sewer facilities within the vicinity of the project site, due to the construction activities associated with this project, in accordance with Municipal Code section 142.0607. In the event that any such facility loses integrity then, the Owner/Permittee shall repair or reconstruct any damaged public water and sewer facility in a manner satisfactory to the Public Utilities Department and the City Engineer.

70. Prior to final inspection, all public water and sewer facilities shall be complete and operational in a manner satisfactory to the Public Utilities Department and the City Engineer.

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

72. The Owner/Permittee shall design and construct all proposed public water and sewer facilities, in accordance with established criteria in the current edition of the City of San Diego Water and Sewer Facility Design Guidelines and City regulations, standards and practices.

#### **GEOLOGY REQUIREMENTS:**

73. 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 the Development Services Department prior to issuance of any construction permits.

74. 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 the Development Services Department prior to exoneration of the bond and grading permit close-out.

**INFORMATION ONLY:**

- The issuance of this discretionary permit alone does not allow the immediate commencement or continued operation of the proposed use on site. Any operation allowed by this discretionary permit may only begin or recommence after all applicable 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 February 5, 2024 and by resolution number 315332

Permit Type/PTS Approval No.: CUP No. 2410279  
PDP No. 2410288  
SDP No. 2410289  
NUP No. 2609691  
Date of Approval:02/05/2024

AUTHENTICATED BY THE CITY OF SAN DIEGO DEVELOPMENT SERVICES  
DEPARTMENT

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Martha Blake  
Development Project Manager

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

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

**Scripps Health**  
Owner/Permittee

By \_\_\_\_\_  
NAME  
TITLE

**Scripps Health**  
Owner/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 FEB 05 2024, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

FEB 05 2024

Date of final passage \_\_\_\_\_.

(Please note: When a resolution is approved by the 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  
Mayor of The City of San Diego, California.

(Seal)

\_\_\_\_\_  
DIANA J.S. FUENTES  
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

Resolution Number R- 315332